



Key Message

States can improve military families' access to existing district, interdistrict and intradistrict transfer programs by modifying state education open enrollment policies.

Analysis

Military families often experience delays in receiving permanent housing upon a permanent change of station to a new location. States have enacted changes to education statutes to give military families with school-aged children improved access to interdistrict and intradistrict transfer programs upon initial PCS and related subsequent changes of residence. To reduce barriers when 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 and 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 approach mitigates the lack of access to interdistrict and intradistrict transfer programs caused 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. Arkansas ⊕

Provision providing military-connected pupils automatic enrollment in a public school of their choice

EXAMPLE:

Arkansas Code Title 6, Chapter 18, Subchapter 19

<https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FBills%2F2023R%2FPublic%2FSB458.pdf>

SECTION 1.

"The General Assembly finds that:



- (1) The State of Arkansas has demonstrated a strong commitment to uniformed service families;
- (2) The influx of new uniformed service families and the turnover of the current force complicates the challenges faced by uniformed service families in determining the best education program to meet their children's educational needs, especially in light of the limited available and affordable family housing options;
- (3) Resident public school districts have generally rejected uniformed service families' requests to permit their children to attend a public school within the public school district in which they will live upon the availability of permanent housing, which doubles the number of school transitions children of uniformed service families undergo during a typical three-year assignment;
- (4) Effective school transitions for children of uniformed service families are further adversely impacted when uniformed service families arrive after the May 1 deadline by which students must apply for school transfers, and removing this deadline for children of uniformed service families addresses a growing problem in the Little Rock Air Force Base off-base community and proactively interdicts a major problem in the Fort Smith area with the anticipated arrival of the F-35 and F-16 training center personnel;
- (5) Separating the public school district commitment from the housing decisions of uniformed service families by providing uniformed service families with a public school to public school choice option for their children relieves the conflict faced by the uniformed service families and maximizes the potential for educational success for children of uniformed service families; [...]

SECTION 5. Arkansas Code Title 6, Chapter 18, Subchapter 19, is amended to add an additional section to read as follows:

6-18-1909. Public school choice for dependent of uniformed service member and uniformed service veteran.

(a) A child shall be eligible for enrollment in the public school district of his or her choice if he or she is a dependent of a:

- (1) Uniformed service member in full-time active-duty status;
- (2) Surviving spouse of a uniformed service member;
- (3) Reserve component uniformed service member during the period six (6) months before until six (6) months after a Title 10, Title 32, or state active duty mobilization and service; or
- (4) Uniformed service veteran who is returning to civilian status at the conclusion of the uniformed service veteran's active duty status."

2. 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§ionNum=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.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.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48306.&lawCode=EDC](https://leginfo.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.”

3. Florida ••

Ensures placement stability through subsequent moves following a PCS

EXAMPLE:

Title XLVIII, K-20 Education Code Chapter 1002 Section 31

<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.”



4. Kentucky

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

EXAMPLE:

Kentucky Revised Statutes Section 159.075

<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.”


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; ~~or~~
- (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.”