

MILITARY FAMILY EDUCATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill expands opportunities for children of military families to enroll in Utah public schools.

Highlighted Provisions:

This bill:

- ▶ requires a local education agency (LEA) to permit a student who is the child of a member of uniformed services who is relocating to the state or out of the state to:
 - before the student resides in the state, enroll in a public school within the LEA at the same time and in the same manner as individuals residing in the state; and
 - remain enrolled after the student's parent relocates out of the state;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-306, as last amended by Laws of Utah 2019, Chapter 293



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53G-6-306** is amended to read:

30 **53G-6-306. Permitting attendance by nonresident of the state -- Tuition.**

31 (1) As used in this section:

32 (a) "Armed forces" means the same as that term is defined in Section [68-3-12.5](#).

33 (b) "Eligible student" means a student who is a dependent child of a member of
 34 uniformed services who is:

35 (i) (A) relocating to the state and does not reside in the state during an LEA's
 36 enrollment period; or

37 (B) relocating out of the state during the school year; and

38 (ii) on permanent change of station orders.

39 (c) "Nonresident child" means a child residing outside the state.

40 (d) "Provisional enrollment" means enrollment in a public school by an eligible
 41 student:

42 (i) before the eligible student relocates to the state; or

43 (ii) after the eligible student's parent relocates out of the state, but before the eligible
 44 student relocates out of the state.

45 (e) "Uniformed services" means:

46 (i) the same as that term is defined in Section [68-3-12.5](#);

47 (ii) the reserve components of the armed forces; and

48 (iii) the national guard of a state.

49 ~~[(1) A local school board]~~ (2) (a) An LEA may permit a ~~[child residing outside the~~
 50 ~~state]~~ nonresident child to attend school within the district.

51 (b) With the exception of a child enrolled under Section [53G-6-707](#), [the] a nonresident
 52 child is not included for the purpose of apportionment of state funds.

53 ~~[(2) The local school board]~~ (3) (a) An LEA shall charge ~~[the]~~ a nonresident child who
 54 enrolls in a school within the LEA tuition in an amount at least equal to the per capita cost of
 55 the school program in which the nonresident child enrolls unless the ~~[local school board]~~ LEA,
 56 in open meeting, determines to waive the charge for that nonresident child in whole or in part.

57 (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the
 58 LEA's determination to waive the charge described in Subsection (3)(a).

59 (4) (a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow
60 an eligible student to:

61 (i) provisionally enroll in a public school in the LEA at the same time and in the same
62 manner as individuals who reside in the state; or

63 (ii) provisionally enroll in virtual education options that the LEA provides in the same
64 manner as an individual residing in the state.

65 (b) An LEA may not require proof of residency from an eligible student at the time the
66 eligible student applies to enroll in a public school in the LEA.

67 (c) An LEA shall require proof of residence within 10 days after the eligible student's
68 first day of residence in the state.