



**MIDDLE SCHOOL
STUDENT PROGRESSION PLAN
(GRADES 6-8)**

2011-2012

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 section 1008.25(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.
- By grade, the number and percentage of students retained in grades 3 through 10.
- Information of the total number of students who were promoted for good cause, by each category of good cause as specified in FS 1008.25(6)(b).
- 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 for Middle School courses are aligned with the Next Generation Sunshine State Standards. Proficiency in reading, mathematics, and science is measured by the Florida Comprehensive Assessment Test (FCAT), end of course exams, and district assessments. Each school will offer courses of study and instruction that reflect the Next Generation Sunshine State Standards in Grades 6-8 language arts, mathematics, science, social studies, foreign languages, health-physical education, the arts and career-technical education. Instruction will address the skills and competencies that a student must master in order to be promoted from Middle School to High School.

I. MIDDLE GRADES PROMOTION REQUIREMENTS (FS 1003.4156)

- A. Promotion from middle school grades 6, 7, and 8 requires that a student must successfully complete the following academic courses:

Grade	Required Courses			
6	Language Arts	Math	Science	Social Studies
7	Language Arts	Math	Science	Social Studies/ Civics
8	Language Arts	Math*	Science	Social Studies/ Career Education and Planning

*Each middle school will offer at least one high school mathematics course for which students may earn high school credit.

- B. The Career and Education Planning course is a required component of the Middle School Social Studies curriculum and will include online access to career planning options and tools. In grade 8, students will develop a personalized academic and career plan signed by student, teacher, and parent/guardian. The plan will be reviewed and updated by the student and school counselor.
- C. Each middle school must conduct an annual parent meeting in the evening or on a weekend to inform parents about the course curriculum and activities. [FS 1003.4156(1)(a)1-5]

II. REQUIRED REMEDIATION IN READING AND MATHEMATICS

- A. Intensive Reading [FS 1003.4156(1)(b)]

For each year in which a student scores a Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. All diagnostic, placement, progress monitoring, and reading program strategies will be conducted in accordance with the Sarasota K-12 Comprehensive Reading Plan as required by FS 1001.62(8).

Beginning in 2011-2012, students who score level 1 or 2 on FCAT reading but did not score below level 3 in the previous 3 years may be granted a 1 year exemption from the remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which exemption is granted.

B. Intensive/Integrated Mathematics

For each year in which a student scores at Level 1 or 2 on FCAT Mathematics, the student must receive remediation the following year. This remediation requirement will either be integrated into the student's required mathematics course at the next grade level, or the student will participate in an intensive math class.

III. GRADING SYSTEM

- A. The teacher shall be the authority in assigning each student a grade.
- B. Evaluation of achievement will indicate progress toward the mastery of Next Generation Sunshine State Standards. The grades reflecting achievement in academic courses in grades 6-8 with numerical equivalents shall be:

A	90-100%	4.0 GPA	Outstanding Progress
B	80-89%	3.0 GPA	Above average progress
C	70-79%	2.0 GPA	Average progress
D	60-69%	1.0 GPA	Lowest acceptable progress
F	0-59%	0.0 GPA	Failure
I	0%	0.0 GPA	Incomplete
N			No Grade

- C. The student's final grade in a course will be determined by quarterly academic grades and other relevant performance criteria (e.g., exams, projects and other demonstrations of mastery of Next Generation Sunshine State Standards). Teachers have the responsibility to determine final grades using quarter grades and other evaluations as appropriate. (The final grade does not always reflect a simple average of quarter grades).

- D. Student Work Habits and Effort will be indicated by the following codes:

E	=	Excellent
G	=	Good
S	=	Satisfactory
N	=	Needs Improvement

U = Unsatisfactory

- = Not evaluated

These factors will be considered when evaluating student work habits and effort:

- Attends class regularly
 - Arrives to class on time
 - Comes prepared with required work tools
 - Completes assigned homework
 - Maintains an assigned notebook or other organization system
 - Is dressed appropriately
 - Participates in class work and discussions
 - Is motivated and organized
 - Shows an attitude of cooperation with teacher and fellow students
 - Is respectful of others' class participation and opportunities to learn
- E. Teacher comments on the report card shall be indicated through a coding system, and the report card shall contain a narrative explanation of the grading system.
- F. Advisory and Character Education programs are not evaluated using the district report card grading and work habits coding system.
- G. Report cards shall be issued four times during the school year. In addition, schools are required to issue mid-quarter progress reports to all students.
- H. 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 [SBER 6A-60908].
- I. Parent-teacher conferences shall be scheduled as requested by parents and/or teachers.

- J. Any parent or guardian, after consulting with the teacher, may request that the principal review any grade given a student at the end of a reporting period. However, such grade may not be changed or altered unless there is an apparent error in the grade calculation. If further appeal is requested, a review panel, as described in the SCTA/School Board of Sarasota County Instructional Bargaining Unit Agreement, will be charged to investigate and render a binding judgment.

IV. EXPECTED PERFORMANCE LEVELS

- A. Students in Florida and Sarasota County schools are expected to meet state and local performance standards as follows:

Grade Level	Reading Comprehension	Writing Assessment	Mathematics	Science
6	≥ Level 3 FCAT	≥4 Classroom/School Assessment	≥ Level 3 FCAT	
7	≥ Level 3 FCAT	≥4 Classroom/School Assessment	≥ Level 3 FCAT	
8	≥ Level 3 FCAT	≥4 FCAT Writing	≥ Level 3 FCAT	≥ Level 3 FCAT

- B. Students with disabilities are required to meet the same standards as non-disabled students unless they are taking access point classes and participating in Alternative Assessment instead of FCAT.

V. RETENTION

- A. Students who fail *more than two* of the 4 core academic courses (language arts, mathematics, social studies, science) will be retained.
- B. Students in grade 6 or 7 who fail *two* of the 4 core academic courses **must** attend summer school to recover one of the courses or be retained.

Students in grade 6 or 7 may be conditionally promoted to the next grade upon successful completion of one failed course during summer school. These students are expected to be enrolled in course recovery for the second failed course during the next school year.

- C. Students who fail one core academic course may be conditionally promoted to the next grade. These students are expected to attend summer school to recover the course.
- D. 7th grade students must successfully complete all 6th grade core academic courses and if necessary comply with B and C above to be promoted to grade 8. **8th grade students must successfully complete all 6th, 7th, and 8th grade core academic courses to be promoted to grade 9. Grade 8 students may not be promoted to grade 9 until they have successfully passed all 12 middle school core courses.**
- E. Conditionally promoted students in grade 7 or 8 who have not passed all courses of the previous grade must be passing all courses at the end of the 1st quarter to remain at that grade level. Students failing one or more courses will be returned to previous grade.
- F. No promotion or retention decision may be made for any individual student classified as English Language Learner (ELL)/ Limited English Proficient (LEP) solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a formal district assessment process. A formal retention recommendation regarding an ELL/LEP student may be made through action of the school's ELL/LEP Committee [6A-1/09432].
- G. Students who attend academic summer school in other states or districts may be conditionally promoted based on transcripts or other data indicating that they have successfully completed remediation. This promotion will be validated through student performance in the first quarter of grade 7 or 8 through district and classroom assessments.

VI. ACCELERATION POLICY

- A. In isolated instances, a district level review committee must be formed to include the Executive Director of Middle Schools, Director of Curriculum and Instruction, and a Student Services representative to consider grade level acceleration.

VII. PARENT NOTIFICATION

- A. Annually, the school district shall provide a written report to parents/guardians of students' performance on each statewide assessment [SBER 6A-6.0908 (2)].

VIII. PROGRESSION FOR ENGLISH LANGUAGE LEARNER/LIMITED ENGLISH PROFICIENCY STUDENTS

- A. As required by Florida Statute 1003.56, Sarasota District schools will provide ELL/ LEP students with comprehensive instruction that is equal in amount, sequence, and scope as that provided to non-ELL/LEP students. The district will enroll ELL/LEP students who are reading below grade level in English and who

score Level 1 or Level 2 on FCAT Reading in courses appropriate to their level of English proficiency and reading ability.

- B. Diagnostic, placement, progress monitoring and evaluation of ELL/ LEP student performance in reading will be conducted as specified in the district's K-12 Comprehensive Reading Plan.

IX. HIGH SCHOOL CREDIT FOR MIDDLE SCHOOL

- A. Middle school students who meet criteria may be enrolled in Algebra I (Grade 8 only), Algebra I Honors (Grade 7 or 8), Geometry Honors (Grade 8 only), Spanish I (Grade 8 only), French I (Grade 8 only), Chinese I (Grade 8 only), or Speech I (Grade 8 only) for high school credit. F.S. 1008.22 (3) (c) 2.a (I). Beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment. Please see Appendix B: Middle School Fast-Track Math Criteria
- B. Based on Florida Statutes, section 1003.428 (f.s.), middle school students who attempt Algebra I, Algebra I Honors, Geometry Honors, Spanish I, French I, Chinese I, or Speech I for high school credit may repeat the same or a comparable course to replace a grade of "C", "D", or "F" through grade forgiveness. Any grade for a repeated course for credit will replace the former grade in GPA calculation; however, **all** course grades will still be documented on high school official academic transcripts, cumulative student records, and an automated system. In addition, grades from all courses taken must be included in the GPA calculation unless the grade has been forgiven by retaking the same or comparable course. Under local district policy, if retaking a course improves an "F" to a "D", only the "D" will be calculated in the GPA. If a student earns the same letter grade twice for the same course, only ONE of the letter grades will be counted in the student's GPA calculation. In all cases of grade forgiveness, only new grade shall be used in GPA calculation.
- C. Students who drop a high school course are strongly encouraged to do so during the first grading quarter to avoid academic penalties. If students remain in a high school course(s) through the second grading quarter (first semester), the grade(s) and credit(s) earned **will be** added to the high school official academic transcript. Any student dropping a high school course will be returned to a comparable middle school level course. One semester of a high school math course will be considered partial fulfillment of the math course requirement for promotion from 8th to 9th grade.
- D. Please see Appendix A for complete description of Middle School EOC requirements.

X. TRANSFERS FROM OTHER SCHOOLS

A. Foreign-Born Students

The grade placement shall be age-appropriate for English Language Learner students who are unable to obtain records from previous schools. The principal may review and make changes in placement based on the academic performance of the student during the first grading period. The principal is responsible for the final placement decision.

B. See Appendix B for Military Children

C. Home Education [1002.41]

1. A “home education program” is the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirement of F.S. 1002.41, 1003.41, 1003.01(4), 1003.21(1), and 1002.01.
2. Parents must register home education students with the School Board of Sarasota County within 30 days of the establishment of the home education program.
3. Parents must provide written notice of termination to the School Board of Sarasota County within 30 days of the termination of a home education program.
4. Parents must maintain a portfolio of records, educational activities and materials. Portfolios are to be preserved for 2 years after re-entry into Sarasota County Schools and shall be made available for the district school superintendent, or the district school superintendent’s designee, upon 15 days’ written notice.
5. Parents shall provide for annual educational evaluations documenting that the student’s educational progress is at a level commensurate with his or her ability.
6. A home education program shall be excluded from meeting the requirements of a school day.
7. Extra-Curricular Activities

Home education students may participate in School Board of Sarasota County interscholastic extra-curricular student activities at their zoned school. Home education students participating in an extra-curricular activity may attend the specific course required for participation in the activity.

D. Florida Virtual School

1. Students, including home education students, may take middle school level courses offered through the Florida Virtual School each year.
2. Florida Virtual School courses shall be available to students during or after the normal school day or during summer school enrollment. Students must be enrolled in a full schedule in the middle school which may include FLVS course(s).
3. Students requesting to take a course offered by Florida Virtual School must have parent approval. Students and their families must consult with the middle school counselor prior to applying to or enrolling in Florida Virtual School.
4. Schools must accept all academic grades and credits attempted and/or earned at Florida Virtual School as approved by the school counselor. These grades will also be included in the calculation of the high school GPA for any high school courses taken at the middle school level. Grade forgiveness policies will apply to Florida Virtual School courses.
5. To avoid academic penalties, students must withdraw from courses based on deadlines set by Florida Virtual School.

E. Sarasota Virtual School---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 midyear.

1. Students enrolled in SVS must meet all standards and graduation requirements of the state and district.
2. Students enrolled in SVS are entitled to participate in extracurricular activities at their districted school.
3. All students in SVS must take state required assessments (FCAT, EOC, etc.) since they are enrolled in a public school.

4. At the completion of all graduation requirements, a student will be awarded a diploma from Sarasota Virtual School.
5. Parents of student in grades K-8 must commit to spending at least 2-4 hours per day as a learning coach for their child.
6. Parents must attend an orientation session and/or personal interview with the Supervisor of Sarasota Virtual School prior to enrollment.
7. Good attendance and satisfactory completion of coursework is required for continuation in the school.
8. Parents of ESE students must request an IEP meeting at their districted school prior to enrollment in SVS.
9. Students may remain in SVS for any or all of their education in the district as long as they meet appropriate attendance and course requirements.

XI. 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 (F.S. 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 (ELLs) as defined in F.S. 1003.56. Services will be provided as outlined 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 [F.S. 1003.56]. No national language minority or English Language Learner student shall be subjected to any disciplinary action based on his/her use of a language other than English [SBER 6A-6.0908 (3)].
- D. Students who become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students but may voluntarily be assigned to a class or program suited to their special needs. Consistent with s. 1003.54, pregnant or parenting teens may participate in a teenage parent program.

- 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/EquityBook-Student.pdf>
- F. 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.

APPENDIX A

MIDDLE GRADES STUDENTS AND EOC ASSESSMENT REQUIREMENTS 2011-2012

MS Algebra 1 EOC 2011-2012	MS Geometry EOC 2011-2012
<p>A student completing Algebra I or Algebra I Honors must take the Algebra I EOC Assessment and achieve a passing score to be awarded high school credit. If the student passes the course (regardless of the Algebra I EOC Assessment score), the course may count as one of the three math courses required for promotion to high school and the course grade used as part of the high school grade point average (GPA). If a student does not pass the EOC Assessment, the student must retake the Algebra I EOC Assessment and achieve a passing score to earn the required high school credit for Algebra I. The student can only retake the same course through middle grade forgiveness (C, D, or F in course); a student who passes the EOC but not the course is not required to retake the course.</p>	<p>Student must take the EOC but there are no State requirements for calculating the final course grade or for high school credit. If credit is earned through a passing grade in the course, the student does not need to retake or pass the EOC upon entering high school; the credit is banked. The EOC score is banked for use in high school accountability decisions.</p>

APPENDIX B

Sarasota County School Board Middle School Fast-track Advanced Math Placement Criteria

Course 2 Advanced in Sixth Grade – Required eligibility criteria

If student does not meet the criteria below, then placement is Course 1 advanced

Student must meet 4 out of 5 of these criteria:

- Teacher, Department Chair, and Administrator recommendation
- 92% + cumulative mathematics 5th grade average
- 90% + cumulative mathematics test 5th grade average
- 3.5 + cumulative grade point average in core content classes through three quarters 5th grade
- 40+ on Orleans Hannah assessment
 - Administered by middle school proctors in May to designated students in the elementary school advanced math class

Student must meet the following two criteria:

- 5 (1957) + on FCAT 2.0 mathematics assessment
- 4 (1762) + on FCAT 2.0 reading assessment

Honors Algebra in Seventh Grade – Required eligibility criteria

If student does not meet criteria below, then placement is Course 3 advanced

Student must meet 4 out of 5 of these criteria:

- Teacher, Department Chair, and Administrator recommendation
- 92% + cumulative mathematics average grade in Course 2 advanced
- 90 % + cumulative mathematics test average in Course 2 advanced
- 3.5 + cumulative grade point average of core content classes for quarters one through three
- 50 + on Iowa assessment

Student must meet the following two criteria:

- 5 (2019) + on FCAT 2.0 mathematics assessment
- 4 (1860) + on FCAT 2.0 reading assessment

Honors Geometry in Eighth Grade – Required eligibility criteria

If student does not meet all criteria, then placement is Honors Algebra

Student must meet both criteria:

- 90 % + cumulative mathematics average grade in Honors Algebra
- Teacher, Department Chair, and Administrator recommendation

APPENDIX C

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

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

Section 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, 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 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.