



## Key Message

Military families are at a disadvantage when it comes to school enrollment options due to military-directed assignments. States can provide military families with improved schooling options by modifying open enrollment policies.

## Analysis

States have enacted changes to education statutes to provide military families with improved access to interdistrict and intradistrict transfer programs upon initial PCS and through related subsequent changes of residence that result from delays in receiving permanent housing or command requirements. In order to reduce barriers to accessing school district open enrollment programs, states can enact the following policies:

**⊖ Military Clause:** This provision increases military family access to interdistrict and intradistrict transfer options by providing automatic eligibility, exempting application deadlines and other requirements to accommodate the timing of military moves, or prohibiting districts from denying an application for interdistrict or intradistrict transfers by military children.

**•• Placement Stability Provision:** This policy allows a military child to enroll and attend school outside of the zoned area of their temporary lodging/housing based on anticipated permanent residence in military housing or in the community; or permits them to remain in their current school placement despite a change of residence prior to the end of the school year, or prior to graduation if they are a high school junior or senior.

**▲ Military Priority Category:** This mitigates the lack of access to interdistrict and intradistrict transfer programs brought on by capacity limits and application windows by including military students as a priority group within existing open enrollment prioritization systems (such as what is provided for siblings, the children of employees and foster/homeless youth).

## Best Practices

### 1. California ⊖ •• ▲

**Provisions specific to military pupils that increase access to open enrollment policies, policies providing placement stability through subsequent moves from temporary to permanent housing following a PCS, and the inclusion of military pupils as a category in existing priority system.**

#### EXAMPLES:

#### ⊖ California Education Code Section 48307

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=48307](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=48307)

“(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.”

**California Education Code Section 48204.6**

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=48204.6.&lawCode=EDC](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 through 8, inclusive, allow the pupil to continue his or her education in the school of origin for the duration of the school year, 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.

(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.”

**California Education Code Section 48306**

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=48306.&lawCode=EDC](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.”

**2. Florida**

**Ensures placement stability through subsequent moves following a PCS.**

**EXAMPLE:**

**Title XLVIII, K-20 Education Code Chapter 1002 Section 31(2) (f)**

<https://www.flsenate.gov/laws/statutes/2020/1002.31>

“(f) For purposes of continuity of educational choice, a student who transfers pursuant to this section may remain at the school chosen by the parent until the student completes the highest grade level at the school.”



### 3. Kentucky

**Ensures placement stability through subsequent moves from temporary to permanent housing following a PCS.**

**EXAMPLE:**

**Kentucky Revised Statutes Section 159.075 (5)**

<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49997>

“(5) To accommodate for temporary housing, if a child utilizes this section to enroll in a district, but the residence identified in subsection (3) of this section has not yet become available, then the district shall allow the child to enroll and begin attending the district regardless of the child’s temporary residence and subsequently be included in the district’s calculation of average daily attendance under KRS 157.320, for a period of up to one (1) year from the parent’s or guardian’s reporting-for-duty date or separation date before being considered a resident of another district.”

### 4. Oklahoma

**Provisions specific to military pupils that increase access to open enrollment policies.**

**EXAMPLE:**

**Oklahoma Statutes Title 70 Section 8-103.1 (Amended March 31, 2021)**

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

“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.”

### 5. Utah

**Ensures placement stability through subsequent moves from temporary to permanent housing following a PCS and includes military pupils as a category in its existing priority system.**

**EXAMPLES:**

**Utah Code Section 53G-6-402 (Amended March 24, 2022)**

<https://le.utah.gov/~2022/bills/static/SB0233.html>



▲ “(1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the state board for each student who resides in the district and, as provided in this section through Section [53G-6-407](#) and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district, giving priority to a child of a military servicemember, as that term is defined in Section 53B-8-102. [...]

- 6) An enrolled nonresident student shall be permitted to remain enrolled in a school, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:
- (a) the student graduates;
  - (b) the student is no longer a Utah resident;
  - (c) the student is suspended or expelled from school; ~~for~~
  - (d) except for a student described in Subsection (6)(e), the district determines that enrollment within the school will exceed the school’s open enrollment threshold[-]; [or]
  - (e) for a child of a military servicemember, as that term is defined in Section 53B-8-102, who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:
    - (i) in kindergarten through grade 10, the student completes the current school year; or
    - (ii) in grades 11 and 12, the student graduates.”