**Determining Military Subgroup Identification for State Report Cards**

**20 U.S.C. § 6311. STATE PLANS**
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 (h) REPORTS.—

 (1) ANNUAL STATE REPORT CARD.—
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 (C) MINIMUM REQUIREMENTS.—Each State report card required under this subsection shall include the following information:

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 (ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a **student with a parent who is a member of the Armed Forces** (as defined in section 101(a)(4) of title 10, United States Code) **on active duty** (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

Armed Forces Membership

Individuals serving in the Army, Navy, Air Force, Marine Corps, Coast Guard, and the National Guard or Air National Guard of any state are "member[s] of the Armed Forces" as defined under the *Every Student Succeeds Act* (see [10 U.S.C. § 101](https://www.gpo.gov/fdsys/pkg/USCODE-2011-title10/pdf/USCODE-2011-title10-subtitleA-partI-chap1.pdf)(a)(4)).

Active Duty Status

Whether an individual is on "active duty" as defined in Federal law is somewhat more complicated, but can be determined with a checklist of questions. A full-time member of the active (non-reserve) Army, Navy, Air Force, Marine Corps, or Coast Guard is always considered on active duty status. Members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve who have been ordered to active duty fall under ESSA's military subgroup definition. Members of any state's National Guard or Air National Guard who have been ordered to active duty also meet the military subgroup criteria.

Determining If a Student Falls Under the ESSA Military Subgroup

The following questions can be used to determine whether a student's parent is considered a member of the armed forces on active duty under ESSA:

* Is the parent a **full-time member of the regular Army, Navy, Air Force, Marine Corps, or Coast Guard**?
	+ If yes, the student should be included in the military subgroup.
	+ If the parent is not a full-time member of a regular service branch, proceed to the next question.
* Is the parent a member of the **Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve** who has been **ordered to active duty?**
	+ If yes, the student should be included in the military subgroup. A reservist who has been ordered to active duty should have a copy of their duty orders indicating that they are currently in active status.
	+ If the parent is not a member of the reserves, or is a member of the reserves who is **not** on active duty status, proceed to the next question.
* Is the parent a member of the **National Guard or Air National Guard** who has been **ordered to active duty?**
	+ If yes, the student should be included in the military subgroup. A National Guard or Air National Guard member who has been ordered to active duty should have a copy of their duty orders indicating that they are currently in **national** active status.[[1]](#footnote-1)
	+ If not, and if the student does not have another parent in the military, the student should not be included in the military subgroup.
1. While most National Guard and Air National Guard members who are on active duty are serving in federally recognized active status under Title 10 or Title 32 of the U.S. Code, states may also activate Guard members to "State Active Duty" during weather emergencies or other temporary localized events. This type of "State Active Duty" is not intended to fall under the ESSA military subgroup, and because of its infrequent and temporary nature it is unlikely a parent enrolling a student would report themselves as "active duty" in these scenarios. [↑](#footnote-ref-1)