

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0409.01 Brita Darling x2241

HOUSE BILL 21-1217

HOUSE SPONSORSHIP

Bockenfeld and Bacon,

SENATE SPONSORSHIP

Fields and Lundeen,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACTIVE DUTY MILITARY FAMILY ENROLLMENT IN PUBLIC**
102 **SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill defines "inbound active duty military member" as an active duty military member who receives new orders, or a command letter issued in lieu of orders, for a permanent change of station to a department of defense military installation in Colorado.

The bill requires a school district, district charter school, and institute charter school to accept the school liaison address for the military

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

installation for purposes of demonstrating residency for inbound active duty military members participating in open enrollment.

The bill requires a school district, district charter school, and institute charter school to grant guaranteed automatic matriculation to the child of an inbound active duty military member while the child remains in the school, and priority preference for younger siblings of the child for enrollment in subsequent school years.

If an inbound active duty military member is mission essential as certified by the commander of the military installation and is required to live on the military installation due to that certification, the inbound active duty military member's child must be enrolled in the school or program of a school district or in the charter school of the inbound active duty military member's choice. The school shall grant guaranteed automatic matriculation while the child remains in the school and siblings receive priority preference for enrollment in the school in subsequent school years.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-36-107 as
3 follows:

4 **22-36-107. Inbound active duty military families - school**
5 **enrollment - legislative declaration - definitions.** (1) (a) THE GENERAL
6 ASSEMBLY FINDS AND DECLARES THAT:

7 (I) ACTIVE DUTY MILITARY FAMILIES MAKE SIGNIFICANT
8 SACRIFICES IN ORDER TO KEEP OUR COUNTRY SAFE;

9 (II) THESE SACRIFICES OFTEN INCLUDE FREQUENT MOVES TO
10 MILITARY INSTALLATIONS ACROSS THE COUNTRY AND THE WORLD;

11 (III) AS A RESULT OF FREQUENT MOVES, CHILDREN OF MILITARY
12 FAMILIES MAY ATTEND SEVERAL DIFFERENT SCHOOLS OVER THE COURSE
13 OF THEIR ELEMENTARY AND SECONDARY SCHOOL EDUCATION;

14 (IV) THESE FREQUENT MOVES ARE ESPECIALLY DIFFICULT FOR
15 MILITARY FAMILIES WITH CHILDREN WHO HAVE SPECIAL EDUCATIONAL
16 NEEDS;

1 (V) THE ABILITY OF MILITARY FAMILIES TO FIND THE BEST
2 SCHOOLS FOR THE NEEDS OF THEIR CHILDREN AND TO TRANSITION
3 CHILDREN TO NEW SCHOOL ENVIRONMENTS IS FURTHER HINDERED WHEN
4 PERMANENT CHANGE IN STATION ORDERS ARE NOT RECEIVED PRIOR TO THE
5 CLOSE OF SCHOOL CHOICE ENROLLMENT FOR MANY PUBLIC SCHOOLS; AND

6 (VI) FURTHERMORE, ACTIVE DUTY MILITARY MEMBERS WHO ARE
7 REQUIRED TO LIVE ON A DEPARTMENT OF DEFENSE INSTALLATION ARE NOT
8 ABLE TO MOVE INTO THE GEOGRAPHIC AREA ASSIGNED TO THE SCHOOLS
9 OF THEIR CHOICE, MAKING THE OPPORTUNITY TO PARTICIPATE IN OPEN
10 ENROLLMENT MORE CRITICAL.

11 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
12 THE POLICY OF THE STATE TO MAKE THE SCHOOL ENROLLMENT PROCESS
13 IN COLORADO, INCLUDING SCHOOL CHOICE ENROLLMENT, MORE
14 ACCESSIBLE FOR ACTIVE DUTY MILITARY FAMILIES.

15 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

17 (a) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
18 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS
19 TITLE 22 OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
20 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
21 THIS TITLE 22.

22 (b) "INBOUND ACTIVE DUTY MILITARY MEMBER" MEANS AN ACTIVE
23 DUTY MILITARY MEMBER WHO RECEIVES NEW ORDERS, OR A COMMAND
24 LETTER ISSUED IN LIEU OF ORDERS, FOR A PERMANENT CHANGE OF
25 STATION TO A DEPARTMENT OF DEFENSE MILITARY INSTALLATION WITHIN
26 THE STATE OF COLORADO.

27 (c) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN

1 A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO
2 LAW.

3 (3)(a) EACH SCHOOL DISTRICT AND EACH CHARTER SCHOOL SHALL
4 PERMIT AN INBOUND ACTIVE DUTY MILITARY MEMBER TO USE THE SCHOOL
5 LIAISON OFFICE ADDRESS FOR THE MILITARY INSTALLATION TO WHICH THE
6 INBOUND ACTIVE DUTY MILITARY MEMBER IS OR WILL BE ASSIGNED:

7 (I) TO APPLY FOR OPEN ENROLLMENT IN A SCHOOL DISTRICT
8 SCHOOL OR PROGRAM; AND

9 (II) TO ENROLL A CHILD IN A CHARTER SCHOOL AND TO APPLY FOR
10 OPEN ENROLLMENT IN A CHARTER SCHOOL.

11 (b) THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT
12 REQUIRE ADDITIONAL DOCUMENTATION OF A CHILD'S COLORADO ADDRESS
13 TO APPLY FOR OPEN ENROLLMENT.

14 (c) NOTHING IN THIS SECTION REQUIRES AN INBOUND ACTIVE DUTY
15 MILITARY MEMBER TO USE THE SCHOOL LIAISON OFFICE ADDRESS FOR THE
16 MILITARY INSTALLATION OR TO HAVE PERMANENT CHANGE OF STATION
17 ORDERS OR A COMMAND LETTER IN LIEU OF ORDERS PRIOR TO ENROLLING
18 IN OR PARTICIPATING IN OPEN ENROLLMENT IF SUCH ADDRESS, ORDER, OR
19 LETTER WOULD NOT OTHERWISE BE REQUIRED FOR ENROLLMENT OR OPEN
20 ENROLLMENT.

21 (d) THE SCHOOL DISTRICT SCHOOL OR PROGRAM OR CHARTER
22 SCHOOL IN WHICH THE CHILD OF AN INBOUND ACTIVE DUTY MILITARY
23 MEMBER IS OPEN ENROLLED SHALL GRANT GUARANTEED AUTOMATIC
24 MATRICULATION WHILE THE CHILD REMAINS IN THE SCHOOL OR PROGRAM
25 AND SHALL GRANT PRIORITY PREFERENCE FOR THE YOUNGER SIBLINGS OF
26 THAT CHILD FOR PURPOSES OF ENROLLING IN SUBSEQUENT SCHOOL YEARS.

27 (4) (a) IF AN INBOUND ACTIVE DUTY MILITARY MEMBER IS

1 CERTIFIED MISSION ESSENTIAL BY THE COMMANDER OF THE DEPARTMENT
2 OF DEFENSE MILITARY INSTALLATION TO WHICH THE MILITARY MEMBER IS
3 OR WILL BE ASSIGNED AND IS REQUIRED TO LIVE ON THE MILITARY
4 INSTALLATION DUE TO THAT CERTIFICATION, THE SCHOOL DISTRICT OR
5 CHARTER SCHOOL SHALL ENROLL THE INBOUND ACTIVE DUTY MILITARY
6 MEMBER'S CHILD WITH A GUARANTEED ENROLLMENT SLOT IN THE SCHOOL
7 OR PROGRAM OF A SCHOOL DISTRICT OR IN THE CHARTER SCHOOL OF THE
8 INBOUND ACTIVE DUTY MILITARY MEMBER'S CHOICE.

9 (b) THE SCHOOL DISTRICT SCHOOL OR PROGRAM OR CHARTER
10 SCHOOL IN WHICH THE CHILD IS ENROLLED PURSUANT TO SUBSECTION
11 (4)(a) OF THIS SECTION SHALL GRANT GUARANTEED AUTOMATIC
12 MATRICULATION TO THE CHILD WHILE THE CHILD REMAINS IN THE SCHOOL
13 OR PROGRAM AND SHALL GRANT PRIORITY PREFERENCE TO THE YOUNGER
14 SIBLINGS OF THAT CHILD FOR PURPOSES OF ENROLLING IN SUBSEQUENT
15 SCHOOL YEARS.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2022 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.