



OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

PERSONNEL AND  
READINESS

The Honorable Jack Reed  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

DEC 31 2024

Dear Mr. Chairman:

The Department's response, in coordination with the Department of Homeland Security and the States, to section 579 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263), "Recommendations for the Improvement of the Military Interstate Children's Compact," is enclosed. Section 579 requires the Secretary of Defense and the Secretary of Homeland Security, in consultation with the States through the Defense-State Liaison Office, develop recommendations to improve the Military Interstate Children's Compact.

Thank you for your continued strong support for our Service members and their families. I am sending a similar letter to the Committee on Armed Services of the House of Representatives.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashish S. Vazirani".

Ashish S. Vazirani  
Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness

Enclosure:  
As stated.

cc:  
The Honorable Roger F. Wicker  
Ranking Member



**OFFICE OF THE UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

**PERSONNEL AND  
READINESS**

The Honorable Mike D. Rogers  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

**DEC 31 2024**

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Ashish S. Vazirani  
Performing the Duties of the Under Secretary of  
Defense for Personnel and Readiness

Enclosure:  
As stated.

cc:  
The Honorable Adam Smith  
Ranking Member

# **Report to the Committees on Armed Services of the Senate and the House of Representatives, and to the States**



## **Recommendations to Improve the Military Interstate Children's Compact**

**December 2024**

The estimated cost of this report for the Department of Defense is approximately \$13,000 in Fiscal Years 2023 – 2024. This includes \$0 in expenses and \$13,000 in DoD labor.

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## INTRODUCTION

Section 579 of the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Public Law 117–263) requires the Secretary of Defense and the Secretary of Homeland Security, in consultation with the States through the Defense-State Liaison Office (DSLO), to develop recommendations for the Committees on Armed Services of the Senate and the House of Representatives, and the States, to improve the Military Interstate Children’s Compact, also called the Interstate Compact on Educational Opportunity for Military Children (the Compact). The report should include the following three considerations:

- (1) identify of any barriers—
  - (A) to the ability of a parent of a transferring military-connected child to enroll the child, in advance, in an elementary or secondary school in the State in which the child is transferring, without requiring the parent or child to be physically present in the State; and
  - (B) to the ability of a transferring military-connected child who receives special education services to gain access to such services and related supports in the State to which the child transfers within the timeframes required under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.);
- (2) consider the feasibility and advisability of—
  - (A) tracking and reporting the number of families who use advanced enrollment in States that offer advance enrollment to military-connected children;
  - (B) States clarifying in legislation that eligibility for advanced enrollment requires only written evidence of a permanent change of station order, and does not require a parent of a military-connected child to produce a rental agreement or mortgage statement; and
  - (C) the Secretary of Defense, in coordination with the Military Interstate Children’s Compact, developing a letter or other memorandum that military families may present to local educational agencies that outlines the protections afforded to military-connected children by the Military Interstate Children’s Compact.
- (3) identify any other actions that may be taken by the States (acting together or separately) to improve the Military Interstate Children’s Compact.

DSLO focuses on improving the economic well-being and quality of life for military members and their families by assisting State officials in making policy changes on various issues, including the education of military-connected students (MCS).

# RESEARCH AND RELATED INFORMATION USED TO INFORM REPORT

## Summary

DSLO relied on the following five resources for this report, described below. In addition, the Appendix has supplementary background information that may clarify the scope of these programs.

### **Evaluation of State Implementation of Four State Policy Initiatives for MCS**

In April 2022, DSLO, in collaboration with the Clearinghouse for Military Family Readiness at Pennsylvania State University (the Clearinghouse), initiated a project titled, “Evaluation of State Implementation of Supportive Policies to Improve Educational Experiences and Achievement for K-12 Military Children” (SPEAK), to examine the implementation of four State-level policy initiatives, as well as other types of policies and programs, intended to support MCS. The initiatives examined were Advance Enrollment (AE), the Interstate Compact on Educational Opportunity for Military Children (the Compact), the Military Student Identifier (MSI), and the Purple Star Schools Program or equivalent. The Clearinghouse employed a three-part approach to its investigation:

In Phase I of the SPEAK project, the Clearinghouse conducted a comprehensive literature review, spanning 20 years, related to educational outcomes of MCS and found very little research or evaluation work related to these four initiatives. This literature review was published in July 2022.<sup>1</sup>

In Phase II of the SPEAK project, the Clearinghouse conducted a data extraction of State education agency websites to assess how each of the four initiatives was implemented at the State level by examining the legislative and regulatory requirements of the policies. This assessment found variability across States regarding their adoption of the initiatives, applicability, definitions, and how the initiatives were enacted to impact the educational experiences of MCS. This research was published in June 2023.<sup>2</sup>

Finally, in May 2024, the Clearinghouse completed Phase III of the SPEAK project<sup>3</sup>, consisting of interviews of stakeholders with national, State, and local perspectives on

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<sup>1</sup> Karre, Jennifer K. PhD, and Daniel F. Perkins PhD. “Military-Connected Students’ Educational Success.” Clearinghouse for Military Readiness at Penn State University, July 21, 2022.

<https://militaryfamilies.psu.edu/resources/publications/view/military-connected-students-educational-success/>.

<sup>2</sup> Karre, Jennifer K. PhD, Kristin K. Brawley, Meghan Baker, Keith Aronson PhD, and Daniel F. Perkins PhD. “State Implementation of Four Initiatives to Support Military-Connected Students.” Clearinghouse for Military Readiness, June 13, 2023. <https://militaryfamilies.psu.edu/resources/publications/view/state-implementation-of-four-initiatives-to-support-military-connected-students/>.

<sup>3</sup> Karre, Jennifer L. PhD, Kristin K. Brawley, Cameron Richardson PhD, and Daniel F. Perkins PhD. “An Implementation Evaluation of Four Initiative Intended to Support Military-Connected Children’s Educational Success.” Clearinghouse for Military Readiness, May 10, 2024.

<https://download.militaryonesource.mil/StatePolicy/pdfs/PennState-SPEAK.pdf>.

implementation of these initiatives and programs. A total of 154 interviews were conducted across 30 States. Those 30 States host 82 percent of military installations in the 50 States and District of Columbia and 88 percent of MCS in the country. Department of Defense (DoD)-affiliated participants were connected with all six branches of the U.S. Armed Forces. The participants included Military Service headquarters personnel, installation commanders, School Liaison Program (SLP)<sup>4</sup> and Exceptional Family Member Program (EFMP)<sup>5</sup> personnel, school personnel in the installation area, parents who are Service members or spouses of Service members assigned to the installation, local partners identified by installation personnel, and Military Interstate Children’s Compact Commission (MIC3)<sup>6</sup> representatives. The questions focused on awareness, implementation, impact, barriers, improvements, and coordination of services related to all four State initiatives aimed at supporting MCS.

A considerable number of SLP personnel (30 percent) participated in this evaluation, adding significant value to the project. The SLP offers various services and resources to support students, parents, installation leadership, schools, and the surrounding community. School liaisons are located at each installation and serve as the primary point of contact for grades pre-K through 12 for education-related matters. They inform parents about local schools, graduation requirements, afterschool programs, and homeschooling. By working with these stakeholders, the SLP builds a support network to provide the best possible education experience for military-connected children and youth worldwide.

The findings of the final Clearinghouse SPEAK report, which consolidates results from all three Phases of the project, are being utilized to respond to section 579 of the NDAA for FY 2023, to identify any gaps in policy implementation at the State-level, and to inform future DSLO State policy priorities and other DoD efforts to continue improving educational opportunities and outcomes for MCS.

## **Supplemental Data Report on Barriers to MCS Access to Advance Enrollment and Special Education Services**

### **AE**

AE is an initiative allowing military parents to enroll their children in a public school based on orders to the State, as opposed to traditional means of establishing residency (e.g., proof of lease or mortgage statement).<sup>7</sup> At the time of this report, 41 States had enacted AE policies.

In 2023, the Clearinghouse provided a supplemental report using data obtained through interviews conducted through the SPEAK study to inform our response to Congress regarding

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<sup>4</sup> “School Liaison Program.” Military One Source. June 15, 2023.

<https://www.militaryonesource.mil/benefits/school-liaison-program/>.

<sup>5</sup> 10 U.S.C. § 1781c. <https://www.govinfo.gov/app/details/USCODE-2023-title10/USCODE-2023-title10-subtitleA-partII-chap88-subchapI-sec1781c>.

<sup>6</sup> “Military Interstate Children’s Compact Commission.” Accessed August 21, 2024. <https://mic3.net/background/>.

<sup>7</sup> “Advance Enrollment.” Military State Policy Source. October 1, 2023.

<https://statepolicy.militaryonesource.mil/emeritus-status-tracker/advance-enrollment>.

MCS access to AE. This 2023 Clearinghouse Supplemental Data Report<sup>8</sup> concluded, “potential barriers to the ability of a parent of a transferring military-connected child to enroll the child, in advance, without requiring the parent or child to be physically present in the state were identified and fall into the following categories”:

1. **Awareness:** Of the 27 school liaisons who discussed the presence or absence of barriers to the use or implementation of AE, 19 (70 percent) indicated there were barriers. Of the 19 who affirmed the presence of barriers, 5 (26 percent) discussed barriers related to parents’ unrealistic expectations, lack of school awareness, and school liaisons’ lack of knowledge of families coming to and leaving the installation. Moreover, 5 of the 21 School Liaisons (24 percent) who discussed ideas for improvement mentioned increasing school awareness of AE or school liaison knowledge of incoming and outgoing students. In addition, 50 percent of program managers/analysts who discussed ideas for improvement of AE mentioned increasing school awareness.

Note, of all participants included within the referenced Clearinghouse SPEAK Phase III report, military parents were identified as the participant group with the least awareness of AE. Of the 148 participants who lived in States with AE, 127 (86 percent) were aware of AE, and 21 (14 percent) were not. Parents self-reported the lowest level of awareness (70 percent) of any of the participant groups, “...Of the participants who discussed family awareness of AE, 41% believed that most families know what AE is, 37% reported that some families know or there were caveats to their awareness. Twenty-two percent reported that many families are not aware of AE.”

2. **Home Address:** School liaisons discussed barriers related to the student’s home address. Eleven of the 19 (58 percent) school liaisons who indicated there are barriers associated with AE discussed address-related barriers, specifically that school enrollment was based on or required a physical address. In addition, issues related to the student’s home address were discussed by the program managers/analysts and MIC3 State commissioners.
3. **Consistency:** Three of the 21 School Liaisons (14 percent) who discussed ideas for improvement related to AE discussed a lack of consistency across States and/or policy vagueness. Program managers/analysts also discussed challenges related to consistency when discussing barriers and areas for improvement.
4. **Funding, Support, and Enforcement:** One school liaison discussed wanting more enforcement and support by the State. In addition, one program manager/analyst discussed the need for funding to implement the initiative.
5. **Technology-based Challenges and Opportunities for Improvement:** Two of the 21 school liaisons (10 percent) who discussed ideas for improvement to AE and one program manager/analyst discussed potential improvements facilitated by technology.

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<sup>8</sup> Karre, J., Richardson, C., & Perkins, D. (2023). *SPEAK Military Children Data to Inform Congressional Report: Sec. 579 FY 2023 NDAA. Recommendations for the Improvement of the Military Interstate Children’s Compact.*

- 6. School and District-specific Issues:** Three of the 19 school liaisons (16 percent) who discussed barriers to the use and implementation of AE discussed school- or district-specific issues. Specific issues are noted below.

“Schools push back saying it is special treatment for military students; for example, corporate families also transition.” (school liaison)

“Enrollment and registration for classes are different processes. Schools are shut down during the summer, so staff are not available to help military families then.” (school liaison)

### Special Education Services

This report also concluded there were additional barriers to MCS receiving special education services under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 *et seq.*).<sup>9</sup> The barriers were related to a lack of services, slow document transfer processes, and restrictions to open enrollment policies.

- Lack of services/resources:
  - “The special education department says they don't have the services required.” (school liaison)
  - “[State] does not offer [specific type of] therapy.” (school liaison)
  - “Resources are up to 300 miles away.” (school liaison)
- Slow document transfers:
  - “Still have families who don't have copies of IEPs, that creates problems during enrollment.” (school liaison)
  - “Documentation not always transferred by losing district in timely manner or hand carried by parents.” (school liaison)
- Restrictions in open enrollment:
  - “No out-of-district [open enrollment/school choice] transfers [for students with IEPs or 504 Plans].” (school liaison)

See the Appendix for additional discussion of AE and the SLP.

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<sup>9</sup> Congressional Research Service, The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions R41833 (Washington, D.C.: Aug.29, 2019).



## **Vanderbilt University: Examination of MIC3 Implementation Practices**

A recent quality improvement research study published by Vanderbilt University examined the implementation of the Compact by the MIC3.<sup>10</sup> For additional background information on the Compact and the MIC3, see the Appendix. The study evaluated how the organization defined and measured MIC3 success and what actions would improve commissioners' efficacy. Commissioners representing various military-populated States completed a series of surveys and semi-structured interviews. This project revealed the following six key findings:

1. Connectivity and communication with State councils varies from State to State.
2. Promising practices are not scaled to individual States.
3. Commissioners rely on support from the national headquarters.
4. Partnerships make a positive impact on commissioner efficacy.
5. The Commission does not have a unified definition or measurement tool of success.
6. State commissioners use family feedback and a lack of stakeholder requests as indicators of success. A lack of stakeholder requests may be related to lack of knowledge of the compact, not an indicator of success.

The report also included the following ten recommendations:

1. Develop a Compact success measurement tool to be utilized in each State.
2. Create a formalized plan, scaled across States, to take the place of the uncertainty and lack of feedback.
3. Gather data to answer the implementation question. No longer rely on comments from families or a lack of requests or complaints to understand if what they are doing makes an impact.
4. Require formalized data collection, utilized in each State to measure success and mastery of compact implementation.
5. Provide feedback to individual commissioners by utilizing a formalized performance measure.
6. Partner with other military support organizations and initiatives to assist commissioners in understanding how other advocates are successful.

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<sup>10</sup> Cogbill, Jennifer PhD. "Exploring the Military Interstate Children's Compact Commission's Implementation Practices to Advocate for Military Children." Vanderbilt University, August 10, 2022. <http://hdl.handle.net/1803/17700>.

7. Develop a mentorship program between commissioners of same-tiered States with similar military populations.
8. Develop a formalized procedure for each State council’s interaction with the MIC3 and each State’s department of education.
9. Develop a relationship with military senior leadership in professional development courses such as the Sergeant Major Academy, the Senior Leadership Development Seminar, and the Battalion and Brigade Leadership Courses.
10. Create military spouse opportunities within the MIC3 to learn more about the Compact and to advocate to commissioners.

### **Supplemental Literature Review: Barriers to MCS Access to Special Education Services**

DSLO also conducted a review of IDEA,<sup>11</sup> Government reports, and literature to identify barriers to MCS’ ability to access special education and related services. The analysis resulted in the identification of the following barriers:

- The inability to initiate processes prior to moving to the new location can delay the process to define and implement services.
- State and Federal educational systems were not initially built with the high mobility of the military family in mind.
- Military families moving into a new jurisdiction may experience inconsistencies in the implementation of special education services because Federal law allows States some flexibility in establishing eligibility criteria for such services.<sup>12</sup>
- Individual State policies and procedures to ensure all children with disabilities who are residing in the State are identified, referred to in statute as “child find,” can delay or prevent a child from receiving educational support.<sup>13</sup>
- There is a lack of understanding of the needs of military families requiring early intervention and other special needs services and the ability/effectiveness of providers to support their needs.<sup>14</sup> Additionally, there is a need to better understand the needs and experiences of IDEA Part C/early intervention professionals who serve military families.

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<sup>11</sup> Congressional Research Service, The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions R41833 (Washington, D.C.: Aug.29, 2019).

<sup>12</sup> GAO, Special Education – DoD Programs and Services for Military-Dependent Students with Disabilities, GAO-22-105015 (Washington, D.C.: May 19, 2022), <https://www.gao.gov/products/gao-22-105015>.

<sup>13</sup> GAO, Military Personnel: DOD Should Improve Its Oversight of the Exceptional Family Member Program, GAO-18-348 (Washington, D.C.: May 8, 2018), <https://www.gao.gov/products/gao-18-348>.

<sup>14</sup> Sands, et al. Military families with young children with disabilities: Families’ and providers’ perceptions. *Early Childhood Research Quarterly*, Volume 64, 3rd Quarter 2023, Pages 61-71 (2023), <https://www.sciencedirect.com/science/article/abs/pii/S0885200623000133>.

- Incomplete evaluations and eligibility determinations for highly mobile children delay eligible children from receiving free and appropriate education.<sup>15</sup>
- When some highly mobile children change school districts after the previous school district (academic year) began but have not yet completed the evaluation, the new school district might postpone the evaluation until the new school district’s response to the intervention process has been implemented.<sup>16</sup>
- When some children transfer to a new school district during the summer, the new school district might not provide those children with extended school year services as comparable services because the new school district believes its obligation to provide comparable services is limited to those services the child would receive during the normal school year.<sup>17</sup>
- Students are not eligible to receive special education or related services under IDEA if they do not meet two required criteria: be classified as having one of the several eligible categories of disabilities; and require special education and related services because of the identified disability to benefit from public education.<sup>18</sup> Parents could perceive this as a barrier to receiving services if they disagree with the determination of the school district.

### **Information Provided by MIC3**

In response to statutory requirement to work in “consultation with the states,” DSLO requested the MIC3 provide a response to a variety of questions related to this congressional requirement. The MIC3 noted the following key points in its April 2024 response letter<sup>19</sup>:

- The Compact is a demonstration of State sovereignty and a collaborative effort among States to ensure uniform treatment of military children in education.
- Interstate compacts provide a State-developed structure for collaborative action while building consensus among the States and evolving to new and increased demands over time.
- Interstate compacts are always limited to the specific terms set forth in the enabling legislation enacted by member States.
- As it relates to the ability to make changes to the Compact, the MIC3 letter was notable for these statements as it relates to rulemaking functions and limitations:

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<sup>15</sup> Michael K. Yudin and Melody Musgrove, Letter to State Directors of Special Education from the U.S. Department of Education Office of Special Education and Rehabilitation Services (Washington, D.C., 2013).

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Congressional Research Service, The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions R41833 (Washington, D.C.: Aug.29, 2019).

<sup>19</sup> Military Interstate Children’s Compact Commission Ltr Dated 22 April 2024

<https://download.militaryonesource.mil/StatePolicy/pdfs/1b-2024.4.22-ltr-re-NDAA-MIC3.pdf>.

“With regard to expanding the scope of the Compact, the terms of the statute states that no amendment to the Compact will be effective or binding on the member states until it is universally adopted by statute in every member state. Since, as noted above, the Compact cannot be expanded through rulemaking, adding additional areas or objectives to the Compact’s functions would require amending the Compact statute in every member state. Not only is this a prohibitively lengthy and costly process, but the Commission has also already considered the issue of unanimous statutory amendment to expand scope. After extensive discussion and debate, ultimately it was directed by affirmative vote of the Commission in 2022 that it declines to “reopen” the Compact statutes in the member states in order to expand its scope.”

- Identified barriers related to changing the Compact to address AE and special education services for military-connected children:
  - AE: “As outlined above, because AE was not part of the original model statute adopted by the fifty states and the District of Columbia, unanimous consent by the member states is required. This approval is not forthcoming, as noted above. Further, every member state must legislatively modify the statute to implement such an initiative. This is not feasible.”
  - Special Education: “As the IDEA is a federal law and outside of the Commission’s statutory mandate, further initiatives regarding this objective (to the extent not already addressed by the Compact and the IDEA in conjunction) are more appropriately directed to the US Department of Education.”
- While the MIC3 states it welcomes feedback and suggestions for improvement, the letter noted recommendations are advisory and require unanimity among member States for implementation.

## **(1)(A) IDENTIFICATION OF BARRIERS TO MCS’ ABILITY TO ENROLL IN ADVANCE**

### **Summary**

As previously detailed, the Clearinghouse SPEAK Supplemental Data Report<sup>20</sup> identified several barriers to MCS access to AE policies related to awareness, home address, consistency, funding and enforcement, technology, and school and district-specific issues.

Additionally, based on the previously referenced MIC3 response<sup>21</sup>, the Department acknowledges improving the Compact to enhance services to military-connected children related to AE is not feasible as the Compact does not address the timing of enrollment. No amendment

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<sup>20</sup> Karre, J., Richardson, C., & Perkins, D. (2023). *SPEAK Military Children Data to Inform Congressional Report: Sec. 579 FY 2023 NDAA. Recommendations for the Improvement of the Military Interstate Children’s Compact.*

<sup>21</sup> Military Interstate Compact Commission Ltr Dated 22 April 2024  
<https://download.militaryonesource.mil/StatePolicy/pdfs/1b-2024.4.22-ltr-re-NDAA-MIC3.pdf>.

to the Compact will be effective or binding on the member States until it is universally adopted by statute in every member State. In addition, if the Compact does not address a particular area of concern, the rulemaking power cannot be used to expand or add to the scope of the Compact.

- If State education agencies (SEAs) and local education agencies (LEAs) included standardized and user-friendly information for military families on available AE provisions in State policy, it would increase awareness of AE. See the Appendix for a discussion of AE, the SLP, and the EFMP.
- If States were to articulate who is eligible for AE, the benefits afforded to military families, and requirements for military families with regard to AE and this information was easily accessible to military families (e.g., on an education department webpage designated for military families), it would also increase awareness of AE among military families. Families should not need previous knowledge of the initiative to find the information.
- If States added specificity via legislative changes or education department regulations (e.g., specifying who and what types of programs and activities are eligible for advance enrollment), variability in implementation would be reduced.

## **(1)(B) IDENTIFICATION OF BARRIERS TO MCS ACCESS TO TIMELY PROVISION OF SPECIAL EDUCATION SERVICES AND RELATED SUPPORTS UPON TRANSFER**

### **Summary**

DSLO evaluated barriers to the ability of a transferring military-connected child who receives special education services to gain access to such services and related supports in the State to which the child transfers within the timeframes required under the IDEA. The analysis of both academic and non-academic research identified 10 applicable barriers. Those are outlined in the research section of this congressional report.

As detailed in the research section of this congressional response, the 2023 Clearinghouse Supplemental Data Report<sup>22</sup> also concluded that there were additional barriers for MCS receiving services as part of an IEP or 504 Plan. The barriers were related to a lack of services, slow document transfer processes, and restrictions to open enrollment/school choice.

The Compact defers to relevant Federal statutes, including the IDEA, when it comes to transferring MCS who receive special education services gaining access to such services.<sup>23</sup>

For similar reasons provided in the AE response, improving the Compact to enhance services to MCS receiving special education services does not appear to be feasible as no

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<sup>22</sup> Karre, J., Richardson, C., & Perkins, D. (2023). *SPEAK Military Children Data to Inform Congressional Report: Sec. 579 FY 2023 NDAA. Recommendations for the Improvement of the Military Interstate Children's Compact.*

<sup>23</sup> "IDEA Compact Related Guidance." Military Interstate Children's Compact Commission, June 13, 2023. <https://mic3.net/commr-resource/idea-compact-related-guidance/>.

amendment to the Compact will be effective or binding on the member States until it is adopted by statute in every member State.

- States could:
  - Implement DSLO’s policy priority entitled, “State Support for Military Families with Special Education Needs;”<sup>24</sup> and
  - Review and implement guidance provided within the U.S. Department of Education letters provided to SEAs in February 2022, November 2022, and November 2023.<sup>25</sup>

## **(2)(A) CONSIDERATION OF FEASIBILITY AND ADVISABILITY TRACKING AND REPORTING OF THE NUMBER OF MILITARY FAMILIES USING ADVANCE ENROLLMENT**

### **Summary**

To consider the feasibility and advisability of tracking and reporting the number of families who use AE in States offering AE to MCS, it is necessary to identify them in statewide longitudinal data systems. The MSI provision to track MCS in the public education system, added to the Every Student Succeeds Act (ESSA),<sup>26</sup> established a requirement for LEAs and public charter schools to include specific demographic questions in their enrollment process to identify MCS.<sup>27</sup>

According to the 2022 Clearinghouse SPEAK Phase I report, “There is no research on the implementation or effectiveness of this MSI initiative. Although the law only requires data collection related to active-duty families, some states also identify National Guard families, Reserve families, surviving families, families who are experiencing deployments, or veteran families. Under this law, military-connected student status is reported by the parent.”<sup>28</sup>

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<sup>24</sup> “State Support for Military Families With Special Education Needs.” Military State Policy Source. Defense State Liaison Office, October 1, 2023. <https://statepolicy.militaryonesource.mil/priorities/state-support-for-military-families-with-special-education-needs>.

<sup>25</sup> “Key Policy Letters Signed by the Education Secretary or Deputy Secretary.” Department of Education, February 9, 2022. <https://www2.ed.gov/policy/elsec/guid/secletter/220209.html>; “Letter to State Directors of Special Education on Ensuring a High-Quality Education for Highly Mobile Children. OSEP Policy Support 22-02.” Department of Education, November 10, 2022. <https://sites.ed.gov/idea/idea-files/letter-to-state-directos-of-special-education-on-ensuring-a-high-quality-education-for-highly-mobile-children-november-10-2022/>; “State Support for Military Families With Special Education Needs.” Military State Policy Source. Defense State Liaison Office, October 1, 2023. <https://statepolicy.militaryonesource.mil/priorities/state-support-for-military-families-with-special-education-needs>.

<sup>26</sup> “PUBLIC LAW 114-95—DEC. 10, 2015,” Congress.gov. August 21, 2024. <https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>.

<sup>27</sup> Elementary and Secondary Education Act, 20 U.S.C. §6311(h)(1)(C)(ii) (2015).

<sup>28</sup> Karre, Jennifer K. PhD, and Daniel F. Perkins PhD. “Military-Connected Students’ Educational Success.” Clearinghouse for Military Readiness at Penn State University, July 21, 2022. <https://militaryfamilies.psu.edu/resources/publications/view/military-connected-students-educational-success/>.

Additionally, the 2023 Clearinghouse Phase II and III reports found a lack of consistent implementation of the MSI across all 50 States and the District of Columbia. See the Appendix for more information about this report’s findings on State implementation of the MSI.

Until the MSI is effectively implemented across all SEAs and LEAs, and consistently reported to the States and the Department of Education, it is not feasible to collect reliable information about MCS, including military children with special education needs in public schools. Additionally, to track military family use of AE policies, the ESSA would need to be amended to require States to include that data point within the required elements of the MSI.

## **(2)(B) CONSIDERATION OF FEASIBILITY AND ADVISABILITY CLARIFYING ADVANCE ENROLLMENT REQUIREMENTS IN STATE LEGISLATION**

### **Summary**

To consider the feasibility and advisability of individual States clarifying in statute via legislation that eligibility for AE requires only written evidence of a permanent change of station and does not require a parent of an MCS to produce a rental agreement or mortgage statement, DSLO looked to the Clearinghouse SPEAK Phase II Data Extraction Report<sup>29</sup> findings.

Regarding the feasibility, States can amend statutes through the State legislative process to clarify eligibility requirements for AE. However, the State legislative process can be complex, time-intensive (e.g., some State legislatures do not meet annually) and does not guarantee passage of policy changes. At the time of the Clearinghouse Data Extraction Report, 38 States had “passed legislation allowing military dependent children to enroll in school based on military orders as opposed to traditional proof of residency. Twenty-two of those States (58 percent of those with AE legislation) explicitly allow electronic or remote registration or enrollment, and six States (16 percent) specify parents, legal guardians, and students who do not need to physically appear to register or enroll. Nineteen States (50 percent) include language specifically stating students may use military orders to establish residency, or when in possession of military orders, students are considered residents or are in compliance with residency requirements. However, for 14 of those 19 States, this established residency is temporary, and additional proof of residency is required at a later date.”<sup>30</sup>

Additionally, as stated within the previously referenced April 2024 MIC3 letter:

“As outlined above, because Advance Enrollment was not part of the original model statute adopted by the fifty states and the District of Columbia, unanimous consent by the member states is required. This approval is not forthcoming, as noted above. Further,

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<sup>29</sup> Karre, Jennifer K. PhD, Kristin K. Brawley, Meghan Baker, Keith Aronson PhD, and Daniel F. Perkins PhD. “State Implementation of Four Initiatives to Support Military-Connected Students.” Clearinghouse for Military Readiness, June 13, 2023. <https://militaryfamilies.psu.edu/resources/publications/view/state-implementation-of-four-initiatives-to-support-military-connected-students/>.

<sup>30</sup> Ibid.

every member state must legislatively modify the statute to implement such an initiative. This is not feasible.”

- If States that have not implemented AE were to consider enacting legislation or policy, ensuring that MCS with special education needs are explicitly included in statute as eligible students would improve clarity for families and schools regarding AE.
- It is advisable for States with AE policies to clarify that:
  - The provisions of the policy apply to MCS with special education needs; and
  - Remote enrollment must be allowed (i.e., military families do not need to appear in person at the time of enrollment/registration); and
  - Military orders or other proof of military transfer into the State may be used in lieu of other residency requirements until a specified timeframe upon arrival.
- DSLO is available to provide best practice examples to States wishing to clarify their current statutes to this end. States can also review the AE portion of the DSLO website to review examples from other States.<sup>31</sup>

## **(2)(C) CONSIDERATION OF FEASIBILITY AND ADVISABILITY DEVELOPING A MIC3 LETTER OR OTHER MEMORANDUM FOR MILITARY FAMILIES**

### **Summary**

The Clearinghouse SPEAK Phase III report<sup>32</sup> summarizes findings relevant to the consideration of the feasibility and advisability of the Secretary of Defense, in coordination with the MIC3, developing a letter or other memorandum military families may present to local educational agencies outlining the protections afforded to MCS by the Compact:

“There is evidence of a lack of awareness and experience among at least some school personnel and some military families regarding the existence or scope of the Compact.”

“[T]here is also evidence of a positive impact of the Compact when there is awareness of the Compact and when it is implemented.”

In its response to DSLO, the MIC3 also made the following statement in support of the development and provision of a letter:

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<sup>31</sup> “Advance Enrollment.” Military State Policy Source. Defense-State Liaison Office, October 1, 2023. <https://statepolicy.militaryonesource.mil/emeritus-status-tracker/advance-enrollment>.

<sup>32</sup> Karre, J., Brawley, K., Richardson, C., & Perkins, D. (2024, May). An Implementation Evaluation of Four Initiatives Intended to Support Military-Connected Children’s Educational Success. Clearinghouse For Military Family Readiness. <https://download.militaryonesource.mil/StatePolicy/pdfs/PennState-SPEAK.pdf>.



“It is noted that the Commission supports the provision of a letter or memorandum of support to military families to assist them as they transition from state to state. The Commission would welcome the opportunity to develop a marketing and communication plan with the USDOD to educate parents, inform commanders, and build awareness of the Compact across services.”<sup>33</sup>

The DoD and MIC3 National Office are currently collaborating on such a letter.

### **Recommendation**

- The Department has no recommendation as this action is in progress.

## **(3) ADDITIONAL STATE ACTIONS TO IMPROVE THE COMPACT**

### **Summary**

The development and execution of education policy for MCS has many responsible entities, which often have disjointed and unclear connection points. Given that education policy is determined by local, State, and Federal authorities for all children, adding additional layers of authority for military children through the DoD and the MIC3 cannot be achieved without clarifying roles and responsibilities and developing long-term goals and strategies for stakeholders to work together. There is currently no entity charged with being that convening authority.

Multiple participants in the Clearinghouse SPEAK Phase III study noted the lack of flexibility of the Compact. Some participants expressed concerns about making changes to the Compact, which they fear may result in States opting out, thereby reducing the impact the Compact is likely having on military families. Others noted when the Compact was created, flexibility [to make changes to the model language or rules] was not built in to address emerging issues experienced by military families. See the Appendix for additional discussion regarding the flexibility of the Compact.

In acknowledgement of the very targeted scope of the Compact and limitations in terms of its ability to make substantive changes, States, acting as members of the Compact, can take actions to ensure a variety of improvements to the Compact are undertaken, consistent with the findings and recommendations contained within the final Clearinghouse SPEAK report.

### **Enact State Legislation External to Compact Statute**

- States could consider the benefits of implementing the Arkansas model for a statute outside the Compact, as codified in Chapter 28 of Title 6 of the Arkansas Code (A.C.A. § 6-28), entitled, “Arkansas Military Child School Transitions Act of 2021.” This approach creates

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<sup>33</sup> Military Interstate Compact Commission Ltr Dated 22 April 2024  
<https://download.militaryonesource.mil/StatePolicy/pdfs/1b-2024.4.22-ltr-re-NDAA-MIC3.pdf>.

legislation outside the Compact, a concept endorsed by the MIC3.<sup>34</sup> The Arkansas statute operationalizes the Compact at the State level and enhances MCS educational experience in the State, to include providing additional State-specific supports and data-collection requirements. Specifically:

- Creating a unique requirement for Arkansas schools to designate a Military Family Education Coordinator in any school with twenty or more military students enrolled.
- Significantly expanding the definition of who is eligible for support to include: (1) members of the active duty and activated Reserve Components of the Uniformed Services; (2) members or veterans of the Uniformed Services who were severely injured in the line of duty and are medically discharged or retired for a period of 1 year following the medical discharge or retirement; (3) members of the Uniformed Services who die while on active duty or as a result of injuries sustained while on active duty for a period of 1 year following the death; (4) dual status military technicians; and (5) traditional members of the National Guard and Reserve Components of the U.S. Armed Forces who are relocating to the State for employment or to serve as a member of an Arkansas-based Reserve Component unit.
- Directing the State Board of Education to promulgate rules to implement the chapter, ensuring both the Compact and the additional provisions are adhered to by local school districts.
- Permitting enrollment in distance and digital education coursework for inbound transitioning students.
- Creating the Arkansas Council of Military Children, with enhanced requirements significantly above and beyond the requirements of the MIC3, to include requirements for who sits on the council as well as how often the council meets.
- Allowing for AE and specifying enhanced transfer of educational records.
- Enhancing enrollment, placement, eligibility, and graduation processes.
- Providing for the adoption of and enforcement of administrative rules.
- Providing for the uniform collection and sharing of data between and among public schools.
- Requiring specific data elements to be reported to the Arkansas Public School Computer Network will help Arkansas to understand the number of MCS across the State.

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<sup>34</sup> “Statutory Language External to the Compact.” Military Interstate Children’s Compact Commission. October 1, 2023. [https://mic3.net/wp-content/uploads/2022/11/Statutory-Language-External-to-the-Compact\\_2022.11.04.pdf](https://mic3.net/wp-content/uploads/2022/11/Statutory-Language-External-to-the-Compact_2022.11.04.pdf).

- Directing the Arkansas Education Commissioner as responsible for the administration and management of the State’s participation in the Compact.<sup>35</sup>

While several other States have taken legislative actions outside the Compact, the Arkansas model appears to be the most robust mechanism to increase flexibility, oversight, accountability and consistency of the Compact and other supportive policies and programs for MCS. By inserting implementation and oversight mechanisms into separate State codes, Arkansas created the flexibility necessary to serve military families nearly 20 years after the Compact was initially written while not modifying the State Compact statute. States can more easily amend these new sections of code as necessary to improve their services to military families without having to modify Compact statute language in all 50 States at once.

### **Improve Compact Implementation and Enforcement**

- States, acting as members of the Compact, can enhance the Compact by implementing the recommendations contained within the previously discussed Vanderbilt University research report.<sup>36</sup>

### **Increase Compact Consistency**

- To increase the consistency of statutory language, States could work with MIC3 to assess their Compact legislation to evaluate the alignment with the MIC3 model language and refine the legislation accordingly. This could be particularly beneficial in those States where the changes reduce the protection for military students compared to the model language.<sup>37</sup>
- Utilizing existing MIC3 resources, individual States could improve LEA staff training, specifically to ensure that the Compact is applied consistently both within a State and across State boundaries.
- A promising practice to identify knowledge or implementation gaps is for States to conduct monitoring, oversight, or randomly conducted surveys of parents and LEA and school personnel.
- States can remedy administrative-related inconsistencies of States’ commissioners and councils, as identified by the Vanderbilt University report,<sup>38</sup> by considering how the selection

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<sup>35</sup> “Arkansas Military Child School Transitions Act of 2021.” Justia Law. October 1, 2023.

<https://law.justia.com/codes/arkansas/title-6/subtitle-2/chapter-28/subchapter-1/section-6-28-103/>.

<sup>36</sup> Cogbill, Jennifer PhD. “Exploring the Military Interstate Children’s Compact Commission’s Implementation Practices to Advocate for Military Children.” Vanderbilt University, August 10, 2022. <http://hdl.handle.net/1803/17700>.

<sup>37</sup> Karre, J., Brawley, K., Baker, M., & Perkins, D. (2024, February). *State Implementation of Four Initiatives to Support Military Connected Students*. Clearinghouse For Military Family Readiness. <https://schoolresources.militaryfamilies.psu.edu/about/research/view/state-implementation-of-four-initiatives-to-support-military-connected-students/>.

<sup>38</sup> Cogbill, Jennifer PhD. “Exploring the Military Interstate Children’s Compact Commission’s Implementation Practices to Advocate for Military Children.” Vanderbilt University, August 10, 2022. <http://hdl.handle.net/1803/17700>.

and implementation of the MIC3 State commissioner position (e.g., whether it is a paid position or additional duty, the location of the commissioner within the education system) may impact the execution of MIC3 commissioner duties.

### **Increase Funding, Compliance, Monitoring, and Enforcement**

- If States implemented and enforced a more robust data collection policy to comply with the Compact statute and provide critical information for military families, SEAs, and LEAs, all might understand the impact of MCS transitions as they move with their families. This data could be requested of each State department of education, pursuant to ESSA MSI requirements. See the Appendix for additional discussion.

Issues with compliance, monitoring, and enforcement were another common theme discussed by the participants in the Clearinghouse SPEAK Phase III interviews. Funding and concerns about the adequacy of funding were discussed both in relation to compliance, monitoring, and enforcement and as a stand-alone issue. There were also discussions centered on compliance with the Compact, particularly related to extracurricular activities, special education, and different testing requirements by States.

The previously referenced Vanderbilt University research<sup>39</sup> concluded:

“The Commission does not have a unified definition or measurement tool of success. Each state operates independently but uses family feedback and lack of stakeholder requests as an indicator. The MIC3 must develop a compact success measurement tool to be utilized in each state. Creating a formalized plan, scaled across states, can take the place of the uncertainty and a lack of feedback. To be able to tackle the overarching concern, wondering if the legislation is effective, we need to be able to gather that data to answer the question. The organization can no longer rely on passing comments from families or lack of requests or complaints to understand if what they are doing makes an impact. It requires formalized data collection, utilized in each state, to measure success and mastery of compact implementation.”

### **Leverage Technology**

- States could consider ensuring detailed information about the Compact is easily accessible to military families (e.g., located on State education department and local school district webpages for military families).

The Clearinghouse SPEAK Phase III report<sup>40</sup> noted concerns regarding awareness of the Compact, stating that 69 percent discussed one or more barriers related to the Compact, including lack of parent and school personnel awareness. Of those who discussed one or more barriers, 20 percent discussed a lack of school awareness, and 23 percent noted a lack of parent awareness as a challenge. Furthermore, of the parents who discussed specific barriers,

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<sup>39</sup> Cogbill, Jennifer PhD. “Exploring the Military Interstate Children’s Compact Commission’s Implementation Practices to Advocate for Military Children.” Vanderbilt University, August 10, 2022.

<sup>40</sup> Karre, Jennifer L. PhD, Kristin K. Brawley, Cameron Richardson PhD, and Daniel F. Perkins PhD. “An Implementation Evaluation of Four Initiative Intended to Support Military-Connected Children’s Educational Success.” Clearinghouse for Military Readiness, May 10, 2024.  
<https://download.militaryonesource.mil/StatePolicy/pdfs/PennState-SPEAK.pdf>.

67 percent discussed a lack of knowledge among parents about the Compact. A recent military service organization report stated:

“The majority (74%) of active-duty military families with at least one child enrolled in grades K-12 report they do not know about the Interstate Compact on Educational Opportunity for Military Children. However, those who have used the Interstate Compact to advocate for their child report positive outcomes.”<sup>41</sup>

Technology is one of the most effective ways to socialize the Compact with military families.<sup>42</sup> Several participants in the Clearinghouse SPEAK Phase III study discussed ways that technology could be leveraged to improve experiences for military families, particularly in an age in which more people are utilizing online platforms like Zoom or Teams. MIC3 has taken significant steps to increase training using technology, but this has not been seen consistently across the States.

### **Increase Military Family Representation on Compact State Councils**

- Virginia has included a military spouse on the Compact State council, which is consistent with the DSLO priority entitled, “Military Community Representation on State Boards and Councils.”<sup>43</sup> Other States could consider the benefits to be derived from increasing military family representation on Compact State councils.
- Encourage MIC3 to enforce the requirement contained within the Compact model language for State councils to designate a military family education liaison.

The final Clearinghouse SPEAK report highlighted the importance of the State councils having connectivity within the State government and on committees influencing educational opportunities in the States. Related, DSLO has identified the benefit of military family representation at the State and national MIC3 level. Notably, Virginia was the first State to include a military spouse as a representative on its MIC3 State council.

## **CONCLUSION**

While making substantive changes to State Compact statutes is not feasible given its framework, this congressional response proposes a variety of potential actions Federal and State governments can take to improve State implementation of the Compact and MSI and increase transferring MCS access to timely special education services and supportive State policies such as AE.

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<sup>41</sup> Strong, J., Brooks, R., Blandid, B., Howell, K., Jackson, A., Scott, A., Gloria, E., Hunt, K., Higgason, K., Moser, J., Vasquez Maury, R., Linsner, R., Yih Harvie, J., & Brennan Nanni, M. (n.d.). *Military Family Lifestyle Survey 2022 Comprehensive Report*. Blue Star Families. [https://bluestarfam.org/wp-content/uploads/2023/03/BSF\\_MFLS\\_Spring23\\_Full\\_Report\\_Digital.pdf](https://bluestarfam.org/wp-content/uploads/2023/03/BSF_MFLS_Spring23_Full_Report_Digital.pdf).

<sup>42</sup> “2021 Demographics Profile of the Military Community.” Military One Source. November 25, 2022. <https://download.militaryonesource.mil/12038/MOS/Reports/2021-demographics-report.pdf>.

<sup>43</sup> “Military Community Representation on State Boards and Councils.” Military State Policy Source. October 1, 2023. <https://statepolicy.militaryonesource.mil/priorities/military-community-representation-on-state-boards-and-councils>.

## Appendix

### Background

#### **Interstate Compact on Educational Opportunity for Military Children**

In 2006, the Office of the Under Secretary of Defense for Personnel and Readiness, in cooperation with the Council of State Governments (CSG) and National Center for Interstate Compacts, drafted the Compact to address the educational challenges transitioning children of military families encountered. The following year, an advisory group led by the DSLO and CSG finalized the model statute language, and by 2014, all 50 State legislatures and the District of Columbia had adopted the Compact.

An interstate compact is a legally binding agreement between two or more States, similar to a contract, designed to promote cooperative action among States and provide a widely recognized and durable policy solution.<sup>44</sup> The MIC3, per the authorizing statutes in each State, was created in 2008 and is the statutorily created administrative entity with responsibility to administer the provisions of the Compact. Commission members include the 50 States, the District of Columbia, and 6 ex officio representatives. The ex officio representatives include the DoD and five non-profit organizations: the Military Child Education Coalition, the National Military Family Association, the Military Impacted School Association, the National Federation of State High School Associations, and Blue Star Families.

#### Compact Flexibility

By statute, the Compact cannot make substantive changes to the model language adopted by all States without unanimous agreement among all member States. However, rulemaking power is vested in MIC3 to clarify or augment current provisions.

A recent example of the MIC3 rulemaking process relates to the awarding of partial credit for MCS. A longstanding issue for MCS is the fact that a child may transfer during the school year and subsequently lose those credits if they did not finish the semester (or quarter). For context, based on feedback received by the Joint Chiefs of Staff, OSD, and the Military Services in a recent evaluation, this partial credit issue was determined to be the most important issue for the DSLO to consider working with the States in FY 2026. Related legislation enacted in California by Assembly Bill 365 (2017)<sup>45</sup> provides a framework for DSLO to engage with States for potential policy changes to address the issue.

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<sup>44</sup> “National Center for Interstate Compacts.” National Center for Interstate Compacts, July 10, 2022. <https://compacts.csg.org/compacts-2/>.

<sup>45</sup> “Education Code Article 3. Sec 51225.2 Courses of Study.” California Legislative Information. October 1, 2023. [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=51225.2&lawCode=EDC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51225.2&lawCode=EDC).

Recently, the State of Nevada requested the MIC3 evaluate and issue an advisory opinion on the issue of partial credit. The resulting advisory opinion<sup>46</sup> states, “Despite citation to the Compact’s provisions on placement flexibility, there was a lack of clarity as to whether the compact would permit the local education agency to waive seat time requirements to remedy the misalignment of semesters between the two districts to permit full award of course credit.” Subsequently, the MIC3 proposed the following rule change to Sec 5.104 Placement Flexibility<sup>47</sup>:

- (b) In the event that a student transfers to another state or school district and there is misalignment with the secondary semesters, resulting in lost (Carnegie unit) seat time and loss of course credit for the entire semester due to the lost seat time, the receiving school has the flexibility to:
  - (1) provide the student with the missed coursework and waive the lost seat time and/or
  - (2) use discretion to waive the lost seat time and award semester credit if the student’s end of semester grade(s) demonstrate mastery.

In August 2024, after seeking and receiving feedback from the public and interested stakeholders (to include various agencies and components of DoD), the MIC3 Rules Committee discussed the proposed rule change and ultimately voted to “stand on the legal advisory #1-2024 and table the rules amendment for a year.” Consequently, the whole commission of MIC3 will not consider the matter at its annual business meeting (ABM) in October 2024.

#### Compact Compliance, Monitoring, and Enforcement

In a February 2023 legal opinion<sup>48</sup> written by the law firm EMWN Law at the request of the MIC3, the question of data collection was discussed. The Commission’s previous rule on data collection provided that:

- (a) As required by the compact, and as specified by the operational procedures and forms approved by the Commission, the States shall gather, maintain, and report data regarding the transfer and enrollment of students who transfer from one State LEA to another State LEA under this compact.
- (b) Each State shall report to the Commission annually the number of students transferred to an LEA from another State and received from another State’s LEA in the previous year.
- (c) Reports required under SEC. 2.102 (a) and (b) shall be received by the Commission no later than June 30 of each year.

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<sup>46</sup> “MIC3 Legal Advisory Placement Flexibility.” Military Interstate Children's Compact Commission. October 1, 2023. [https://mic3.net/wp-content/uploads/2024/07/09-MIC3-Legal-Advisory-1-2024\\_Placement-Flexibility.pdf](https://mic3.net/wp-content/uploads/2024/07/09-MIC3-Legal-Advisory-1-2024_Placement-Flexibility.pdf).

<sup>47</sup> “MIC3 2024 Annual Business Meeting Proposed Rules.” Military Interstate Children's Compact Commission. October 1, 2023. <https://mic3.net/2024-proposed-rules-and-amendments/>.

<sup>48</sup> EMWN Law Response Letter: <https://mic3.net/wp-content/uploads/2024/04/1b-2024.4.22-ltr-re-NDAA-MIC3.pdf>.

Although only one State, Arkansas, had attempted to comply, this rule was aligned with the Compact’s statutory requirement (Article XI.I):

“The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.”

Two questions were raised by the Commission and answered by the law firm:

“Question 1: Can the Commission repeal its own rule mandating the collection of data by the member states when the Compact’s model language contains an identical provision? Short Answer: Yes, the Commission can repeal this rule, provided that the correct procedure is observed for doing so.

Question 2: Given that the model language requires the member states to collect certain data regarding the movement of military children, can the Commission choose not to enforce this requirement?

Short Answer: No, the Commission is bound by this statutory mandate; however, in this case, the model language would allow the Commission to adopt a more flexible data collection model.”

At its 2023 ABM, the MIC3 submitted a significant change to rule “Sec 2.102 Data Collection and Reporting” to be considered by the Compact State commissioners. In a verbal statement at the ABM, the DoD ex-officio voiced concerns that the rule change was not consistent with Compact data collection requirements or MIC3’s legal opinion; and recommended that MIC3 instead work with stakeholders to “determine what would make capturing the data consistently and accurately possible.” Nonetheless, the rule change was subsequently approved by a majority vote of commissioners.

The following changes to rule 2.102 Data Collection follow:

“(a) As required by the compact, and as specified by the operational procedures and forms approved by the Commission, the State shall gather, maintain, and report data regarding the transfer and enrollment of students. ~~who transfer from one state LEA to another state LEA under this compact.~~

(b) Each State ~~shall~~ **may** report as determined by to the Commission ~~annually~~ the number of students transferred to an LEA from another State’s and received from another State’s LEA ~~in the previous year.~~

(c) Reports **that may be** required under SEC. 2.102 (a) and (b) shall be received by the Commission ~~no later than June 30 of each year.~~ in a manner and frequency determined by the Commission.”<sup>49</sup>

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<sup>49</sup> “Data Collection and Reporting.” Military Interstate Children’s Compact Commission. June 15, 2023. <https://mic3.net/wp-content/uploads/2023/06/R-2.102-Data-Collection-and-Reporting.pdf>.



## MSI

The MSI is a data point States are required to collect and include as part of each State’s report card pursuant to ESSA.

In practice, this data has not been as useful as originally envisioned. Findings from the Clearinghouse project indicated there is wide variability among States in terms of who is counted in the MSI data. Parents are asked to voluntarily self-identify as a military family, and the response options provided (e.g., active duty military, National Guard, surviving families, reserve, veteran) are not consistent across States. In addition, researchers were unable to identify a consistent definition for “military family” (e.g., active duty only; active duty, National Guard, and Reserve). The differences in who is included in the counts of military families, combined with the fact that achievement standards differ across States (Ji et al., 2021), mean the interpretation of this data across States is not consistent and will differ. Furthermore, even when States clearly define what military-connected means, researchers found it difficult to find school, district, and State-level achievement data for MCS. Generally, the information was found by searching the State education department website with terms such as “data dictionary,” “data elements,” and “glossary,” as opposed to this information being linked to the data.<sup>50</sup>

Finally, House Report 117–397, pages 168-169, accompanying the NDAA for FY 2023, requested the Secretary of Defense to submit a report examining the availability and utility of data on military students, especially those with special needs. This report, authored by the Department of Defense Education Activity, reviewed the current state of the MSI data element and the extent to which the MSI data meets the standards in the ESSA and IDEA. The report noted the following considerations:

- **Require SEAs to use the definition developed by the Common Education Data Standards workgroup for “active duty” within the data systems.** Not all States use the definition provided because they have expanded who qualifies as “active duty” to include military-connected populations within their States who work in relevant, connected fields.
- **Leverage existing models of data reporting and collection to consider military-connected students a protected group like those experiencing homelessness.** Under the McKinney-Vento Act, designed to ensure homeless students have access to a free, appropriate public education, States must meet legislative requirements related to providing demographic and outcome data for students experiencing homelessness. These data are submitted to the Department of Education through the EDFacts Submission System and reported annually (National Center for Homeless Education, 2019).
- **Require States to ensure MSI is a reportable demographic item in their statewide longitudinal data systems.** Recommend States report students with an MSI as a demographic subgroup that can be disaggregated to multiple demographics providing a

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<sup>50</sup> Karre, J., Brawley, K., Baker, M., & Perkins, D. (2024, February). *State Implementation of Four Initiatives to Support Military Connected Students*. Clearinghouse For Military Family Readiness. <https://schoolresources.militaryfamilies.psu.edu/about/research/view/state-implementation-of-four-initiatives-to-support-military-connected-students/>.

cross-section across all demographics, to include but not be limited to students with disabilities, race, ethnicity, and gender, so disaggregated data is available for both ESSA and IDEA accountability reports.

- **Require States to report military-connected students with disabilities as an ESSA subgroup.** Under ESSA, schools already need to separate out and provide data specific to the performance of students who are homeless (Data Quality Campaign, 2016) related to academic achievement, graduation rates, academic progress for elementary and middle schools, and progress in attaining English language proficiency.
- **Require States to identify an actual timeframe for IEP implementation,** such as the school being provided up to 30 days to either re-evaluate the student or adopt the existing IEP. Neither Part B of the IDEA nor the regulations implementing Part B of the IDEA establish timelines for the new public education agency to adopt a child’s IEP from the previous public agency or to develop and implement a new IEP. Consistent with 34 CFR § 300.323(e)-(f), the new public agency must take these steps within a reasonable period to avoid any undue interruption in the provision of required special education and related services.

## AE

AE is an initiative allowing military parents to enroll their children in public school based on orders to the State, as opposed to traditional means of establishing residency (e.g., proof of lease or mortgage statement), allowing enrollment to occur before the family has moved to the new duty station.<sup>51</sup> At the time of this report, 41 States have enacted AE policies.

Based on findings from the Clearinghouse analysis, statutory language defining the requirements of AE policies varies widely across States. For example, some States include specific details about the mode of enrollment (e.g., remote enrollment, not needing to physically appear), the type of schools or programs governed by the AE law (e.g., open enrollment schools, virtual education options, electives, sports), the documents required at the time of enrollment (e.g., military orders), the timeframe within which students must provide any additional documentation (e.g., sometimes traditional proof of residency is required within 10 days of an official arrival date), and the address may be used for proof-of-residency. Additionally, each State’s statutory language sets the minimum requirement for public schools in that State, but schools may allow other opportunities or have additional requirements so long as they do not conflict with the statute.<sup>52</sup>

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<sup>51</sup> “Advance Enrollment.” Military State Policy Source. October 1, 2023. <https://statepolicy.militaryonesource.mil/emeritus-status-tracker/advance-enrollment>.

<sup>52</sup> Ibid.

## SLP

The SLP<sup>53</sup> is an essential element of the DoD Child and Youth Programs, Pre-Kindergarten-12th Grade (PK-12) support, and youth sponsorship programs provided at military installations. The SLP serves active duty military, National Guard and Reserve military personnel, DoD civilians, and their families living on or off a military installation within the Service-approved catchment area. Additionally, the SLP supports spouses of military members who died as a result of a combat-related incident and those acting in loco parentis for eligible dependent PK-12 MCS. School liaisons at each installation provide information and build partnerships with the civilian and military community to address common education challenges of military families. School liaisons are also an initial contact for participation in the Youth Sponsorship Program which helps build resilience in youth and ease transitions. SLP support is free of charge and open to all DoD identification cardholders, educators who serve military-connected students, and community partners involved with PK-12 education.

SLP goals include:

- Identifying barriers to academic success and developing solutions.
- Promoting parental involvement and educating local communities and schools about the needs of military children.
- Developing and coordinating partnerships in education.
- Providing students, parents, and school personnel with the tools they need to overcome obstacles to education that stem from the military lifestyle.

Installation school liaison duties include:

- Serving as the primary point of contact for PK-12 education-related matters in their assigned areas of responsibility.
- Representing, informing, and assisting their respective commands as it relates to PK-12 education-related issues.
- Assisting all military families in their areas of responsibility with a variety of PK-12 education-related issues.
- Coordinating with local school systems.
- Forging partnerships between the military community and local communities and schools.

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<sup>53</sup> DoDI 6060.04, "Youth Services (YS) Policy." Washington Headquarters Service. Department of Defense, June 15, 2023. <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/606004p.pdf?ver=2019-12-04-064421-733>.

## EFMP

The EFMP is a DoD program supporting military families with dependents who have medical or educational special needs due to a disability or chronic medical condition.<sup>54</sup> The EFMP aims to ensure families receive the support they need, especially during relocations and deployments. It helps to identify and address the unique needs of these family members. Once enrolled, families may access a range of support services, including the family support “warm hand-off,” which assists families with transitioning services and supports such as medical care, housing assistance, educational resources, respite care, and information about community support programs. In addition, EFMP enrollment can influence military assignments to ensure families are stationed in locations where appropriate medical and educational support services are available for their dependents.

In addition to a school liaison, each installation has one or more EFMP Family Support providers, typically connected to an installation Military and Family Support Center. The EFMP FS provider can assist with special education support, including training and appropriate referrals. In addition, amendments to 10 U.S.C. § 1718c in the NDAA for FY 2021 (Public Law 117–81) required the “Secretary of each Military Department provide legal services by an attorney, trained in education law, at each military installation- (A) the Secretary determines is a primary receiving installation for military families with special needs; and (B) in a state the Secretary determines has historically not supported families enrolled in the EFMP.”<sup>55</sup> Currently, each Military Department has on staff at least one specialized attorney to assist in training, educating, answering questions, and providing assistance with special education concerns.

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<sup>54</sup> “10 U.S.C. 1781c - Office of Special Needs.” GovInfo. June 15, 2023.  
<https://www.govinfo.gov/app/details/USCODE-2023-title10/USCODE-2023-title10-subtitleA-partII-chap88-subchapI-sec1781c>.

<sup>55</sup> “PUBLIC LAW 117–81—DEC. 27, 2021.” Congress.Gov. June 15, 2023.  
<https://www.congress.gov/117/plaws/publ81/PLAW-117publ81.pdf>.