

 MILITARY INTERSTATE CHILDREN'S COMPACT COMMISSION	Number: 2-2018
Advisory Opinion issued by: Cherise Imai, Executive Director Richard L Masters, General Counsel	Dated: June 15, 2018 Approved: June 21, 2018
Requestor: State of New Jersey	
Description: Does the Compact allow a Local Education Authority (LEA) to waive state graduation credit requirements under Article VII?	

I. Background

Pursuant to Article X, Section C. of the Interstate Compact on Educational Opportunity for Military Children (hereinafter 'Compact') the State of New Jersey has submitted a request for an advisory opinion concerning clarification of an issue pertaining to the Compact.

II. Issue

The Commissioner from New Jersey has requested guidance from the Military Interstate Children's Compact Commission concerning whether the Compact allows a Local Education Authority (LEA) to waive a graduation credit requirement in order to ensure on-time graduation under Article VII.

III. Applicable Compact Provisions or Rules

Article VII, A. of the Compact states as follows:

"In order to facilitate the on-time graduation of children of military families, state and local education agencies shall incorporate the following procedures:

A. Waiver requirements: Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency 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 local education agency shall provide alternative means of acquiring required coursework so that graduation may occur on time."

Review and Analysis

In the case in question, in order to graduate on-time graduate on-time, the student needs to complete ten (10) classes in their Senior year. The New Jersey LEA only allows for

eight (8) classes to be taken during the school year, therefore the family would be required to pay for two (2) online courses for the student to meet the LEA's graduation credit requirements to obtain a New Jersey diploma. A review of the provisions of Article VII reveals that in addition to the waiver provisions of Article VII A, the statute also provides for acceptance of national norm referenced achievement tests or alternative testing in lieu of testing requirements for graduation in the receiving state.

Clearly, the language of the statute seeks to provide a means of accommodating the military students, so that on-time graduation can be facilitated. It is the intent of the Compact to authorize such accommodations, including the waiver of other state requirements.

IV. Conclusion

As a compact and a contractual agreement among the states, the State of New Jersey is authorized by the provisions of the MIC3 to waive such course requirements or to provide an alternative means of satisfying the course requirements to ensure on-time graduation.