

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0409.01 Brita Darling x2241

HOUSE BILL 21-1217

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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.*

HOUSE
3rd Reading Unamended
April 19, 2021

HOUSE
Amended 2nd Reading
April 15, 2021

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) A SCHOOL DISTRICT, INCLUDING A SCHOOL DISTRICT SCHOOL OR
15 PROGRAM, OR A CHARTER SCHOOL SHALL ALLOW AN INBOUND ACTIVE
16 DUTY MILITARY MEMBER TO SUBMIT APPLICATIONS FOR ENROLLMENT OR
17 OPEN ENROLLMENT BY ELECTRONIC MEANS AND TO REGISTER A CHILD
18 REMOTELY, WITHOUT REQUIRING THE CHILD, THE PARENT OR LEGAL
19 GUARDIAN OF THE CHILD, OR ANOTHER PERSON TO APPEAR PHYSICALLY OR
20 BY PROXY AT A LOCATION WITHIN THE STATE FOR REGISTRATION. IF
21 REQUIRED, THE INBOUND ACTIVE DUTY MILITARY MEMBER MUST BE
22 ALLOWED TO PROVIDE PROOF OF RESIDENCY WITHIN THE SCHOOL DISTRICT
23 AND RECORDS OF DISCIPLINARY ACTIONS WITHIN TEN DAYS AFTER THE
24 CHILD'S ATTENDANCE IN THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE
25 SCHOOL DISTRICT SCHOOL OR PROGRAM OR CHARTER SCHOOL SHALL
26 ALLOW THE CHILD OF AN INBOUND ACTIVE DUTY MILITARY MEMBER THE
27 SAME OPPORTUNITY TO REQUEST SCHOOL ASSIGNMENTS, REGISTER FOR

1 COURSES, OR APPLY FOR THE SAME COURSES OFFERED TO STUDENTS WHO
2 ARE ALREADY PRESENT IN THE STATE.

3 (d) NOTHING IN THIS SECTION REQUIRES AN INBOUND ACTIVE DUTY
4 MILITARY MEMBER TO USE THE SCHOOL LIAISON OFFICE ADDRESS FOR THE
5 MILITARY INSTALLATION OR TO HAVE PERMANENT CHANGE OF STATION
6 ORDERS OR A COMMAND LETTER IN LIEU OF ORDERS PRIOR TO ENROLLING
7 IN OR PARTICIPATING IN OPEN ENROLLMENT IF SUCH ADDRESS, ORDER, OR
8 LETTER WOULD NOT OTHERWISE BE REQUIRED FOR ENROLLMENT OR OPEN
9 ENROLLMENT.

10 (e) THE SCHOOL DISTRICT SCHOOL OR PROGRAM OR CHARTER
11 SCHOOL IN WHICH THE CHILD OF AN INBOUND ACTIVE DUTY MILITARY
12 MEMBER IS OPEN ENROLLED SHALL GRANT GUARANTEED AUTOMATIC
13 MATRICULATION WHILE THE CHILD REMAINS IN THE SCHOOL OR PROGRAM
14 AND SHALL GRANT PRIORITY PREFERENCE FOR THE YOUNGER SIBLINGS OF
15 THAT CHILD FOR PURPOSES OF ENROLLING IN SUBSEQUENT SCHOOL YEARS.

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