

4834

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to an interstate compact on educational opportunity for military children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative intent. The legislature hereby finds and  
2 declares that military families are reassigned postings on a regular  
3 basis, with the result that most military children will have six to nine  
4 different school systems in their lives from kindergarten to 12th grade;  
5 and further finds that such reassignments can result in transition chal-  
6 lenges for these children who must start their lives over in new cities  
7 and bases, changing homes, schools, friends, and relationships. The  
8 legislature further finds and declares that it is a matter of equity,  
9 fairness, and in every sense in the public interest to provide the chil-  
10 dren of military families opportunities for educational success, and to  
11 assure that they are not penalized or delayed in achieving their educa-  
12 tional goals by inflexible state processes and procedures.

13     S 2. The education law is amended by adding a new article 40-B to read  
14 as follows:

15                                     ARTICLE 40-B

16                                     INTERSTATE COMPACT ON

17                                     EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

18     SECTION 1982. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY  
19                                     CHILDREN; COMMISSIONER AUTHORIZED TO PARTICIPATE.

20                     1983. DEFINITIONS.

21                     1984. ENROLLMENT.

22                     1985. GRADUATION.

23     S 1982. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY  
24 CHILDREN; COMMISSIONER AUTHORIZED TO PARTICIPATE. THE COMMISSIONER IS  
25 HEREBY AUTHORIZED TO PARTICIPATE IN THE INTERSTATE COMPACT ON EDUCA-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 TIONAL OPPORTUNITY FOR MILITARY CHILDREN, IF AND WHEN CREATED, AND FOR  
2 SO LONG AS SUCH COMPACT SHALL BE IN EXISTENCE, AND TO PARTICIPATE FULLY  
3 IN PROGRAMS DESIGNED BY THE COMPACT AND ITS MEMBER STATES IN MEETING THE  
4 PURPOSE OF THE COMPACT TO HELP REMOVE BARRIERS TO EDUCATIONAL SUCCESS  
5 IMPOSED ON CHILDREN OF MILITARY FAMILIES BECAUSE OF FREQUENT MOVES AND  
6 DEPLOYMENT OF THEIR PARENTS. PLACEMENT PROVISIONS OF THIS ARTICLE AND  
7 ACTIONS REQUIRED OR AUTHORIZED TO BE TAKEN HEREIN BY THE COMMISSIONER  
8 SHALL APPLY TO THE CHILDREN OF ACTIVE DUTY MEMBERS OF THE UNIFORMED  
9 SERVICES.

10 S 1983. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT  
11 CLEARLY REQUIRES A DIFFERENT CONSTRUCTION:

12 1. "ACTIVE DUTY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE UNIFORMED  
13 SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD  
14 AND RESERVE ON ACTIVE DUTY ORDERS.

15 2. "CHILDREN OF MILITARY FAMILIES" MEANS SCHOOL-AGED CHILDREN,  
16 ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE, IN THE HOUSEHOLD OF AN  
17 ACTIVE DUTY MEMBER.

18 3. "DEPLOYMENT" MEANS THE PERIOD ONE MONTH PRIOR TO THE SERVICE  
19 MEMBERS' DEPARTURE FROM THEIR HOME STATION ON MILITARY ORDERS THROUGH  
20 SIX MONTHS AFTER RETURN TO THEIR HOME STATION.

21 4. "EDUCATION RECORDS" OR "EDUCATIONAL RECORDS" MEANS OFFICIAL  
22 RECORDS, FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY  
23 THE SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED TO  
24 RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S CUMULATIVE  
25 FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND OF  
26 ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUA-  
27 TIVE TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDI-  
28 VIDUALIZED EDUCATION PROGRAMS, AS SHALL BE DETERMINED BY THE COMMISSION-  
29 ER.

30 5. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED  
31 BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN ORGANIZATION SANCTIONED BY  
32 THE LOCAL EDUCATION AGENCY.

33 6. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY  
34 CHILDREN" MEANS A COMMISSION CREATED PURSUANT TO A COMPACT AMONG STATES,  
35 AND REFERRED TO HEREIN AS INTERSTATE COMMISSION.

36 7. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A MILITARY  
37 FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

38 8. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A MILITARY  
39 FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

40 9. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUM-  
41 BIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM,  
42 AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER U.S. TERRI-  
43 TORY.

44 10. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY WHO IS FORMALLY  
45 ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE.

46 11. "TRANSITION" MEANS: (A) THE FORMAL AND PHYSICAL PROCESS OF TRANS-  
47 FERRING FROM SCHOOL TO SCHOOL; OR (B) THE PERIOD OF TIME IN WHICH A  
48 STUDENT MOVES FROM ONE SCHOOL IN THE SENDING STATE TO ANOTHER SCHOOL IN  
49 THE RECEIVING STATE.

50 12. "UNIFORMED SERVICE" MEANS THE ARMY, NAVY, AIR FORCE, MARINE CORPS,  
51 COAST GUARD AS WELL AS THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC  
52 AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC HEALTH SERVICES.

53 13. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED SERVICES AND  
54 WHO WAS DISCHARGED OR RELEASED THEREFROM UNDER CONDITIONS OTHER THAN  
55 DISHONORABLE.

1 S 1984. ENROLLMENT. 1. AT THE TIME OF ENROLLMENT AND CONDITIONAL  
2 PLACEMENT OF THE STUDENT, A SCHOOL SHALL REQUEST THE STUDENT'S OFFICIAL  
3 EDUCATION RECORDS FROM THE SCHOOL IN THE SENDING STATE. IN THE EVENT  
4 THAT OFFICIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE PARENTS FOR  
5 THE PURPOSE OF TRANSFER, THE CUSTODIAN OF THE RECORDS IN THE SENDING  
6 STATE SHALL PREPARE AND FURNISH TO THE PARENT A COMPLETE SET OF UNOFFI-  
7 CIAL EDUCATIONAL RECORDS CONTAINING UNIFORM INFORMATION MEETING THE  
8 REQUIREMENTS OR PARAMETERS ESTABLISHED BY THE COMMISSIONER. THE COMMIS-  
9 SIONER SHALL REQUIRE THAT UPON RECEIPT OF SUCH UNOFFICIAL EDUCATION  
10 RECORDS, THE SCHOOL SHALL ENROLL AND APPROPRIATELY PLACE THE STUDENT  
11 PENDING VALIDATION BY OFFICIAL RECORDS. THE COMMISSIONER SHALL ADDI-  
12 TIONALLY ESTABLISH REQUIREMENTS FOR SITUATIONS IN WHICH THE STATE SHALL  
13 BE THE SENDING STATE AND ANOTHER STATE THE RECEIVING STATE.

14 2. THE COMMISSIONER SHALL PROVIDE THIRTY DAYS AFTER THE DATE OF  
15 ENROLLMENT FOR STUDENTS TO OBTAIN REQUIRED IMMUNIZATIONS OR MAY SET THE  
16 TIME TO COINCIDE WITH A TIME REASONABLY DETERMINED BY THE INTERSTATE  
17 COMMISSION.

18 3. THE RULES OF THE COMMISSIONER SHALL PROVIDE THAT A STUDENT WHO HAS  
19 SATISFACTORILY COMPLETED THE APPROPRIATE GRADE LEVEL IN THE SENDING  
20 STATE SHALL BE ELIGIBLE FOR ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL.  
21 A STUDENT TRANSFERRING AFTER THE START OF THE SCHOOL YEAR IN THE RECEIV-  
22 ING STATE SHALL ENTER THE SCHOOL ON HIS OR HER VALIDATED LEVEL FROM AN  
23 ACCREDITED SCHOOL IN THE SENDING STATE.

24 4. THE COMMISSIONER MAY WAIVE OR SUBSTITUTE COURSE AND PROGRAM PREREQ-  
25 UISITES, OR OTHER PRECONDITIONS FOR PLACEMENT, IN ORDER TO MEET THE  
26 REQUIREMENTS AND POLICY GOALS OF THIS ARTICLE.

27 5. THE COMMISSIONER SHALL PROVIDE FOR SITUATIONS IN WHICH A STUDENT  
28 WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE UNIFORMED  
29 SERVICES, AND HAS BEEN CALLED TO DUTY FOR, IS ON LEAVE FROM, OR IMME-  
30 DIATELY RETURNED FROM DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT, BY  
31 SUCH MEASURES AS ALLOWING ADDITIONAL EXCUSED ABSENCES IF APPROVED BY THE  
32 SCHOOL TO VISIT WITH A PARENT OR LEGAL GUARDIAN RELATIVE.

33 6. SPECIAL POWER OF ATTORNEY, RELATIVE TO THE GUARDIANSHIP OF A CHILD  
34 OF A MILITARY FAMILY AND EXECUTED UNDER APPLICABLE LAW SHALL BE SUFFI-  
35 CIENT FOR THE PURPOSES OF ENROLLMENT AND ALL OTHER ACTIONS REQUIRING  
36 PARENTAL PARTICIPATION AND CONSENT.

37 7. THE COMMISSIONER SHALL PROMULGATE RULES TO FACILITATE THE OPPORTU-  
38 NITY FOR STUDENTS TO BE INCLUDED IN EXTRACURRICULAR ACTIVITIES, REGARD-  
39 LESS OF APPLICATION DEADLINES, TO THE EXTENT THEY ARE OTHERWISE QUALI-  
40 FIED.

41 S 1985. GRADUATION. IN ORDER TO FACILITATE THE ON-TIME GRADUATION OF  
42 CHILDREN OF MILITARY FAMILIES THE COMMISSIONER SHALL INCORPORATE THE  
43 PROCEDURES INCLUDING BUT NOT LIMITED TO:

44 1. THE COMMISSIONER SHALL PROVIDE FOR WAIVER OF COURSES REQUIRED FOR  
45 GRADUATION WHEN SIMILAR COURSEWORK HAS BEEN COMPLETED TO THE SATISFAC-  
46 TION OF THE COMMISSIONER. SHOULD A WAIVER NOT BE GRANTED TO A STUDENT  
47 WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING SCHOOL, THE COMMISSIONER  
48 SHALL REQUIRE THAT THE SCHOOL PROVIDE AN ALTERNATIVE MEANS OF ACQUIRING  
49 REQUIRED COURSEWORK SO THAT GRADUATION MAY OCCUR ON TIME.

50 2. THE COMMISSIONER SHALL REQUIRE SCHOOLS TO ACCEPT: (A) EXIT OR END-  
51 OF-COURSE EXAMS REQUIRED FOR GRADUATION FROM THE SENDING STATE; OR (B)  
52 NATIONAL NORM ACHIEVEMENT TESTS; OR (C) ALTERNATIVE TESTING, IN LIEU OF  
53 TESTING REQUIREMENTS FOR GRADUATION IN THE RECEIVING STATE, IF SUCH  
54 EXAMS, TESTS, OR ALTERNATIVE TESTING MEETING CRITERIA ARE ESTABLISHED BY  
55 THE COMMISSIONER.

1       3. THE COMMISSIONER SHALL ENTER INTO AGREEMENTS AS NECESSARY TO COVER  
2 A SITUATION IN WHICH A STUDENT TRANSFERS AT THE BEGINNING OR DURING  
3 SENIOR YEAR BECOMES INELIGIBLE TO GRADUATE AFTER ALL ALTERNATIVES HAVE  
4 BEEN CONSIDERED, BY PROVIDING THAT THE STUDENT MAY RECEIVE A DIPLOMA  
5 FROM THE SENDING STATE, IF THE STUDENT MEETS THE GRADUATION REQUIREMENTS  
6 OF THE SENDING SCHOOL.

7       S 3. This act shall take effect immediately.