

## Education of Children of Military Families

During its 2009 session, the Georgia General Assembly enacted several laws relating to the education of children of military families. The goal of the legislation is to maximize a student's educational continuity despite the frequent movement across states and school districts that is often the result of a parent serving in the military. While many of the laws are similar to provisions in the Interstate Compact on Educational Opportunity for Military Children, Georgia is not a member of that compact. The laws are codified at O.C.G.A. § 20-2-2140 through § 20-2-2180.

The following State Board Rules are impacted by these laws:

- [160-4-2-.20](#) List of State-Funded K-8 Subjects and 9-12 Courses for Students Entering Ninth Grade in 2008
- [160-4-2-.03](#) List of State-Funded K-8 Subjects and 9-12 Courses for Students Entering Ninth Grade Prior to 2008
- [160-4-7-.06](#) Individualized Education Program (IEP)
- [160-4-2-.48](#) High School Graduation Requirements for Students Enrolling in the Ninth Grade for the First Time in the 2008-09 School Year and Subsequent Years
- [160-4-2-.47](#) High School Graduation Requirements for Students Enrolling in the Ninth Grade for the First Time in the 2002-03 School Year and Subsequent Years
- [160-3-1-.07](#) Testing Programs - Student Assessment
- [160-5-1-.10](#) Student Attendance
- [160-5-1-.28](#) Student Enrollment and Withdrawal
- [160-5-1-.14](#) Transfer of Student Records

The following questions and answers aim to clarify the requirements of the new laws and assist districts in their application to specific students. The questions are arranged according to the following categories:

- I. Eligibility
- II. Enrollment of Military Children
- III. Placement of Transferring Military Children
- IV. Absences and Extracurricular Activities
- V. Graduation

### I. Eligibility

#### **Do these children of military family laws apply to all students?**

No.

#### **For which students do these children of military family laws apply? Who is an eligible student?**

Eligible students are school-aged children who are eligible to enroll in kindergarten through grade 12 and are members of a household of at least one of the following:

1. An active duty member of the uniformed services.
2. A member or veteran of the uniformed services who is severely injured and medically discharged.
3. A member of the uniformed services that died on active duty or as a result of injuries sustained on active duty.

Children who are eligible students because the member of their household was severely injured and medically discharged or died on or as a result of injuries on active duty will remain eligible students for one year after the medical discharge or death of the veteran.

**What are the uniformed services?**

The uniformed services are the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the National Oceanic and Atmospheric Administration, Public Health Services, or the National Guard and Reserve on active duty orders.

**What constitutes active duty?**

Active duty means full-time duty status in the active uniformed services of the United States.

**Are there children of military families to which these laws will not apply?**

Yes. The laws will not apply to children of:

1. Inactive members of the national guard and military reserves.
2. Retired members of the uniformed services (unless the retirement is due to medical discharge, in which case the child is eligible for one year after retirement.)
3. Veterans of the uniformed services (unless the veteran was medically discharged or died on active duty, in which case the child is eligible for one year after the discharge or death.)
4. Other United States Department of Defense personnel and other federal agency civilian and contract employees that are not defined as active duty members in the uniformed services; and
5. Students who are not enrolled in school or eligible for enrollment in the district.

**II. Enrollment of Military Children****Can a school require proof of residency from an eligible student?**

Yes. However, if the student is residing with a temporary guardian as a result of the student's parent's deployment, the student may choose to enroll in the district in which the temporary guardian resides. In such a case, the school may require proof of the temporary guardian's residence.

**An eligible student is living with a temporary guardian during the student's parent's deployment. The student lived in another district, but the temporary guardian lives in my district. Where should the student attend school?**

The student may enroll in the district in which the temporary guardian resides, or the student may choose to remain at the school the student was attending prior to the parent's deployment.

**Can a school require a temporary guardian of an eligible student to obtain legal custody of the student before enrolling him or her?**

No. A school may not require a temporary guardian appointed under a power of attorney executed by a parent serving in the uniformed services to obtain guardianship before enrolling the student. The school may require proof of the duly executed power of attorney.

**If the student attends school in the district where he or she did not reside with the parent, but attends in the district where the temporary guardian resides, can the school district charge tuition for the student?**

No. A school district is prohibited from charging tuition to an eligible student placed in the care of a temporary guardian as a result of the student's parent's deployment.

**What prior school records does a school need to enroll an eligible student?**

In the event the parent or guardian cannot obtain official education records, the enrolling school must accept unofficial records furnished to the parent by the prior school. The enrolling school must enroll the student in the appropriate placement based on the unofficial records pending the enrolling school's

verification of the records. The enrolling school must also request the student's official records from the student's previous school.

**What should a school do if an eligible student seeking enrollment does not have his or her necessary immunizations?**

The school must give the student 30 days from the date of enrollment for the student to receive any immunization or initial vaccination. The school may also extend the time up to 90 days to receive immunizations or vaccinations pursuant to the procedures applicable to all students as outlined in O.C.G.A. § 20-2-771.

**What should a school do if an eligible student seeking enrollment does not have his or her necessary eye, ear, and dental screening?**

The school should follow the procedure it established for all students pursuant to O.C.G.A. § 20-2-770 and the rules of the Department of Community Health.

**What if an eligible student is subject to a disciplinary order in another school district, does the school need to enroll the student?**

Pursuant to O.C.G.A. § 20-2-751.2, schools have options when determining whether to enroll students that are subject to disciplinary orders in other school districts. No law relating to the education of children of military families appears to affect those options.

### **III. Placement of Transferring Military Children**

**In what grade level should an eligible student be placed?**

If the student is transferring during a school year, the student must be allowed to continue his or her grade level he or she was enrolled in at the sending school, regardless of age. If the student is transferring prior to the start of a school year and the student satisfactorily completed the prerequisite grade level in the sending school, the student must be placed at the next highest grade level regardless of age.

**In what courses should an eligible student be placed?**

O.C.G.A. § 20-2-2161 states that, "Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement."

Accordingly, the school must initially honor placement of the student in courses based on the student's enrollment or assessments in the sending school if the school offers the courses. Additionally, if offered, the school must initially honor course levels, such as honors, advanced placement, international baccalaureate, vocational, technical, and career pathways. A school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in any course.

**What if the eligible student does not meet the necessary prerequisites for courses in which he or she will be enrolled?**

Schools and systems have the flexibility in waiving course or program prerequisites and other preconditions for placement in courses and programs.

**An eligible student was enrolled in an educational program, such as gifted, in his or her previous school; does the school need to honor that status?**

Yes. If there are similar programs offered, the school must initially honor the placement in educational programs based on educational assessments conducted at the sending school. Gifted programs and English language learner programs are specifically cited in law as programs in which placement must be

maintained. A school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in any educational program.

**An eligible student was identified as a special education student in his or her previous school; does the school need to honor that status?**

The Individuals with Disabilities Education Act (IDEA) determines what steps a school will need to take with regard to students receiving special education services under an Individualized Education Program (IEP). If a child with a disability (who had an IEP that was in effect in a Local Education Agency (LEA) in another state) transfers to Georgia within the same school year, the new LEA (in consultation with the parent) must provide the child with Free Appropriate Public Education (FAPE) (including services comparable to those described in the child's IEP from the previous LEA) until the LEA conducts an evaluation if determined to be necessary by the new LEA; and develops, adopts, and implements a new IEP, if appropriate.

#### **IV. Absences and Extracurricular Activities**

**The military parent of an eligible student is preparing for deployment or returning from deployment. Are the days the student misses from school to spend with the parent unexcused absences or excused absences?**

A school may grant additional excused absences to a student whose parent or guardian has been called to duty, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting. State Board of Education Rule 160-5-1-.10 *Student Attendance* allows schools to grant up to five excused absences per school year for time spent with military parents called to or returning from deployment. See 160-5-1-.10(2)(c)(7).

**An eligible student participated in extracurricular activities at his or her previous school. The student would like to participate in the extracurricular activities in the current school, but the deadlines to participate have passed. Is the school required to allow the student to participate in the extracurricular activity?**

Schools must facilitate the opportunity for eligible transferring students to participate in extracurricular activities, regardless of application deadlines; to the extent the students are otherwise qualified. Students must meet Georgia High School Association (GHSAA) requirements for participation.

#### **V. Graduation Requirements**

**An eligible high school student would be graduating except the student did not take the specific courses Georgia requires for graduation. What should the school system do?**

The school system must either:

1. Waive specific courses required for graduation if similar course work has been satisfactorily completed in another school system, or
2. Provide reasonable justification for the denial of waiving the course requirements.

A school system must provide the student an alternative means of acquiring required coursework if the system does not grant a waiver of course requirements and the student would otherwise qualify to graduate. Alternative means of acquiring required coursework may include allowing the student to attend an alternative school or program or facilitating the student's enrollment in a virtual program.

**An eligible high school student would be graduating except the student did not pass the Georgia High School Graduation Test (GHSAT) or the Georgia High School Writing Test (GHSWT). What should the school system do?**

The school system must accept results indicating a passing score from a sending state's graduation exam, end-of-course exams from Georgia or other states, national norm-referenced achievement tests, or alternative testing in lieu of testing requirements required by Georgia or the local system.

**Is there a certain number of times the eligible student should fail the GHS GT or GHS WT before the school system should accept other testing results in lieu of the GHS GT?**

The student should take the GHS GT and GHS WT in each administration in which the student is eligible to participate. A school system should only accept other testing results if its failure to do so would prevent the student from graduating upon the scheduled completion of his or her coursework.

**An eligible student transferred into the school system during his or her senior year from an out-of-state system, and even with waiving appropriate coursework and alternates to the GHS GT and GHS WT, the student would need to complete an unrealistic amount of work to fulfill Georgia's graduation requirements by the end of the year. What should the school system do?**

If the eligible student transferred to the system from an out-of-state system at the beginning or during his or her senior year and the student will be ineligible to graduate from the school system after the school system considers all alternatives, the school system must coordinate with the sending school system to ensure the receipt of a diploma from the sending school system.

**A student who attended school in the school system prior to the enactment of the laws relating to the education of military children did not receive a regular education diploma because the student transferred into the system at the end of high school and could not meet the requirements for a Georgia regular education diploma before his or her graduation. Does the school system need to waive coursework or accept alternative results in lieu of the GHS GT or GHS WT?**

No. The laws relating to the education of military children, including those relating to on-time graduation, only apply to students enrolled in the school system. A school system is not obligated to waive coursework or accept alternative results in lieu of the GHS GT if the student is not enrolled in the school system.

**Does an eligible student who enrolls from out of state during the senior year with all testing requirements met from the sending state need to take the GHS GT or GHS WT?**

An eligible student who enrolls from out of state during his or her senior year who has met all the testing requirements from the sending state does not need to take the GHS GT or GHS WT. All students, however, should be afforded the opportunity to participate in state assessments, including an eligible student who enrolls from out of state during his or her senior year who has met all the testing requirements from the sending state.

## **VI. Adequate Yearly Progress (AYP)**

**If we have a student who walks in our graduation ceremony but receives another state's diploma, will this student count against our graduation rate?**

No. This student will be coded as a regular diploma graduate in student record. AYP is pulled from student record.

**The guidance states that "A school may grant additional excused absences to a student whose parent or guardian has been called to duty, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting". Will this be waived for AYP?**

State Board of Education Rule 160-5-1-.10 allows for 5 days of additional excused absences for military students who meet criteria. For AYP, this would need to be addressed through the appeal process.