

REFERENCE TITLE: schools; data; noncitizen students

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1407**

Introduced by

Senators Smith, Klein, Pearce R; Representatives Fillmore, Kavanagh:  
Senators Antenori, Biggs, Bundgaard, Gould, Griffin, Melvin, Yarbrough

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 15-249.02; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,  
3 is amended by adding section 15-249.02, to read:

4 15-249.02. Students who are not citizens; data collection;  
5 annual report; withholding of state aid; immunity

6 A. TO THE EXTENT PERMITTED BY FEDERAL LAW, THE DEPARTMENT OF EDUCATION  
7 SHALL COLLECT FROM SCHOOL DISTRICTS DATA ON POPULATIONS OF STUDENTS WHO ARE  
8 ENROLLED IN SCHOOL DISTRICTS AND WHO ARE ALIENS WHO CANNOT PROVE LAWFUL  
9 RESIDENCE IN THE UNITED STATES.

10 B. THE DEPARTMENT SHALL SUBMIT A REPORT ON OR BEFORE DECEMBER 15 OF  
11 EACH YEAR TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND  
12 THE PRESIDENT OF THE SENATE THAT SUMMARIZES THE DATA COLLECTED ON A DISTRICT  
13 BY DISTRICT BASIS PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL PROVIDE A  
14 COPY OF THIS REPORT TO THE SECRETARY OF STATE. THE REPORT SHALL INCLUDE THE  
15 FOLLOWING INFORMATION:

16 1. RESEARCH ON THE ADVERSE IMPACT OF THE ENROLLMENT OF STUDENTS WHO  
17 CANNOT PROVE LAWFUL RESIDENCE IN THE UNITED STATES.

18 2. A DETAILED ESTIMATE OF THE TOTAL COST TO THE TAXPAYERS OF THIS  
19 STATE FOR THE EDUCATION OF STUDENTS WHO ARE NOT CITIZENS OF THE UNITED  
20 STATES, INCLUDING A SEPARATE DETAILED ESTIMATE OF THE TOTAL COST TO THE  
21 TAXPAYERS OF THIS STATE FOR THE EDUCATION OF STUDENTS WHO CANNOT PROVE LAWFUL  
22 RESIDENCE IN THE UNITED STATES.

23 C. THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY WITHHOLD A SCHOOL  
24 DISTRICT'S APPORTIONMENT OF STATE AID IF THE SUPERINTENDENT DETERMINES THAT  
25 THE SCHOOL DISTRICT IS NOT COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

26 D. A SCHOOL DISTRICT AND ITS EMPLOYEES ARE IMMUNE FROM CIVIL LIABILITY  
27 WITH RESPECT TO ALL DECISIONS AND ACTIONS TAKEN IN GOOD FAITH TO COMPLY WITH  
28 THE REQUIREMENTS OF THIS SECTION.