



Report on the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

Presented to

National Office of the
Military Interstate Children's Compact
Commission

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Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

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STATE COUNCIL MEMBERS

Dr. James F. Lane, Superintendent of Public Instruction
Virginia Department of Education

Ms. Mamie Locke, Senator
Virginia State Senate

Mr. Robert Thomas
Virginia House Delegate

Mr. Carlos Hopkins, Virginia Secretary of Defense and Veterans Affairs
(Governor's Designee)

Ms. Dorothy McAuliffe, Former First Lady of Virginia

Dr. Dede Bailer, Coordinator
School Psychology Services
Fairfax County Public Schools

Dr. Aaron C. Spence, Superintendent
Virginia Beach City Public Schools

STATE COUNCIL MEMBERS Continued

Mr. Brad Williams, School Counseling Director
Tabb High School
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Summary of Activities

A continued focus for the Virginia Council in 2018 was supporting key stakeholders in schools across the Commonwealth. The Council relies heavily on the Virginia Department of Education (VDOE) and the efforts of the Military Student and Families Specialist to train school personnel on the unique transition needs of military connected students, providing technical assistance and awareness on the Interstate Compact for the Educational Opportunity of Military Children, and helping to strengthen partnerships between schools and military commands. This work, and feedback gathered during the October 2018 meeting, enabled the Council and the Virginia Department of Education (VDOE) to continue the honorable work of easing the transitional challenges of military connected children across the Commonwealth.

Virginia Council Meeting

The Virginia Council on the Interstate Compact on Educational Opportunity for Military Children (The Council) held one public meeting in 2018. This was a departure from past years where three meetings per year were held, on average. The reason for this occurrence was due to the change in the state administration. This coupled with an extended General Assembly session resulted in a delay of Council appointments. In July 2018, the Council membership was appointed by Governor Northam. The newly appointed council was able to meet on October 24, 2018, and managed to accomplish a great deal.

Additional details about the meeting are included below.

*October 24, 2018, Virginia Council Meeting
Richmond, Virginia*

The October meeting marked changes in the Council's make up and leadership. The newly appointed Superintendent of Public Instruction, Dr. James F. Lane, assumed the role as Council commissioner and was also appointed chair of the Council. Additionally, the Council welcomed three new members: Mr. Carlos Hopkins, Delegate Robert Thomas, and Dr. Dede Bailer.

Dr. Chelsea Ireland Kulp, Instructional Trainer and Program Director for Poquoson City Public Schools, presented how the school division used Department of Defense Education Activity Grant funding to support Project Based Learning and STEM instruction across the division.

Mr. Dunham presented the list of nominated schools for Purple Star Designation for the Council's approval. The Council approved 59 Virginia schools to receive this distinguished honor. Three additional schools were honored with this distinction at the February 2019 Council meeting bringing the total number to 62 schools. These schools set themselves apart from other schools in that each school demonstrated strong support for military connected students, especially during a student's transition.

Mr. Dunham then provided the Council with an update from the national business meeting of the Military Children's Interstate Compact Commission. He highlighted the positive impact that Virginia's work has had on other states. In particular, Mr. Dunham received many inquiries from other state Commissioners and Designees on how the Commonwealth is addressing the transitional challenges to military families living in temporary housing and in military housing. Mr. Dunham

shared that the Commission voted to approve a dues increase to one dollar and fifteen cents per child beginning with FY 2020. No state dues assessed shall exceed \$69,000. This changed the dues rate from \$1.00 per military child to \$1.15 per child.

Key Accomplishments of the Military Student and Families Specialist on Behalf of the Council

- Approval of 62 Purple Star Designations to Virginia Schools;
- Continued Coordination of the Military Student Support Process Action Team (MSSPAT);
- Ongoing Professional Development of School Personnel and Military School Liaison Officers; and
- The Virginia General Assembly's passing of House Bill 1085 and Senate Bill 775.

Presentations

- Quantico Educational Symposium;
- Virginia School Counselor Symposium Regional Meetings;
- Family Engagement Network Conference (Special Needs Support);
- DoDEA Grantee Symposium for Virginia School Divisions; and
- Hampton Roads Virginia School Liaison Officer's Symposium.

All presentations and meeting materials are available on the [Virginia Council on the Interstate Compact on Educational Opportunity for Military Children webpage](#).

CHAPTER 390

An Act to amend the Code of Virginia by adding a section numbered 22.1-7.2, relating to public schools; students residing on a military installation or in military housing; enrollment.

[H 1085]

Approved March 19, 2018

Be it enacted by the General Assembly of Virginia:

1. That the *Code of Virginia* is amended by adding a section numbered 22.1-7.2 as follows:

§ 22.1-7.2. *Enrollment for students residing on a military installation or in military housing.*

A. As used in this section, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located in whole or in part within the Commonwealth. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

B. Any local school board of a school division in which a military installation or other military housing is located shall establish and implement policies to provide for the enrollment to any school of any student residing on a military installation or in military housing within the school division upon the request of his parent if space in the school is available. In developing such policies, a local school board may include any of conditions listed in subsection A of § 22.1-7.1 or any other condition deemed appropriate by the local school board.

C. A copy of the school division's policies for enrollment for students residing on a military installation or in military housing within the school division shall be posted on the division's website and shall be available to the public upon request.

CHAPTER 594

An Act to amend and reenact § 22.1-3 of the Code of Virginia, relating to public schools; military children; tuition.

[S 775]

Approved March 30, 2018

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3 of the *Code of Virginia* is amended and reenacted as follows:

§ 22.1-3. Persons to whom public schools shall be free.

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent or a parent by legal adoption;

2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 U.S.C. § 1044b by the custodial parent;

3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;

4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is (i) the court-appointed guardian, or has legal custody, of the person; (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in § 63.2-100. Local school divisions may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of this title and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. A local school division may enroll a person living with a

relative in a kinship care arrangement that has not been verified by a local department of social services;

5. When the person is living in the school division not solely for school purposes, as an emancipated minor; or

6. When the person living in the school division is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include (i) children and youths, including unaccompanied youths who are not in the physical custody of their parents, who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations or in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; (b) are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized; (c) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or (d) are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (ii) migratory children, as defined in the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, who are deemed homeless as they are living in circumstances set forth in clause (i).

For purposes of clause (i) of subdivision 6, "temporary shelter" means (1) any home, single or multi-unit dwelling, or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter or (2) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address.

If a person resides within housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is situated in more than one school division, the person shall be deemed to reside in and shall be entitled to attend a public school within either school division. However, if a person resides in housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, such person shall be deemed to reside only in the single school division in which the housing, temporary shelter, or primary nighttime residence is located. Notwithstanding any such residency determination, any person residing in housing, a temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, shall be deemed to reside in either school division, if such person or any sibling of such person residing in the same housing or temporary shelter attends, prior to July 1, 1999, or, in the case of a primary nighttime residence as described in subdivision 6, prior to July 1, 2000, a school within either school division in which the property on which the housing, temporary shelter, or primary nighttime residence is located.

School divisions shall comply with the requirements of the federal *McKinney-Vento Homeless Education Assistance Improvements Act of 2001*, as amended (42 U.S.C. § 11431 et seq.), to ensure that homeless children and youths shall receive the educational services comparable to those offered to other public school students.

School divisions serving the students identified in subdivision 6 shall coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

B. In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty:

1. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base

2. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and

3. Who is eligible to attend school free of charge in accordance with this section shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. The assignment of the school such child will attend shall be determined by the local school division.

Such children as listed in subdivisions 1, 2, and 3 shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.