



Office of Instructional Support
Deputy Commissioner

October 3, 2017

TO: District Superintendents
Superintendents of Schools
Public School Administrators
Nonpublic School Administrators
Charter School Administrators

From: Angélica Infante-Green

Subject: Regulatory Amendments Related to the Interstate Compact on Educational Opportunity for Military Students

In 2014 the Governor signed into law Chapter 328 of the Laws of 2014 entitled the Interstate Compact on Educational Opportunity for Military Children. The purpose of the law is to remove barriers to educational success faced by children of military families because of frequent moves and deployment of their parents. On September 12, 2017 the Board of Regents proposed a new Section 100.20 of the regulations of the Commissioner of education to implement the Interstate Compact on Educational Opportunity for Military Children, hereafter referred to as the "Compact".

The law provides for the establishment of a State Commission to facilitate the transition of students of military families, who transfer in and out of New York State schools as a result of such status. After several meetings, the Commission identified certain areas of the Commissioner's Regulations which needed to be amended or added to conform with the new law. This memo addresses only those changes that impact students of military families in transition.

Military families are present and have students that attend districts throughout the State. These new regulations apply to all public and charter schools, not only those schools and districts with high populations of military families.

As students of military personnel transfer into and out of public or charter schools in New York it is incumbent upon districts to minimize the stress and barriers to success that a change in school can bring. These students are faced with frequent moves and often transfer schools many times in grades K-12. The following regulation changes adopted by the Board of Regents in September, as well as the changes to the transfer regulations for all students outlined in a separate field memo, will offer these students flexibility in meeting the New York State diploma requirements and hopefully mitigate some of the barriers to on

time graduation as a result of their move. The full text of the changes can be found in the Regents item at <http://www.regents.nysed.gov/common/regents/files/917p12a2.pdf>

The following is a summary of the changes acted upon by the Board that apply only to military students

- 1.) **Education Records:** Districts will accept from an incoming student's parent or guardian, an unofficial set of hand carried records. The student must be enrolled and placement decisions must be made in accordance with the information in the unofficial records and then later validated when official records become available. In addition when students leave a New York State school, such school will furnish a set of unofficial records to be hand carried to the accepting school by the student's parent or guardian.
- 2.) **Immunizations:** Students of military families shall be given 30 days from the day of enrollment to obtain any required immunizations.
- 3.) **Placement Decisions:** Schools shall initially honor the placement of students in educational courses based on the student's enrollment in the sending school, and/or based on educational assessments conducted at the sending school if the courses are offered and there is space available. Receiving schools shall initially honor placement of the student in programs based on current educational assessments conducted in the sending school or participation/placement in like programs in the sending school, including but not limited to gifted and talented programs and English as a second language and Career and Technical education courses. Further the Compact provides school districts with flexibility to waive course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the school district.
- 4.) **Residency Determinations:** The Compact requires that a properly executed special power of attorney (in New York, a special designation of person in parental relation pursuant to General Obligations Law), shall be considered sufficient for the sole purpose of establishing residency of a transferring student into a public school district and for all other actions in the school district requiring parental participation and consent. A transitioning child placed in the care of such a person may continue to attend the school in New York within which he or she was enrolled while residing with the custodial parent until the child completes the highest grade level in such school.
- 5.) **Graduation Requirements:** The Compact requires the school to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school or shall provide reasonable justification for denial. This authority has existed in [Part 100.5 \(d\)\(5\) Transfer Credit](#) of Commissioner's Regulations and should occur when any student transfers to a New York school not just students of military families. Should a waiver not be granted to a student of a military family, who would

qualify to graduate from the sending school, the New York school shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

6.) **Assessment Requirements:** The Compact provides that a public school district or charter school shall accept the following from students of military families transferring from outside the State

- a) Exit or end of course examinations required for graduation in the sending state, where the principal from the school in the sending state attests in writing to the principal of the school in New York that the student has achieved a satisfactory passing score on such exam(s) and that he/she has met the proficiency standards for the course(s) assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the New York may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.
- b) 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.
- c) Where the principal of the New York school has accepted course credit for a course that would typically culminate in an examination required for graduation, the principal of the New York school shall accept any corresponding alternative end of course local examination 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 exam that meets the proficiency standards for the course assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the New York school may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.

If none of the alternatives outlined above can be accommodated by the principal of the New York school, for a student transferring at the beginning of or during grade 12, then the principal of the New York school shall provide written notice to the principal of the school in the sending state, that the student will be unable to meet the graduation requirements in New York by the end of grade 12. Such written correspondence shall include notice that the sending school shall ensure that the student receives a diploma from the sending school district, if the student meets the graduation requirements of the school district in the sending state. The student will be expected to complete the graduation

requirements of the sending school while enrolled in the New York school and upon completion will be awarded with the diploma of the sending school.

Additional information is available in the guidance materials posted on NYSED's [Standards and Instruction website](#). Questions can be directed to the information e-mail box at P12StandardsInstruction@nysed.gov.