

The Interstate Compact on Educational Opportunity for Military Children - Guidance for New York

In 2014, the State of New York adopted the Interstate Compact on Educational Opportunity for Military Children (the Compact) into law. The Compact addresses the challenges facing military children as a result of their frequent relocations. It establishes a framework for uniform treatment of military children as they transfer between school districts and states. The compact outlines the requirements that school districts must adhere to when enrolling and educating children of active duty military personnel. The following is a list of questions and answers that will provide guidance related to the implementation of the Compact.

Frequently Asked Questions (Updated October 2023)

The questions are grouped into the following categories:

- Overview
- Applicability: To Whom Does the Compact Apply?
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3. *What is the role of the Compact Council?*

The role of the council is advisory in nature. They meet together to identify issues facing children of active military personnel in the state. They make recommendations and provide technical assistance related to educational issues that arise for such children.

Applicability: To Whom Does the Compact Apply?

4. *How does this Compact affect my school district here in New York?*

All school districts must adhere to the rules in the compact when they have a child of active duty military personnel on their rolls.

5. *Which students do the provisions of the Compact cover?*

The provisions of the Compact cover the following:

- ” Family members of **active duty** military personnel who are **in transition** as a result of their military status are covered under the Compact. These include active uniformed service of the United States including members of the National Guard and Reserve on active duty; and
- ” Children of 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; and
- ” Children of members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a gw 4.75eTf0.1c (e)14 ()]TJ/TT3 1 0edrai

Therefore, there is the possibility that they may live almost anywhere, and in any district within New York. The Compact applies to the children of transitioning active duty military personnel, so could potentially impact any district in New York.

10. We have a National Guard armory in our District, and it has just been called to active duty to support overseas activities being conducted by the military. Does the Compact apply?

If the unit has been activated into **Federal** service, and is now under **Federal** control, the Compact applies. If it was activated for a statewide emergency, the Compact would not apply.

11. Why is the National Guard addressed in the Compact? Guard members are typically local residents. How does the compact apply to Guard units?

The Compact addresses deployments. Guard units are eligible for deployment, and this sometimes necessitates children being placed in a non-custodial parent situation. In these cases, the Compact would apply to affected students and impact both the district of residence and the district of location of the student.

12. What does the Compact cover?

The Law covers a broad range of factors including:

- " Educational and enrollment records (§3304)
- " Eligibility for enrollment (§§ 3304 and 3306)
- " Graduation requirements (§3307)
- " Placement and attendance (§3305)

Enrollment, Placement, Attendance and Records

13. What is a district's obligation when it comes to enrollment of a child of active duty military personnel?

14. If a military child arrives in our school, are there any special procedures

be an issue. It is important to note that the child not only have been enrolled in a public school in the sending state, but also have been in attendance in that school. Mere enrollment is not sufficient; attendance must be included in the record, even if for only one day.

20. What is the receiving district's responsibility when it comes to placing a transitioning student into educational course work?

The receiving school shall initially honor the placement of a student in courses based upon the student's enrollment in the sending state's school, if the courses are offered and there is space available. These courses include but are not limited to honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathway courses.

21. If the school district contracts with a BOCES to offer coursework or services for district students, must the school district offer enrollment to a transitioning student into such courses?

Yes. To the extent there is space available transitioning students must be able to continue enrollment in courses started at the previous school.

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districts) in the parent's absence, the child is

- ” Receiving schools shall accept exit or end of course exams required for graduation from sending state, or national norm-referenced achievement test, or alternative testing, in lieu of testing requirements for graduation.
- ” If there is no way to complete the necessary coursework for an on-time graduation, the receiving school shall work with the sending school to ensure receipt of an on-time diploma from the sending school, assuming the student meets the graduation requirements of that school.

32. The Compact states that district administration may waive specific courses required for graduation if similar coursework was completed at a sending school. Is this true?

Yes. Under [Commissioner’s regulations 100.5\(d\)\(5\)](#) principals have the authority to grant credit for work done outside a New York State high school. If a student has successfully completed a similar course in the sending school, the principal may accept that course in lieu of the New York State required

state; provided that, prior to accepting such exam(s), the principal of the school in the New York state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state;

- (2) National norm referenced achievement tests, where the principal from the school in the sending state attests in writing that the student has achieved a score equal to or greater than the national grade equivalent corresponding to the grade in which the corresponding Regents examination required for graduation is typically administered; and
- (3) Where the principal of the school in New York state has accepted course credit for a course that would typically culminate in an examination required for graduation in New York State, the principal of the school in New York state shall accept any corresponding alternative local assessment for such course(s), where the principal from the school in the sending state attests in writing that the student has achieved a score on such assessment that meets the proficiency standards for the course assessed in the sending state; provided that, prior to accepting such assessment(s), the principal of the school in New York state may request additional information regarding the course(s) and assessment(s) from the principal of the school in the sending state.

In addition, all students, including students of military families, who spent three or fewer semesters in a New York State school prior to returning to a New York school in grade 11 or later, are eligible for the existing assessment exemptions outlined in [Commissioner's regulations part 100.5\(d\)](#).

36. Is there a limit to the number of alternatives to Regents examinations under the Military Compact that a student may use toward meeting the diploma requirements?

No.

37. If a student uses alternatives to Regents examinations under the Military Compact can they qualify for the honors designation on their diploma?

Any student who substitutes more than two examinations for required Regents examinations in order to earn a diploma in New York State, cannot qualify for the honors designation on their diploma. Additional information can be referenced on the [Endorsements and Seals](#) webpage.

38. Can a student use alternative assessments under the Military Compact to earn the Regents Diploma with Advanced Designation?

Yes. The alternative assessments permitted under the Military Compact may be applied to any diploma type.

39. Can a student use alternative assessments under the Military Compact to earn the mastery in science and/or the mastery in mathematics endorsement?

No. In order to earn mastery, students need to earn an 85 or above on three Regents exams in science and/or three Regents exams in mathematics. Since this endorsement is dependent upon Regents exam scores, the endorsement cannot be granted without taking the associated Regents exams.

Note that students with exemptions due to COVID-19 may earn the mastery endorsement if

they meet one of the following conditions:

- pass 3 math and/or 3 science Regents Examinations with a score of 85 or higher; or
- pass 2 math and/or 2 science Regents Examinations with a score of 85 or higher and are granted an exemption on a third math and/or science Regents Examination; or
- pass 1 math and/or 1 science Regents Examination with an 85 or higher and earn a final course grade of 85 or higher in 2 additional math and/or science courses culminating in a Regents Examination for which they are granted an exemption.

Additional information can be referenced on the [Endorsements and Seals](#) webpage.

40. If a student chooses to take a Regents exam in science for a previously completed course, must the student meet the 1,200 minute laboratory requirement?

Yes. When determining a transfer student's eligibility for admission into a Regents exam in science, laboratory experiences in the sending school may be included. An attestation letter from the sending district confirming the number of laboratory minutes the student completed in the science course may be requested. These minutes could be embedded in the course and this can be an approximation, as the sending school may not be tracking specific minutes as we do in New York State. Any laboratory minutes successfully completed out-of-state may be included in the determination of whether or not the student met the 1,200 minute laboratory requirement for admission into a Regents exam in science.

In September 2022, the Board of Regents made an [Amendment to Section 100.5 of the Regulations of the Commissioner of Education relating to the Laboratory Experience Required in order to take a Regents Examination in Science](#). Commissioner's regulations now permanently allow students to complete their science laboratory experiences required for taking a Regents examination in science through any combination of hands-on and simulated experiences, including virtual laboratory experiences. Additional guidance can be referenced in the [Frequently Asked Questions Related to Virtual Laboratory Experiences and the 1,200-minute Laboratory Requirement](#).

41. What happens if a transitioning student enrolls in a New York State high school during senior year? What flexibilities are districts able to utilize to ensure on time graduation?

43. Do the assessment exemptions due to COVID-19 cancellations apply to transfer students?

If a high school granted transfer credit for a course that typically culminates in a Regents Examination, Department Approved Alternative, or a Pathway Exam in the school granting credit, and the student intended to take the assessment in

Revision Log:

04/09/19 – Added Questions 36, 37, and 38

10/26/20 – Amended Questions 34, 36-38; Added Questions 39 and 43

04/22/21 – Amended Questions 37, 39, and 43

11/18/21 – Amended Questions 13 and 17

12/28/22 – Added Questions 33, 40, and 44

10/16/23 – Amended Question 35