DEFINITIONS

ACTIVE DUTY — "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 10 U.S.C. Sections 1209 and 1211.

CHILDREN OF MILITARY FAMILIES — "Children of military families" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

DEPLOYMENT — "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.

TRANSITION — "Transition" means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

UNIFORMED SERVICES — "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

VETERAN — "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Education Code 162.002 art. II, §§ A–B, D, Q–S

APPLICABILITY — Education Code Chapter 162 shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

EXCEPTIONS — Education Code Chapter 162 shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;

3. Veterans of the uniformed services, except as provided above; and

4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Education Code 162.002 art. III, §§ A, C

ELIGIBILITY FOR ENROLLMENT

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.

CONTINUED ATTENDANCE

A transitioning military child, placed in the care of a non-custodial 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 the child was enrolled while residing with the custodial parent.

Education Code 162.002 art. VI, § A

EDUCATION RECORDS

UNOFFICIAL RECORDS

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, the District shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

OFFICIAL RECORDS

Simultaneous with the enrollment and conditional placement of the student, the District shall request the student's official education record from the sending district. Upon receipt of this request, the sending district will process and furnish the official education records to the District within ten days.

Education Code 162.002 art. IV, §§ A–B

TUITION

The District shall be prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or

2. A student who is domiciled in another state and resides in military housing that is located in the District but is exempt from taxation by the District.

Education Code 25.004, 162.002 art. VI, § A

GRADE-LEVEL PLACEMENT

Students shall be allowed to continue their enrollment at grade level in the District commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in the District, regardless of age. A student transferring after the start of the school year shall enter the District on his or her validated level from an accredited school in the sending state. *Education Code 162.002 art. IV, § D*

COURSE PLACEMENT

When the student transfers before or during the school year, the District shall initially honor placement of the student in educational courses based on the student's enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. 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. This does not preclude the District from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

EDUCATIONAL PROGRAM PLACEMENT

The District shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude the District from performing subsequent evaluations to ensure appropriate placement of the student.

WAIVERS

District administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered in the District.

Education Code 162.002 art. V, §§ A–B, D

Other Related Policies:

EHBAB — INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND ARDS

EIF — GRADUATION

EKB — STATE ASSESSMENT

FB — EQUAL EDUCATIONAL OPPORTUNITY

FEA — COMPULSORY ATTENDANCE

FFAB — IMMUNIZATIONS

FL — STUDENT RECORDS

FM — STUDENT ACTIVITIES