

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O. BOX 88

JEFFERSON CITY, MISSOURI

AUGUST 28, 2008

What's Inside:

Children of Families
Serving in the
Military

MEMORANDUM

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS AND
CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: CHILDREN OF FAMILIES SERVING IN THE MILITARY

DISCUSSION:

This memorandum addresses HB 1678 which was signed into law by Governor Matt Blunt and becomes effective August 28, 2008. Occasionally, families serving in the military receive Family-Centered Services or their children come into custody of the Children's Division. The Interstate Compact on Educational Opportunity for Military Children, Section 160.2000 RSMo., makes provisions for children of families serving in the military by allowing greater opportunities for military children to meet Missouri's educational requirements. Other provisions of HB 1678 signed into law are also addressed in this memo which could impact case management. Staff should familiarize themselves with the provisions of the new laws in the event a military child/or family should require services.

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Children of families in the military often face educational barriers due to their parents' deployment or frequent moves. The educational records and enrollment procedures for children of military families transferring to/from Missouri fall under the guidelines of the Interstate Compact listed above. Some of the Compact's 18 Articles which could impact Children's Division case management are highlighted below:

ARTICLE III

- The provisions of the compact shall apply only to local education agencies and to the children of active duty military members or veterans (including the National Guard or Reserve) who are severely injured, medically discharged, retired from service, or died on active duty or as a result of injuries sustained on active duty, for a period of one year after discharge, retirement or death.

ARTICLE IV

- 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. The school in the receiving state shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.
- Official records/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. The sending state will process and furnish the official records within ten days or within such time as is reasonably determined under the Compact.
- Immunizations—Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined to obtain any immunization(s) required by the receiving state.
- Kindergarten/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 local education agency 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.

ARTICLE V

- Absences as related to deployment activities—Students whose parent or legal guardian is an active duty member of the uniformed services 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 local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

- A local education agency shall be prohibited from charging local tuition to a transitioning military child in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.
- The transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in another 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.

ARTICLE XVIII

- All member states' laws conflicting with this compact are superseded to the extent of the conflict.

OTHER PROVISIONS OF HB 1678

The following provisions of HB 1678, also relating to military families, were signed into law and are effective August 28, 2008. They, too, could have an impact on case management:

- 173.234. 6-11 Survivors of war veterans shall be certified as eligible by the Missouri veteran's commission to receive a tuition grant for higher education. If the survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the coordinating board for higher education by the institution and the eligible survivor. Surviving children who are eligible shall be permitted to apply for full tuition benefits conferred by this section until they reach 25 years of age.
- 452.412 A party's absence, relocation, or failure to comply with custody and visitation orders shall not, by itself, be sufficient to justify a modification of a custody or visitation order if the reason for the absence, relocation, or failure to comply is the party's activation to military service and deployment out-of-state.
- 620.515. 1.(1) The Hero at Home program (National Guard or Reserve) states that services shall be made available to the family for up to one year when the primary income earner is on active duty, and during the one-year period following discharge from deployment. The department of economic development shall operate this program through existing programs or by entering into a contract with qualified providers through local workforce investment boards.

To review the mentioned statutes staff can refer to HB 1678. The link is provided below.

NECESSARY ACTIONS	
1. Please review this memorandum with all Children's Division Staff.	
2. All questions should be cleared through normal supervisory channels and directed to:	
PDS CONTACT Belinda Kay Luke 573-751-8615 Belinda.K.Luke@dss.mo.gov	ASSISTANT DEPUTY DIRECTOR Susan Savage 573-751-4920 Susan.K.Savage@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Section 3 Chapter 1.2 Preventive Services Cases Section 3 Chapter 1.3 Court Involved Cases Section 4 Chapter 7.3.3 Visitation Between the Parent/Child/Sibling(s) Section 4 Chapter 10.10 Recommending Reunification Section 4 Chapter 21.3 Chafee Foster Care Independence Program	

Section 4 Chapter 25.7.4 [Interstate Compact on Educational Opportunity for Military Children](#)

RELATED STATUTES

RSMo. 160.2000

RSMo. 173.234

RSMo. 452.412

RSMo. 620.515

REFERENCE

HB 1678 [Military Members and Their Families](#)