

Part 2. Educational Opportunities for Children of National Guard and Reserve Members Not in Active Duty Status.

**§ 115C-407.12. Educational opportunities for children of National Guard and Reserve members not in active duty status.**

(a) The following definitions apply in this Part:

- (1) Children of inactive members. – School-aged children, enrolled in kindergarten through twelfth grade, in the household of an inactive member.
- (2) Inactive member. – A member of the National Guard and Reserve of any branch of the uniformed services of the United States who is inactive and not on active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. § 12401, et seq.
- (3) Local education agency. – A public authority legally constituted by the State as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

(b) For intrastate transfers between local education agencies in this State, children of inactive members shall be provided the same services as provided for children of military families under Part 1 of this Article if the inactive member is required to move to perform military service–related responsibilities and presents a copy of the official military transfer order to the school from which the services for the child are requested.

(c) For interstate transfers, if the inactive member is required to move to perform military service–related responsibilities and presents a copy of the official military transfer order to the school from which the services for the child are requested, the following shall apply:

- (1) Local education agencies in this State shall provide the same services as provided for children of military families under Part 1 of this Article to children of inactive members transferring to the State within the limitations established by subdivision (2) of this subsection.
- (2) Local education agencies in this State shall not require local education agencies outside of the State to provide services to children of inactive members transferring to or from the State. Local education agencies in the State shall make an attempt to coordinate on behalf of children of inactive members with local education agencies outside of the State. (2022-71, s. 2.5(a).)