

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 14a

50th Legislature, 1st Session, 2011

Tracking Number: .183184.1

Short Title: School Priority for Military Children

Sponsor(s): Representative Eliseo Alcon

Analyst: David Harrell

Date: February 8, 2011

AS AMENDED

The House Education Committee amendment extends the enrollment priority to students with a parent who is an active duty member of the National Guard.

Original Bill Summary:

HB 14 amends the open enrollment provisions in the *Public School Code* to expand the first priority for enrollment by including students:

- who had resided in the attendance area of the school before an active duty military parent had been deployed; and
- who, because of the parent's deployment, have had to relocate outside the attendance area for custodial care.

Fiscal Impact:

HB 14 does not contain an appropriation.

Substantive Issues:

During the 2010 regular session, the Legislature addressed the educational needs of military families through HB 24, *Educational Opportunity for Military Children*, which was signed into law as Laws 2010, Chapter 41.

- This legislation implemented the Interstate Compact on Educational Opportunity for Military Children.
- One of the provisions in this compact seems to address the circumstance addressed by HB 14: "A military child who is in transition and is placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which the child was enrolled while residing with the custodial parent."
- In fact, the bill analysis by the Public Education Department (PED) suggests that this provision renders HB 14 unnecessary.

Citing provisions in federal law applicable to active-duty military personnel, the PED analysis further suggests that HB 14 does not apply to members of the Army National Guard or the Air National Guard. On this point, the analysis by the Department of Military Affairs suggests adding the following language if the bill's intent were to include members of the National Guard: "including National Guard members on active duty for a period of more than 30 days."

Finally, the open enrollment provisions that HB 14 amends were enacted in 1998 to provide additional choices to parents who prefer to send their children to schools outside their attendance zone.

- Under current law, these students are the fourth priority, called "all other students."
- If HB 14 were enacted, they would remain as fourth priority; however, the expansion of the first priority may reduce the likelihood of their being admitted to the school of their choice and increase the likelihood of their being placed on waiting lists, as provided in this section of law.

Background:

During the 2010 regular session, the Legislature passed a bill identical to HB 14, but it was pocket-vetoed.

Related Bills:

HB 108 *Service Member Child Custody Act*