

Subject: Interstate Compact on Educational Opportunity for Military Children

Legal Reference: RSA 110-D

This Technical Advisory provides information regarding the Interstate Compact on Educational Opportunity for Military Children.

In the 2014 New Hampshire Legislative Session, the General Court passed HB 1488 (now RSA 110-D) to “remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents...” (RSA 110-D:2). The goal of the law is to provide as much consistency as possible with other states relative to school policies and procedures, while honoring the existing laws that govern public education in our state.

This Technical Advisory outlines the sections in the legislation that impacts school operations. Please contact Kathleen Murphy, the New Hampshire Military Compact Commissioner if you have any questions (603) 926-4560 or kmurphy@sau90.org.

This law applies to the following military children:

- Active duty members of the uniformed services as defined in RSA 110-D:3(I), including members of the National Guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement.
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

The law only applies to public schools students, including public charter school students, and addresses key transition issues encountered by military families including enrollment, placement, attendance, eligibility and graduation. Finally, the provisions of the law do not apply to: inactive members of the National Guard and Reserves; members of the uniformed services now retired; veterans of the uniformed services; other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

EDUCATIONAL RECORDS AND ENROLLMENT

- **Unofficial or “hand-carried” education records.** (RSA 110-D:5-I)
 - Custodian of Records sends unofficial records to parents.
 - The receiving school shall enroll and appropriately place students pending validation of official record.
- **Official education records/transcripts.**
 - The receiving school shall request student’s official education records from sending school.
 - The sending school will furnish official education records within ten (10) days or reasonably determined time promulgated by the Interstate Commission.

- **Immunizations.** New Hampshire schools shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the state in accordance with RSA 141-C:20-a. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.
- **Kindergarten and first grade entrance age.** The student shall be allowed to continue their enrollment at grade level in the receiving state, commensurate with their grade level (including Kindergarten) from a local education agency (LEA) in the sending state, at the time of transition, regardless of age. In the case of a Kindergarten student, the student must have been enrolled and attended class in the sending state in order to assure continued attendance in Kindergarten in the receiving state. A student that has satisfactorily completed the prerequisite grade level at the LEA in the sending state, shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age.
- **Data the school should expect the military child/family to be able to provide upon transfer.**
 - Official military orders showing that the military member was assigned to the state (or commuting area) of the state in which the child was previously duly enrolled and attended school.
 - If a military child was residing with a legal guardian and not the military member during the previous enrollment they will have a copy of the family care plan, or proof of guardianship, as specified under the Interstate Compact, or any information sufficient for the receiving district to establish eligibility under the compact.
 - Evidence of date of birth.
 - An official letter or a transcript, official or unofficial, from the proper school authority which shows record of attendance, academic information, and grade placement of the student.

PLACEMENT AND ATTENDANCE

- **Course placement.** The receiving school shall honor placement based on student’s previous enrollment and/or educational assessments. The receiving school is not barred from performing subsequent evaluations to ensure appropriate placement and continued enrollment.
- **Educational program placement.** The receiving school shall honor placement based on current educational assessments. The receiving school is not barred from performing subsequent evaluations to ensure appropriate placement.
- **Special education services.**
 - The school shall comply with IDEA and provide comparable services based on the student’s current IEP.
 - The school shall comply with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.
 - The school shall make reasonable accommodations and modifications of incoming students with disabilities.
 - The receiving school is not barred from performing subsequent evaluations to ensure appropriate placement.

- **Eligibility for enrollment.**
 - Special power of attorney or relative with guardianship can enroll a child.
 - The school shall not charge local tuition when a transitioning military child resides in a jurisdiction other than that of the custodial parent.
 - Transitioning military children may continue to attend the school in which they were enrolled.

- **Eligibility for extracurricular participation.** State and local education agencies shall facilitate the opportunity for military children’s inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

- **Placement flexibility.** School officials shall have flexibility in waiving course/program prerequisites.

- **Absence as related to deployment activities.** The student shall be granted additional excused absences at the discretion of district superintendent.

GRADUATION

- **Waiver requirements.** Specific required courses shall be waived if similar course work has been satisfactorily completed. If a waiver is denied, schools shall provide an alternative means of acquiring required coursework so the child may graduate on time.

- **Transferring beginning or during senior year.** Should a military student transferring at the beginning or during their senior year be ineligible to graduate from the receiving school after all alternatives have been considered, the sending and receiving schools shall ensure receipt of a diploma from the sending school, if the student meets the graduation requirements of the sending school.