



Appendix T

Children of Military Families

The purpose of the interstate compact on educational opportunity for military children is to remove barriers to educational success of children of military families because of frequent moves and deployment of their parents and ensure successful transitions. [Minnesota Statutes, section 127A.85](#), contains the following definitions:

Definitions

- **“Children of military families”** means: a school-aged child(ren), enrolled in kindergarten through grade 12, in the household of an active duty member.
- **“Student”** means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.
- **“Active duty”** means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to United States Code, title 10, sections 1209 and 1211.
- **“Deployment”** means: the period one month prior to the service members’ departure from their home station on military orders through six months after return to their home station.

The following is a short summary of the compact. Please read the entire law for more detail.

Students must be allowed to remain enrolled in the school of origin.

Article VI, paragraph 3. “A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.”

For example, a military family was living in District A and students were enrolled in District A. After the parent(s) were deployed, the students were placed in District B to live with an aunt. The students could remain enrolled in District A. The resident district would be District B, where the students are living.

Students must be allowed to enroll in the district where they are living.

If a student wasn’t enrolled at the school prior to the parent(s) being deployed, the compact provides the right to enroll in any other school. A district must not deny free admission to children of military families who are living in the district with a noncustodial parent or other person standing in loco parentis.

For example, a military family was living in Wisconsin when the parent(s) were deployed. The students were enrolled in a Wisconsin school. The students were placed in the care of their grandparents in Minnesota. The students would be eligible to enroll in the district in which the grandparents live or open enroll into another Minnesota district. The resident district would be where the grandparents live.

The family cannot be charged tuition.

Article VI, paragraph 2. “A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.”

Power of Attorney is sufficient to enroll the child.

Article VI, paragraph 1. “Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.”

Resident District

If the student remains in the school of origin or is new to the district, the student is a resident of where the student is living with the noncustodial parent or other person standing in loco parentis. If the student is living outside of Minnesota, the student is a resident of the district of enrollment or, in the case of a charter school or joint powers, a resident of where the school is located. This would be true regardless of whether or not the student has an individualized education program (IEP).

Transportation

The basic premise is that school districts must provide the same level of service for children of military families that they do for all public school students. Districts and charter schools are required to provide transportation if the student resides two miles or more from school. Transportation privilege would be defined in the district or charter school’s transportation policy based on grade and distance.

If a student remains enrolled in the school of origin, the noncustodial parent or other person standing in loco parentis (refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a parent), is responsible for providing transportation, when the transportation is outside the normal transportation area of the enrolling district or charter school.

The enrolling district **may** transport the pupil outside the normal attendance area. This transportation would be similar to the transportation of public school enrollment options students. See the document: [Transportation of Public School Enrollment Options Students](#) for more information.

Mid-Year Transfers

For mid-year transfers, students remain enrolled in the same grade as they were in the sending state, including kindergarten. So, a 4-year-old kindergarten student would not need to meet the early entrance criteria in the Minnesota enrolling school. For summer transfers, the student is grade promoted in the new state.

Article IV, paragraph D. “Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.”

Online Learning

Children of military families may participate in Online Learning (OLL). The normal enrollment process into either a supplemental or comprehensive program would be available. Students may be residents of the enrolling district or they may have open enrolled into this district.

However, because the purpose of the compact is to remove barriers to educational success, only students who were initially Minnesota residents prior to deployment or are currently living in Minnesota are considered eligible to enroll in OLL. To reiterate, Article VI, paragraph 3. “A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.”

In conclusion, a non-Minnesota resident student whose parent(s) were deployed and who was not originally enrolled in the Minnesota OLL program would not be eligible to generate general education revenue. For example, a district or charter school could not generate state aid for children of a military family living in another state or overseas if **they had not been enrolled in that Minnesota public OLL program and living in Minnesota before the deployment.**

Homelessness

[McKinney Vento Homeless Act](#) definition: A homeless student is one who lacks a fixed, regular and adequate nighttime residence, which includes any of the following:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelter; are abandoned in hospitals;
- Children and youths who 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 (within the means of section 103(a)(2)(C));
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in any of the first three bullets.

A district's/charter school's homeless liaison would be responsible to identify students experiencing homelessness. Typically, children of military families would not be considered homeless since they are not lacking a fixed, regular and adequate nighttime residence. However, if any of the above conditions exist because of the parent(s) deployment, the student would be considered homeless. Refer to [Minnesota Statutes, section 120A.20, for residency and transportation](#).

State Military-Connected Youth Identifier Statute

Minnesota Statutes, section 127A.852, requires school districts and charter schools to give students the opportunity to self-identify on their enrollment forms whether they are a military-connected youth. For purposes of this section only, "military-connected youth" means having an immediate family member who is currently in the U.S. armed forces either as a reservist, on active duty or has recently retired from the U.S. armed forces.

This statute is separate from the compact, and not all students meeting the definition of "military-connected youth" are subject to the protections of the compact. The purpose of the identifier is to provide school districts with the data they need to connect military-connected youth to support programs and services available statewide and in the community. The Minnesota Department of Education (MDE) has authority under the statute to collect and publish summary data of military-connected youth, but at this time, districts are not required to report military-connected youth data to MDE.