



**ELEMENTARY SCHOOL
STUDENT PROGRESSION PLAN
(GRADES K-5)**

2012-2013

Sarasota County School Board Approval

Required Public Notice [\[FS 1008.25\(8\)\]](#)

The School Board of Sarasota County, Florida will publish annually in the local newspaper, and report in writing to the Florida State Board of Education by September 1, the following information on the prior school year:

- The provision of [\[FS1008.25\(8\)\(b\)\]](#) relating to public school student progression and the district school board's policies and procedures on student retention and promotion.
- By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT 2.0.
- By grade, the number and percentage of students retained in grades 3 through 10.
- Any revisions to the district board's policy on student retention and promotion from the prior year.

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PREFACE

The Student Progression Plan is designed to support the philosophy and goals of the School Board of Sarasota County, Florida. The plan recognizes that students have unique characteristics, needs and learning styles. It addresses a number of areas including student progression, remediation alternatives, retention, assessment, and placement in special and alternative programs.

All School Board of Sarasota County Curriculum objectives are aligned with the Next Generation Sunshine State Standards. Proficiency in reading, writing, mathematics, and science is measured by the Florida Comprehensive Assessment Test (FCAT 2.0) and district assessments. Each school offers instruction that reflects the Next Generation Sunshine State Standards in K–12 language arts, mathematics, science, social studies, health and physical education, and the arts along with the Next Generation Sunshine State Standards for exceptional education students. Beginning in 2011-2012, students in grade K will receive instruction on the Common Core State Standards. Beginning in 2012- 2013, students in Grades K and 1 will receive instruction on the Common Core State Standards and will begin to be assessed in 2014-2015.

I. ENTRANCE REQUIREMENTS AND PLACEMENT

A. Kindergarten [[FS 1003.21\(2\)](#)]

1. Students must be five years of age on or before September 1 of the school year. Parents/guardians must have documentation of the following:
 - a. Evidence of child's date of birth.
 - b. Evidence that the parent/guardian are legal residents of the school's attendance area *or* have district-approved registration through School Choice procedures.
 - c. Evidence of immunizations.
 - d. Evidence of a medical examination completed within the last twelve months.

B. First Grade [[FS 1003.21\(2\)\(b\)](#)]

1. Prior to placement in first grade, students are required to:
 - a. Be six years of age on or before September 1 of the school year, *and*
 - b. Have successfully completed a public school kindergarten program, *or*
 - c. Have satisfactorily completed a non-public kindergarten program and provide evidence such as a report card or letter by the administrator of the school, certifying satisfactory completion of a kindergarten program.

C. Transfers from Out-of-State or Out-of-Country Schools

1. Students who transfer from an out-of-state or out-of-country school must meet age requirements for admission to Florida public schools. The grade placement shall be age appropriate for English Language Learner (ELL)/ Limited English Proficient (LEP) students.
2. Students who transfer from an out-of state school/country who met the age requirements in that state/country, may be admitted if parent/guardians provide documentation of:
 - a. Status as legal residents of that state/country at the time of their child's enrollment.
 - b. Child's date of birth.
 - c. Immunization.
 - d. A medical examination completed within the last twelve months.
 - e. An official transcript or letter from school authorities which shows a record of attendance, academic information, and grade placement of the student.

D. Transfers from K-5 Home Education and Private Schools

When a student who meets legal age requirements transfers from a home education or private school, the principal is responsible for appropriate grade level/program placement. Placement in the same grade as that recommended by the former school is not automatic. Student performance during the first quarter of enrollment will also be

considered. A placement decision may be made in consultation with teachers, other appropriate staff members, and parents/guardians.

E. Screening Activities for All New Enrollees

1. Kindergarten students will participate in the FLKRS upon fall entry into kindergarten.
2. A four to six-week screening period will be allowed from time of enrollment in order to assist with placement adjustments.
3. Students may also participate in additional screening activities in order to assist with grade level placement. Screening may include, but is not limited to, the following measures and observations of:
 - a. Academic performance/concept development
 - b. Communication competence
 - c. Social/emotional behavior
 - d. Health and physical development
 - e. Home language
 - f. English language proficiency assessment
 - g. Previous academic records

II. **PROMOTION**

Promotion to the next higher-grade level should be based upon the following factors:

- A. Adequate progress in reading, writing, and mathematics as demonstrated by student performance on the Next Generation Sunshine State Standards, as measured by the Florida Comprehensive Assessment Test (FCAT 2.0 Reading, FCAT 2.0 Mathematics, FCAT Writing Assessment, FAIR, FOCUS, SAT 10) and district/classroom assessments. Such assessments may include, but not be limited to: standardized assessments, state benchmark assessments, classroom performance assessments, fluency probes, reading comprehension level, etc.
- B. In accordance with [[FS 1008.25](#)], specific levels of adequate progress in reading, writing, mathematics and science are defined for grades kindergarten through five:

| Grade Level | Reading Comprehension | Writing Assessment | Mathematics | Science |
|-------------|---|--------------------|----------------|----------------|
| K | FAIR | N/A | enVision | |
| 1 | FAIR | N/A | enVision | |
| 2 | FAIR SAT 10 | N/A | enVision | |
| 3 | ≥ Level 3 FCAT or ≥ 45 th percentile on SAT 10 | N/A | ≥ Level 3 FCAT | |
| 4 | ≥ Level 3 FCAT | TBD | ≥ Level 3 FCAT | |
| 5 | ≥ Level 3 FCAT | N/A | ≥ Level 3 FCAT | ≥ Level 3 FCAT |

- C. Retention decisions will be made on a case by case basis with the principal having the final decision.
- D. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.
- E. The grading system for the development of work habits will be either a pass/fail or a checklist indicating mastery appropriate for the grade level. Students who receive a failing grade, or do not master the work habits, or have excessive absences may be considered for retention.
- F. No promotion or retention decision may be made for any individual student classified as ELL/LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding an ELL/LEP student may be made through action of an ELL/LEP committee. This committee meeting is held prior to Good Cause decision affecting ELL/LEP students.

III. ASSESSMENT

- A. All students will participate in the statewide assessment program as specified by [\[FS1008.22\]](#). Students performing below the defined proficiency levels in reading, writing, mathematics, and science will receive further assessments to determine the nature of the student's difficulty and areas of academic need. These students will receive remediation through a variety of delivery models and will have systematic review through the school's Progress Monitoring Plan.
- B. Elementary students will participate, as appropriate, in the screening, diagnostic assessment, intervention, remediation, and enrichment processes as published in the district's *K-12 Comprehensive Reading Plan*.
- C. Students in grades K-5 will participate in regular district or classroom reading, math, and writing assessments.

IV. INTERVENTION AND REMEDIATION

- A. Students that exhibit a substantial deficiency in reading as determined by standard assessments will be provided intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency will be reassessed by locally-determined assessments or through standardized assessments at the beginning of the grade following the intensive reading instruction. Teachers will continue to implement intensive reading instruction until the reading deficiency is remediated.
- B. The classroom teachers shall allocate remedial and supplemental instruction (Tier 2 and/or Tier 3) as specified by current Florida Statute, with priority given to students who are deficient in reading by the end of grade 3. The district will provide the training and resources to ensure that teachers are implementing research based reading strategies that have been shown to be successful in improving reading among low-performing readers.

V. PARENT NOTIFICATION AND PROGRESS MONITORING

- A. Any time during a grading period that a student is in danger of failing, the teacher must make a documented contact with the parent by speaking with them on the phone, meeting in a conference, or sending written notification. [[FAC 6A-6.0908](#)]
- B. Notification will be in a language or mode of communication understandable by parents/guardians, unless clearly not feasible.
- C. The parent/guardian of any student in grades K-3 who exhibits a substantial deficiency in reading will be informed that if the student's reading deficiency is not remediated by the end of grade 3, the student must be retained unless exempt from mandatory retention for good cause. Parents and guardians will be provided strategies to use in helping their child succeed.
- D. Schools will provide frequent monitoring of student progress, and upon subsequent evaluation, if the deficiency has not been remediated, the student may be retained. Students will continue to receive remedial or supplemental (Tier 2 and/or Tier 3) instruction. [[FS 1008.25\(4\)\(c\)](#)]
- E. Annually, the school district will provide a written report to parents/guardians in a language they understand, unless clearly not feasible [[FAC 6A-6.0908\(2\)](#)], the following information:
 - 1. the progress of each student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics; and
 - 2. the results on each statewide assessment test; and
 - 3. the evaluation of each student's progress based upon classroom work, observations, tests, district and state assessments, and other relevant information.
- F. No promotion or retention decision may be made for any individual student classified as ELL/LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding an ELL/LEP student may be made through action of an ELL/LEP committee. This committee meeting is held prior to Good Cause decision affecting ELL/LEP students.

VI. INSTRUCTIONAL PROGRAM FOR RETENTION YEAR

- A. Students who are retained will be provided an intensive program that is different from the previous year's program which can include, but not limited to adapting to a student's learning style, change in teacher, change in delivery models, or other assistance.
- B. If a student's reading deficiency is not remediated by the end of grade 3 as demonstrated by scoring a Level 2 or higher on the statewide assessment test in reading for grade 3, the student must be retained unless determined to be exempt for good cause.

VII. INSTRUCTIONAL PROGRAM FOR STUDENT WITH MULTIPLE RETENTIONS

Students who are retained two or more years will be provided an appropriate alternative placement that includes specialized diagnostic information and specific reading strategies in an altered instructional day as specified in the school's Progress Monitoring Plan.

VIII. GRADE THREE MANDATORY RETENTION EXEMPTIONS

- A. A team of professional staff shall review students who do not meet the mandatory reading requirement. Requests for good cause exemptions for grade 3 students from the mandatory retention shall be submitted to the school principal with appropriate documentation. The principal shall review and discuss the recommendation and make the determination as to whether the student should be promoted or retained. If the principal determines that the student meets the requirements for a good cause exemption and should be promoted, the principal shall make such recommendation in writing to the superintendent. The superintendent or designee shall accept or reject the principal's recommendation in writing.
- B. Good cause exemptions for grade three retentions shall be limited to the following: [\[FS1008.25\(6\)\(b\)\(1-6\)\]](#)
1. English Language Learner/Limited English proficient students who have had less than two years of instruction in an English for Speakers of Other Languages (ESOL) program who meet all other district promotion requirements.
 2. Students with disabilities whose Individual Education Plan (IEP) indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.
 3. Students who demonstrate an acceptable level of performance on the alternative assessment adopted by the State Board of Education:
 - The alternative assessment is provided as another opportunity to demonstrate mastery of third grade reading skills. School districts may choose when to administer the test. Students who score at the 45th percentile or higher on SAT 10 are eligible for promotion to grade 4, and may be promoted if all other district requirements for promotion have been met.
 4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Next Generation Sunshine State Standards tested benchmarks in reading equal to at least a Level 2 performance.
 5. Students with disabilities who participate in the FCAT and who have an Individual Education Plan (IEP) or a Section 504 plan that reflects that the student has received intensive remediation in reading for more than two years but still demonstrates a deficiency in reading and were previously retained in kindergarten, grade 1, grade 2 or grade 3.
 6. Students who have received intensive remediation in reading for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of two years. Intensive reading instruction for students so promoted must include an altered instructional day based upon the school's Progress Monitoring Plan that includes specialized diagnostic information and specific reading strategies.

IX. OTHER RETENTION WAIVERS

- A. A team of professional staff must conduct a case review for students being considered for retention. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.
- B. The principal, with input from the student study or multi-tiered support system (MTSS) team, IEP committee, ELL/LEP committee and/or other professional staff, may waive the promotion requirements for students other than grade three students in reading by meeting any of these good cause conditions:
 - 1. Previous retention – a student who has had a prior retention.
 - 2. Alternative Programs – a student being considered for placement or currently placed in an approved special program such as ESE, dropout prevention, Section 504, or ESOL may be considered for an exemption. Good cause shall be based on documentation from an ELL/LEP, Section 504 meeting, ESE staffing or IEP review committee. The documentation must contain the recommendation and reasons for the student’s exemption.
 - 3. Attendance – a student with problems of a unique nature that causes extended absences.

X. MID-YEAR PROMOTION OF STUDENTS RETAINED IN GRADE THREE

- A. Any student in Grade 3 who has been retained at least once in grades K-3 may be eligible for mid-year promotion.
- B. On or before November 1, retained Grade 3 students may be recommended for promotion if they meet these criteria:

For successful completion of the district Grade 3 portfolio assessments to document the recommendation for promotion, there must be evidence of mastery of Grade 3 tested Next Generation Sunshine State Standards Benchmarks for Language Arts. The district’s portfolio requirements incorporate these required elements as specified in [[FAC 6A-1.094222](#)].

The student’s performance must include mastery of the benchmarks assessed in Grade 3 FCAT Reading. Students must show 80% mastery (4 of 5 items correct) on each benchmark on each assessment.

- C. For mid-year promotion after November 1:
 - 1. Retained Grade 3 students may be recommended for mid-year promotion based on student’s mastery of third grade tested Next Generation Sunshine State Standard Benchmarks for Language Arts and beginning mastery of the Benchmarks for fourth grade consistent with the month of promotion to fourth grade.
 - 2. These students may be recommended for promotion to Grade 4 at any time from November 1 until the last school day of the first semester.
- D. For all mid-year promotions:

The principal will recommend mid- year promotion for all eligible students. The executive director for elementary schools will review and sign all mid -year promotion recommendations.

- E. The Progress Monitoring Plan for any retained third grade student who has been promoted mid-year to fourth grade must continue to be implemented and monitored for the entire academic year.

XI. PROCEDURES FOR RETAINED STUDENTS NOT PROMOTED MID-YEAR

- A. Grade 3 students who are not promoted mid-year will continue to be monitored three times annually through the FAIR assessment.
- B. Students who have been retained once in grade 3 will continue to participate in a 90 minute reading block and receive additional instructional time.
- C. Students who have been retained twice in grade 3 will be provided with 180 minutes of reading instruction.

XII. ACCELERATION

In rare instances, students may be considered for grade level acceleration. Generally, students performing above grade level should have their instructional program modified to meet their academic needs. If the principal and professional staff feels that sufficient accommodations cannot be provided at the grade level to meet the needs of the student, grade acceleration may be recommended.

XIII. INSTRUCTIONAL PROGRAM

- A. The School Board of Sarasota County Curriculum for elementary students is the benchmarks of the Florida State Board adopted Next Generation Sunshine State Standards and Common Core State Standards in language arts, mathematics, science, social studies, physical education/health and the arts.
- B. All teachers shall provide instruction that supports student mastery of the Next Generation Sunshine State Standards curriculum. Students in K-5 shall have regular study of mathematics, science, language arts, art, music, social studies and physical education. Technology skills will be taught in the above subjects. All kindergarten teachers shall provide instruction that supports the Common Core State Standards beginning in the 2011-2012 school year. All first grade teachers shall provide instruction that supports the Common Core State Standards beginning in the 2012-2013 school year.
- C. Each school will offer instruction for English Language Learners that complies with the 1990 LULAC/META Consent Decree and with the Sarasota District ELL/LEP Plan.

XIV. STUDENT RIGHTS FOR INSTRUCTION

- A. All Sarasota School District classes shall be available to all students without regard to race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation. This is not intended to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English or exceptional education students.[[FS 1000.05](#)]

- B. English for Speakers of Other Languages (ESOL) services are designed to meet the communicative, academic, and social needs of English Language Learners (ELL) as defined in [FS 1003.56]. Services will be provided as outlined in the District ELL/LEP Plan. No ELL/LEP student will be retained solely due to a lack of English language proficiency.
- C. No student will be denied appropriate use of his/her primary language [FS 1003.56]. No national language minority or English Language Learner/Limited English Proficient student shall be subjected to any disciplinary action based on his/her use of a language other than English. [FAC 6A-6.0908(3)]
- D. Students in grades K-5 may enroll in the Sarasota Virtual School (SVS) Program. SVS is a full-time online district school for students in grades K-12. A parent must request from the Office of Choice and Charter Schools a reassignment from the districted school and meet eligibility requirements in order for the student to be admitted to SVS. Enrollment is typically allowed during open enrollment periods prior to the beginning of the academic year and at mid-year. Please see chart below.
- E. Any student who believes that he/she has been denied participation in or access to an educational program or activity, or has otherwise been discriminated against due to age, sex, race, color, religion, national or ethnic origin, disability, handicapping condition, pregnancy, parenthood, marriage, political beliefs, social and family background, or for any other reason not related to his/her individual capabilities, may file a grievance according to the procedure established in School Board policy and published in the brochure entitled *Policy Against Discrimination for Students*, which may be accessed at: http://www.sarasota.k12.fl.us/humres/forms/Equity_Book-Student.pdf.
- F. Students in grades K-5 that meet eligibility criteria outlined in [FS1002.455] may access K-5 courses through Florida Virtual School.
- G. Students in grades 4 and 5 who score at level 4 or 5 on FCAT 2.0 reading or math have the option to access 6th grade courses through Florida Virtual School.
- H. In cases of alleged discrimination and/or harassment, nothing in this policy shall prohibit a student, applicant for admission to an educational program or service, or parent from pursuing a grievance through the complaint and/or grievance procedures as may be established by federal and/or state statutes or regulations. No student, applicant for admission to an educational program or service, parent, or employee shall be subject to adverse action in retaliation for having filed a grievance or for having testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the authority of this policy.
- I. Sarasota Virtual School is completely internet based and serves students in grades K-12. Students with access to the internet can complete their course work from any location, at any hour, and for as long as they choose. Students are responsible for completing their course assignments and submitting them via email to the teacher for feedback and grading. Students earn credits through course work completion. The chart below will provide a description of the district's full time virtual program and the eligibility criteria for entering Sarasota Virtual School.

| PROGRAM NAME | Sarasota Virtual School (SVS) |
|-----------------------------------|---|
| PROGRAM DESCRIPTION | <ul style="list-style-type: none"> • SVS is a Full Time district school. • SVS delivers online instruction through contracted Virtual Instruction Providers. • SVS operates by all District guidelines, policies, and procedures. • SVS follows the District's Elementary School Student Progression Policy. • SVS students are required to follow the District's Attendance Policy. • SVS follows the District school calendar. • Traditional elementary school activities such as, but not limited to, a promotion ceremony are not available. • Students are provided all required text books and necessary resources from the contracted Virtual Instruction Providers; all materials are shipped directly to the students' home from the provider. • <u>Acceleration of grade levels</u> is not permissible. • Virtual Instruction Providers post grades at the end of first (mid-year) and second (end of the year) semesters; students and instructional coaches (parent/guardian) can access academic grades/progress 7 days a week 24 hours a day through the student/parent/ guardian accounts that they set up with their selected Virtual Instruction Provider. |
| ELIGIBILITY CRITERIA | According to section 1002.455, Florida Statutes, students who want to enroll in SVS must be entering grade K-5. |
| PROMOTION POLICY | SVS students in grades K-5 must follow the promotion guidelines identified in the Elementary Student Progression Plan in order to be promoted to the next higher grade level. |
| STATE /LOCAL ASSESSMENTS REQUIRED | K-5 students take all required state and district assessments (FCAT, FAIR, etc) identified on the District Assessment Calendar. |
| VIRTUAL INSTRUCTION PROVIDERS | K-12 Florida also known as K-12 (www.k12.com) |

XV. GRADING OF STUDENT PERFORMANCE

A. The teacher shall be the authority in assigning each student a grade.

B. The grades reflecting achievement for academic subjects in grades 1-5 with numerical equivalents will be:

| | | |
|-----|-----------|----------------------------|
| A = | 90 – 100% | Outstanding Progress |
| B = | 80 – 89% | Above Average Progress |
| C = | 70 – 79% | Average Progress |
| D = | 60 – 69% | Lowest Acceptable Progress |
| F = | 0 – 59% | Failure |
| I = | | Incomplete |

C. The grades reflecting achievement for art, music, physical education and, in grades one and two, for science and social studies shall be:

| | |
|-----|----------------------------|
| O = | Outstanding achievement |
| S = | Satisfactory achievement |
| U = | Unsatisfactory achievement |

D. The grades reflecting achievement for work habits in grades 1 – 5 shall be:

| | |
|-----|------|
| P = | Pass |
| F = | Fail |

E. A “---” is to be used in the grading section for students in Resource/ESE Programs who are missing instruction in that subject.

F. Evaluation of achievement will include progress toward mastery of Next Generation Sunshine State Standards objectives.

G. The academic grade represents the progress made on a student’s instructional level; it does not reflect achievement on grade level. The instructional level of the student shall be indicated by the designation on, above or below, which shall be placed immediately before the academic letter grade in reading and mathematics. These designations will be reflected in grades 2 –5 quarterly and beginning with the second quarter for grade one. The designation shall indicate the student is working on mastery of Next Generation Sunshine State Standards objectives predominately at that level.

H. Student effort shall be indicated by the following codes:

| | |
|---------------|--|
| E = Excellent | Shows outstanding participation. Strives beyond class assignment and homework. Is highly motivated and well organized. |
| G = Good | Participates much of the time. Completes class assignments and homework. Is motivated and organized. |

| | |
|-----------------------|---|
| S = Satisfactory | Usually participates. Completes class assignments and homework. Is attentive. |
| N = Needs Improvement | Rarely participates. Frequently does not complete assignments. Is inattentive and poorly organized. |
| U = Unsatisfactory | Does not participate. Does not complete assignments. Lacks motivation and organization. |

- I. Kindergarten grading shall be a checklist of specific competencies marked to indicate progress.

XVI. REPORT CARDS

- A. Teacher comments on the report card shall be indicated through a coding system. The designation of the language arts component shall be:
1. Reading
 2. Written Communication (content usage, punctuation and capitalization)
 3. Spelling
 4. Handwriting (S or U)
- B. The report shall contain a narrative explanation of the grading system.
- C. Report cards shall be issued quarterly. Additionally, mid-grading period notices shall be issued for students who are in danger of failing a subject.
- D. Parent-teacher conferences shall be scheduled as requested by parents and/or teachers.
- E. For each grading period at the elementary school level, teachers shall rate the development of work habits. Those work habits include:
1. Attendance
 2. Coming to school on time
 3. Bringing required work tools, such as paper, pen/pencil, textbooks, notebooks, etc.
 4. Maintenance of an assigned notebook or similar system
 5. Completion of homework
 6. Appropriate dress for class
 7. Attitude of cooperation with teacher and fellow students
 8. Time in class is devoted to the appropriate task
- F. The grading system for the development of work habits will be either a pass/fail or a checklist indicating mastery appropriate for the grade level. Students who receive a failing grade, or do not master the work habits, or have excessive absences may be considered for retention.
- G. Any parent or guardian, after consulting with the teacher, may request the principal to review any grade given a student at the end of a reporting period. However, such grade may not be changed or altered by the principal unless there was an apparent error in the

grade calculation. If further appeal is requested, a review panel as described in the [S.C.T.A./School Board of Sarasota County Instructional Bargaining Unit Agreement](#) shall be charged to investigate and render a binding judgment. 10/01/02 S.B. approved; rev.03/07

APPENDIX A: INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN INTERSTATE

COMMISSION MEETING – Rules (Approved, Nov. 2009)

INTRODUCTION:

Upon activation of the Interstate Compact a year ago, one of the first tasks necessary for the Commission was the creation of administrative rules under which the Compact would operate. A Rules Committee was formed and over the past year, the Committee met on several occasions to develop the rules. Comments were solicited from various stakeholders and input was considered. The rules complement the Interstate Compact and may not conflict with it. In addition, the rules are not designed to address every issue arising under the Compact, however, there is flexibility to make reasonable changes or clarification as the need arises through amendment, advisory opinions, and training opportunities. Attached is a final draft of the proposed rules for your consideration. The full Commission will be voting on the rules at our November meeting. Please review prior to then and we look forward to seeing you at the conference in Palm Springs.

Chapter – 100 DEFINITIONS

SEC. 1.101 Definitions

As used in these rules, unless the context clearly requires a different construction—

- A. “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. Section 1209 and 1211.
- B. “By-laws” means: those by-laws established by the Interstate Commission on Educational Opportunity for Military Children for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.
- C. “Children of military families” means: a school-aged child(ren), enrolled in kindergarten through twelfth (12th) grade, in the household of an active duty member.
- D. “Compact commissioner” means: the voting representative of each compacting state, appointed pursuant to Article VIII of this compact.
- E. “Days” means: business days, unless otherwise noted.
- F. “Deployment” means: the period one (1) month prior to the service members’ departure from their home station on military orders through six (6) months after return to their home station.
- G. “Education(al) records” means: those official records, files, and data directly related to a student and maintained by the school or local education agency (LEA), including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.
- H. “Extracurricular activities” means: a voluntary activity sponsored by the school or LEA or an organization sanctioned by the LEA. Extracurricular activities include, but are not

limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

- I. “Interstate Commission on Educational Opportunity for Military Children” means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.
- J. “Local education agency” means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth (12th) grade public educational institutions.
- K. “Member state” means: a state that has enacted this compact.
- L. “Military installation” means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.
- M. “Non-member state” means: a state that has not enacted this compact.
- N. “Receiving state” means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.
- O. “Rule” means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.
- P. “Sending state” means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.
- Q. “State” means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. territory.
- R. “Student” means: the child of a military family for whom the LEA receives public funding and who is formally enrolled in kindergarten through twelfth (12th) grade.
- S. “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.
- T. “Uniformed service(s)” 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.
- U. “Veteran” means: a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.

Chapter 200 – GENERAL PROVISIONS

SEC 2.101 Adoption of rules; Amendment

Proposed rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner:

- (a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee as follows:
 - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal must be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;
 - (2) Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee;
 - (3) Any regional group of states as may be subsequently recognized by the Commission may propose rules or rules amendments by a majority vote of members of that region;
- (b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. Based upon the comments made by the Commissioners, the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission no later than the next annual meeting falling in an odd-numbered year.
- (c) Prior to promulgation and adoption of a final rule by the Interstate Commission, the text of the proposed rule or amendment shall be published by the Rules Committee no later than thirty (30) days prior to the meeting at which the vote is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
- (d) Each administrative rule or amendment shall state—
 - (1) The place, time, and date of the scheduled public hearing;
 - (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
 - (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
- (e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not

preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.

- (f) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at hearings required by this section.
- (g) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Interstate Commission shall consider all written and oral comments received.
- (h) The Interstate Commission shall, by majority vote of a quorum of the commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (i) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States district court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside.
- (j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to--
 - (1) Meet an imminent threat to public health, safety, or welfare;
 - (2) Prevent a loss of federal or state funds;
 - (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - (4) Protect human health and the environment.

SEC. 2.102 Dues formula

- (a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
- (b) The Commission may consider the population of the states, the number of students subject to the compact within each state, and the volume of student transfers between states in determining and adjusting the assessment formula.
- (c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.
- (b) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact.

Chapter 300 – TRANSFER OF EDUCATION RECORDS AND ENROLLMENT

SEC. 3.101 Eligibility for transfer and enrollment

- (a) *Unofficial or “hand-carried” education 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 educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school 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. In the event a state or LEA charges a fee for copies of educational records, such a fee shall not exceed the reasonable cost of reproduction.
- (b) *Official education records/transcripts* -- Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student’s official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) business days except for a designated school staff break including, but not limited to, spring, summer, or holiday. Records should be furnished as soon as possible following the return of staff from a school staff break; however, the time shall not exceed ten (10) days after the return of staff.

SEC. 3.102 Application for transfer of student records and enrollment

An application for transfer of educational records of students subject to this compact shall contain the following:

- (a) *Immunizations* – Compacting states shall give thirty (30) calendar days from the date of enrollment. For a series of immunizations, initial vaccinations must be obtained within thirty (30) calendar days.
- (b) *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 LEA 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.
 - (1) Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to the school of the state being transferred into shall be admitted upon presentation of the data required in subsection (3).
 - (2) Any student who transfers from an out-of-state nonpublic school and who does not meet regular age requirements for admission to a public school in the state being transferred, shall be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student’s academic credit is

acceptable under rules of the school board. Prior to admission, the parent or guardian must also provide the data required in subsection (3).

- (3) In order to be admitted into a school in the receiving state, such a student transferring from the sending state must provide the following data:
- (i) Official military orders showing that the military member was assigned to the state (or commuting area) of the state in which the child was previously duly enrolled and attended school. If a child of a military member was residing with a legal guardian during the previous enrollment and not the military member, a copy of the family care plan, or proof of guardianship, as specified in the Interstate Compact, or any information sufficient for the receiving district to establish eligibility under this compact shall be provided;
 - (ii) An official letter or transcript from the proper school authority which shows record of attendance, academic information, and grade placement of the student;
 - (iii) Documented evidence of immunization against communicable diseases; and
 - (iv) Evidence of date of birth.

Chapter 400 – GRADUATION

SEC 4.101 Graduation

- (a) *Waiver requirements* – LEA administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another LEA or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. If the receiving LEA requires a graduation project, volunteer community service hours, or other state or LEA specific requirements, the receiving LEA may waive those requirements.
- (b) *Exit exams* – States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Article VII, Section C of the Compact shall apply.
- (c) *Transfers during senior year* – There may be cases in which a military student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving LEA after all alternatives have been considered. In such cases the sending and receiving LEA's shall ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of Article VII of the Compact.

Chapter 500 – PLACEMENT & ATTENDANCE

SEC. 5.101 Course placement

The receiving school shall initially place a student who transfers before or during the school year in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state to the extent the educational courses are provided by the receiving school. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such educational courses.

SEC. 5.102 Educational program placement

The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state 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). The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such programs.

SEC. 5.103 Special education services

- (a) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and
- (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education.
- (c) The receiving school may perform subsequent evaluations to ensure appropriate placement and appropriate services. The receiving school shall follow any current regulations the receiving state has in place in order to comply with federal or state law.

SEC. 5.104 Placement flexibility

LEA officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the LEA.

SEC. 5.105 Absence as related to deployment activities

A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the Compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the LEA superintendent or head of school to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian. Notwithstanding the above, the LEA superintendent or head of school may provide a maximum number of additional excused absences.

Chapter 600 -- ELIGIBILITY

SEC. 6.101 Eligibility for Enrollment

- (a) A custody order, special power of attorney, or other applicable document relative to the guardianship of a child of a military family and executed under the applicable law of each member state shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A special power of attorney form, which is acceptable in some jurisdictions, can be obtained through the JAG offices pursuant to Military Family Care Plan regulations.
- (1) A local education agency shall be prohibited from charging local tuition to 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. Tuition may be charged for optional programs offered by the LEA.
- (2) 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 he/she was enrolled while residing with the custodial parent. The local education agency shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.
- (b) *Eligibility for extracurricular participation* – State and local education agencies shall facilitate the opportunity for transitioning military children’s inclusion in extracurricular activities, regardless of application deadlines, with consultation with the state high school athletic association, to the extent they are otherwise qualified. Application deadlines include tryouts, summer conditioning and other coach or district prerequisites.

Chapter 700 – OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

SEC. 7.101 Informal communication to resolve disputes or controversies

- (a) States shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.
- (b) *Failure to resolve dispute or controversy*—
- (1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under sec.7.101 (a), states shall pursue one or more of the informal dispute resolution processes set forth in sec. 7.101 (b)(2) prior to resorting to formal dispute resolution alternatives.
- (2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within ten (10) days and may, at the executive director’s discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

SEC. 7.102 Formal resolution of disputes and controversies

- (a) *Alternative dispute resolution* – Any controversy or dispute between or among compacting states that arises from or relates to this compact that is not resolved under sec. 7.101 may be

resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) Mediation and arbitration

(1) Mediation

- (i) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.
- (ii) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators and pursuant to procedures customarily used in mediation proceedings.

(2) Arbitration

- (i) Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- (ii) Arbitration shall be administered by at least one neutral arbiters or a panel of arbiters not to exceed three members. These arbiters shall be selected from a list of arbiters maintained by the commission staff.
- (iii) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbiter.
- (iv) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- (v) (a) The arbiter in all cases shall assess all costs of arbitration, including fees of the arbiter and reasonable attorney fees of the prevailing party, against the party that did not prevail.
(b) The arbiter shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.
- (vi) Judgment on any award may be entered in any court having jurisdiction.

SEC 7.103 Enforcement actions against a defaulting state

- (a) If the Interstate Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties:
 - (1) Damages or costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
 - (2) Remedial training and technical assistance as directed by the Interstate Commission;
 - (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate

Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

- (b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension.
- (c) Within sixty (60) calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.
- (d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
- (e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.
- (f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

SEC 7.104 Judicial enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.