

## CHAPTER 205

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 21-1217**

BY REPRESENTATIVE(S) Bockenfeld and Bacon, Bernett, Bird, Caraveo, Carver, Cutter, Esgar, Exum, Froelich, Geitner, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kipp, Lontine, Luck, Lynch, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Pico, Ricks, Roberts, Sandridge, Sirota, Snyder, Soper, Sullivan, Titone, Valdez A., Valdez D., Van Beber, Van Winkle, Weissman, Will, Williams, Young, Garnett, Boesenecker, Bradfield, Duran, Holtorf, Kennedy, McKean, Pelton, Rich, Tipper, Woodrow;  
also SENATOR(S) Fields and Lundeen, Bridges, Buckner, Coleman, Cooke, Coram, Danielson, Donovan, Gardner, Ginal, Hansen, Hisey, Holbert, Kirkmeyer, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Sonnenberg, Story, Winter, Woodward, Zenzinger, Garcia.

**AN ACT****CONCERNING ACTIVE DUTY MILITARY FAMILY ENROLLMENT IN PUBLIC SCHOOLS.**

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

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

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

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

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

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

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

(b) "INBOUND ACTIVE DUTY MILITARY MEMBER" MEANS 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 WITHIN THE STATE OF COLORADO.

(c) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO LAW.

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

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

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

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

(c) A SCHOOL DISTRICT, INCLUDING A SCHOOL DISTRICT SCHOOL OR PROGRAM, OR A CHARTER SCHOOL SHALL ALLOW AN INBOUND ACTIVE DUTY MILITARY MEMBER TO SUBMIT APPLICATIONS FOR ENROLLMENT OR OPEN ENROLLMENT BY ELECTRONIC MEANS AND TO REGISTER A CHILD REMOTELY, WITHOUT REQUIRING THE CHILD, THE PARENT OR LEGAL GUARDIAN OF THE CHILD, OR ANOTHER PERSON TO APPEAR

PHYSICALLY OR BY PROXY AT A LOCATION WITHIN THE STATE FOR REGISTRATION. IF REQUIRED, THE INBOUND ACTIVE DUTY MILITARY MEMBER MUST BE ALLOWED TO PROVIDE PROOF OF RESIDENCY WITHIN THE SCHOOL DISTRICT AND RECORDS OF DISCIPLINARY ACTIONS WITHIN TEN DAYS AFTER THE CHILD'S ATTENDANCE IN THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE SCHOOL DISTRICT SCHOOL OR PROGRAM OR CHARTER SCHOOL SHALL ALLOW THE CHILD OF AN INBOUND ACTIVE DUTY MILITARY MEMBER THE SAME OPPORTUNITY TO REQUEST SCHOOL ASSIGNMENTS, REGISTER FOR COURSES, OR APPLY FOR THE SAME COURSES OFFERED TO STUDENTS WHO ARE ALREADY PRESENT IN THE STATE.

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

(e) THE SCHOOL DISTRICT SCHOOL OR PROGRAM OR CHARTER SCHOOL IN WHICH THE CHILD OF AN INBOUND ACTIVE DUTY MILITARY MEMBER IS OPEN ENROLLED SHALL GRANT GUARANTEED AUTOMATIC MATRICULATION WHILE THE CHILD REMAINS IN THE SCHOOL DISTRICT SCHOOL OR PROGRAM, SCHOOL DISTRICT, OR CHARTER SCHOOL. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL GRANT GUARANTEED AUTOMATIC MATRICULATION TO THE NEXT GRADE, EVEN IF THE NEXT GRADE IS IN A DIFFERENT SCHOOL LEVEL OR SCHOOL BUILDING, IN THE SAME MANNER GUARANTEED AUTOMATIC MATRICULATION IS PROVIDED TO RESIDENT STUDENTS. THE SCHOOL DISTRICT SCHOOL OR PROGRAM, SCHOOL DISTRICT, OR CHARTER SCHOOL SHALL GRANT PRIORITY PREFERENCE FOR THE YOUNGER SIBLINGS OF THAT CHILD FOR PURPOSES OF ENROLLING IN SUBSEQUENT SCHOOL YEARS.

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

Approved: May 28, 2021