



Key Message

Military families are at a disadvantage when it comes to the enrollment options available to their children due to military-directed reassignments. States can provide military families with increased flexibility through access to district open enrollment policies.

Best Practices

1. Florida – Title XLVIII, K-20 Education Code Chapter 1002 Section 31

<https://flsenate.gov/lawsstatutes/2020/1002.31>

“(b) Each school district and charter school capacity determinations for its schools must be current and must be identified on the school district and charter school’s websites. In determining the capacity of each district school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. Each charter school governing board shall determine capacity based upon its charter school contract.

“(c) Each district school board must provide preferential treatment in its controlled open enrollment process to all of the following:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children who have been relocated due to a foster care placement in a different school zone.
3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
4. Students residing in the school district.”

2. California - Education Code 48204.6

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48204.6.&lawCode=EDC

“(b) Notwithstanding Section 48200, the local educational agency serving a pupil who is a child of a military family shall do either of the following:

- (1) Allow the pupil to continue his or her education in the school of origin, regardless of any change of residence of the military family during that school year, for the duration of the pupil’s status as a child of a military family.
- (2) For a pupil whose status changes due to the end of military service of his or her parent during a school year, comply with either of the following, as applicable:
 - (A) If the pupil is enrolled in kindergarten or any of grades 1 to 8, inclusive, allow the pupil to continue his or her education in the school of origin through the duration of that academic school year.
 - (B) If the child is enrolled in high school, allow the pupil to continue his or her education in the school of origin through graduation.

“(c) To ensure that the pupil who is a child of a military family has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, the following apply:



(1) If the pupil who is a child of a military family is transitioning between school grade levels, the local educational agency shall allow the pupil who is a child of a military family to continue in the school district of origin in the same attendance area.

(2) If the pupil who is a child of a military family is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the local educational agency shall allow the pupil who is a child of a military family to continue to the school designated for matriculation in that school district.

(3) The new school shall immediately enroll the pupil who is a child of a military family even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including, but not limited to, records or other proof of immunization history pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code, proof of residency, other documentation, or school uniforms.

“(d) Unless otherwise required by federal law, this section does not require a local educational agency to provide transportation services to allow a pupil subject to paragraph (1) or (2) of subdivision (b) or subdivision (c) to attend a school pursuant to this section.”

Education Code 48306

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48306.&lawCode=EDC

“(a) A school district of choice shall give first priority for attendance to siblings of children already in attendance in that district.

“(b) A school district of choice shall give second priority for attendance to pupils eligible for free or reduced-price meals.

“(c) A school district of choice shall give third priority for attendance to children of military personnel.”

Education Code 48307

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48307.&lawCode=EDC

“(f) Notwithstanding any other provision of this article, a school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent.”

3. Oklahoma - Statutes Title 70 Section 8-103.1 (OSCN 2021)

<https://www.oscn.net/application/oscn/DeliverDocument.asp?CiteID=106301>

“A. A school district board of education which receives a request for a transfer for a student who does not reside in the school district shall not deny the transfer unless the number of requested transfers exceeds the capacity of a grade level for each school site within a school district. If the number of student transfer applications exceeds the capacity of a receiving school district, as determined by subsection A of Section 8-101.2 of this title, the district shall select transfer students in the order in which the district received the student transfer applications. The capacity of a school district shall be determined by the school district board of education based on its policy that complies with subsection B of Section 8-101.2 of this title.



A school district shall not accept or deny a transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

Notwithstanding the provisions of the Education Open Transfer Act, transfers of children with disabilities shall be granted as authorized in Section 13-103 of this title.

“B. Students who are the dependent children of a member of the active uniformed military services of the United States on full-time active duty status and students who are the dependent children of a member of the military reserve on active duty orders shall be eligible for admission to the school district of their choice regardless of the capacity of the district. Students shall be eligible if:

1. At least one parent of the student has a Department of Defense-issued identification card; and
2. At least one parent can provide evidence that he or she will be on active duty status or active duty orders, meaning the parent will be temporarily transferred in compliance with official orders to another location in support of combat, contingency operation or a natural disaster requiring the use of orders for more than thirty (30) consecutive days.”