

CLIENT NEWS BRIEF

New Laws Ease Residency and Coursework Requirements for Children of Active Duty Military Personnel

A pair of new laws intended to ease residency and coursework requirements for students in military families will go into effect on January 1, 2018. Senate Bill (SB) 455 expands on prior legislation to permit students whose parents are on active duty military orders to remotely enroll in school, while Assembly Bill (AB) 365 extends coursework exemptions for other groups of transient students to children of active duty members of the military.

SB 455: Updated Residency Rules for Students in Military Families

A prior bill, SB 1455, went into effect on January 1, 2017. SB 1455 allowed some transferring military families to remotely register their children in school prior to being physically located within the boundaries of their new school district. (Ed. Code, § 48204.3.) Under this existing law, a student complies with school district residency requirements if the student's parent was transferred or is pending transfer to a military installation located within the boundaries of the school district while on active military duty pursuant to an official military order, so long as proof of residence is provided within 10 days of the documented arrival date.

A problem arose, however, in that the law does not cover families that intend to live and enroll in school outside of the school district in which the military installation in question is located. SB 455 addresses this problem by amending section 48204.3 to provide that children in military families meet the residency requirements for attendance in a school district if the student's parent, while on active-duty orders, is transferred or is pending transfer to a military installation anywhere in the state. Now, military families on active duty orders will be permitted to remotely enroll in any school district where they will reside regardless of whether the military installation is within school district boundaries.

AB 365: Changes Coursework Requirements for Children of Active Military Personnel

Due to their frequent transfers between school districts, foster youth, homeless students, and former juvenile court school students often struggled to graduate on time due to local coursework requirements that exceed those mandated by state law. By enacting AB 365, state lawmakers extended a coursework exemption and other related provisions that already applied to students in these transient populations to children of active duty military personnel.

Under AB 365, Education Code sections 51225.1 and 51225.2 were amended to provide that foster youth, homeless students, children of active duty military personnel, and former juvenile court school students who transfer between schools any time after the completion of their second year of high school are exempt from all coursework and other requirements that exceed statewide coursework requirements.

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The exemption does not apply if the student is reasonably able to complete the additional requirements in time to graduate by the end of his or her fourth year of high school. If a school district determines a student is reasonably able to complete the coursework required for graduation within five years, the district is required to inform the student of the option of remaining in high school for a fifth year, and of the effect that doing so may have on the student's ability to get into college.

State law also requires school districts to accept satisfactory coursework these students completed at other schools, even if the student did not finish the course. School districts are required to give full or partial credit for the completed coursework and may not require a student to retake a course if the student has satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. In addition, these students cannot be prevented from taking or retaking courses to meet the eligibility requirements for admission to either the California State University or University of California systems.

For more information on SB 455 and AB 365 or on enrollment and coursework requirements for students in military families in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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