

Senate Engrossed

~~schools; certificates of educational convenience~~
(now: exchange programs; certificates of convenience)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1361

AN ACT

AMENDING SECTIONS 15-823, 15-825 AND 15-825.01, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL ADMISSION REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-823, Arizona Revised Statutes, is amended to
3 read:

4 15-823. Admission; residents of other school districts;
5 nonresidents of this state; tuition

6 A. Except as provided in subsections B, C, D, E, F, G and H of this
7 section, children of nonresidents of this state may be admitted on payment
8 of a reasonable tuition fixed by the governing board.

9 B. The governing board shall admit children of nonresident teaching
10 and research faculty of community college districts and state universities
11 and children of nonresident graduate or undergraduate students of
12 community college districts and state universities whose parent's presence
13 at the district or university is of international, national, state or
14 local benefit without payment of tuition.

15 C. The governing board shall admit children who are residents of
16 the United States but who are nonresidents of this state without payment
17 of tuition if evidence indicates that the child's physical, mental, moral
18 or emotional health is best served by placement with a grandparent,
19 brother, sister, stepbrother, stepsister, aunt or uncle who is a resident
20 within the school district, unless the governing board determines that the
21 placement is solely for the purpose of obtaining an education in this
22 state without payment of tuition.

23 D. The governing board may admit nonresident foreign students who
24 are in exchange programs without payment of tuition or as it may otherwise
25 prescribe.

26 E. Notwithstanding subsection D of this section, beginning in the
27 ~~2016-2017~~ 2022-2023 school year the governing board may admit ~~the same~~
28 ~~number of~~ nonresident foreign students who are in exchange programs and
29 who are recipients of a J-1 visa pursuant to federal law, ~~that is equal to~~
30 ~~the number of resident students enrolled in that local education agency~~
31 ~~who are currently participating in a foreign exchange program, as~~
32 ~~determined by the department,~~ without the payment of tuition.

33 **NOTWITHSTANDING SECTION 15-901, A SCHOOL DISTRICT OR A CHARTER SCHOOL MAY**
34 **INCLUDE THESE STUDENTS IN THE DISTRICT'S OR CHARTER SCHOOL'S STUDENT COUNT**
35 **AND MAY OBTAIN STATE FUNDING FOR THESE STUDENTS.**

36 F. The governing board may admit children who are residents of the
37 United States without payment of tuition if evidence indicates that
38 because the parents are homeless or the child is abandoned, as defined in
39 section 8-201, the child's physical, mental, moral or emotional health is
40 best served by placement with a person who does not have legal custody of
41 the child and who is a resident within the school district, unless the
42 governing board determines that the placement is solely for the purpose of
43 obtaining an education in this state without payment of tuition.

1 G. The governing board may admit children who are residents of the
2 United States, but who are nonresidents of this state, without payment of
3 tuition if all of the following conditions exist:

4 1. The child is a member of a federally recognized Indian tribe.

5 2. The child resides on Indian lands that are under the
6 jurisdiction of the tribe of which the child is a member.

7 3. The area in the boundaries of the reservation where the child
8 resides is located both in this state and in another state of the United
9 States.

10 4. The governing board enters into an intergovernmental agreement
11 with the governing board of the school district in another state in which
12 the nonresident child resides. The intergovernmental agreement shall
13 specify the number of nonresident children admitted in this state and the
14 number of resident children that are admitted by the governing board in
15 another state.

16 H. The governing board may admit children who are residents of the
17 United States, but who are nonresidents of this state, without payment of
18 tuition if all of the following conditions exist:

19 1. The child is enrolled in a year-round residential boarding
20 academy located in this state specializing in intensive instruction and
21 skill development in sports, music or acting.

22 2. The child's parents have executed a current notarized
23 guardianship agreement covering the child while enrolled at the academy,
24 which is a condition of enrollment at the academy and authorizes academy
25 representatives to act on behalf of the child's parent or legal guardian
26 in making all decisions on a daily basis as to the child's activities and
27 needs for medical, educational and other personal issues.

28 I. The governing board shall charge reasonable tuition for the
29 number of nonresident pupils who reside in another state and who are
30 admitted by a governing board in this state pursuant to subsection G of
31 this section that exceeds the number of resident pupils from this state
32 who are admitted into a school district by the other state.

33 J. The governing board of a school district shall pay reasonable
34 tuition for the number of resident pupils who reside in that school
35 district and who are admitted by a school district in another state
36 pursuant to subsection G of this section that exceeds the number of
37 nonresident pupils from that other state who are admitted by the governing
38 board into that school district in this state.

39 K. Children admitted under this section shall be counted or not
40 counted as resident pupils as prescribed in section 15-824, subsection D.

41 L. Except as provided in subsections E, H and K of this section, a
42 school district or a charter school shall not include pupils who are not
43 residents of this state in the district's or charter school's student
44 count and shall not obtain state funding for those pupils.

1 Sec. 2. Section 15-825, Arizona Revised Statutes, is amended to
2 read:

3 15-825. Certificates of educational convenience; issuance;
4 effect on enrollment records; reporting
5 requirements

6 A. A pupil who is precluded by distance, ~~or~~ lack of adequate
7 transportation facilities **OR A PARENT'S OR GUARDIAN'S EMPLOYMENT** from
8 attending a school in the school district or county of the pupil's
9 residence or who resides in unorganized territory may apply to the ~~county~~
10 ~~school superintendent~~ **PUPIL'S SCHOOL DISTRICT OF RESIDENCE OR, FOR A PUPIL**
11 **WHO RESIDES IN UNORGANIZED TERRITORY, THE SCHOOL DISTRICT OF ATTENDANCE**
12 for a certificate of educational convenience. **IF A PUPIL WHO RESIDES IN**
13 **UNORGANIZED TERRITORY DOES NOT HAVE A SCHOOL DISTRICT OF ATTENDANCE AND**
14 **SEEKS TO APPLY FOR A CERTIFICATE OF EDUCATIONAL CONVENIENCE, THE PUPIL'S**
15 **PARENT SHALL ENROLL THE PUPIL IN A SCHOOL PURSUANT TO ARTICLE 1.1 OF THIS**
16 **CHAPTER AND APPLY TO THE SCHOOL DISTRICT THAT OPERATES THAT SCHOOL FOR A**
17 **CERTIFICATE OF EDUCATIONAL CONVENIENCE. A SCHOOL DISTRICT THAT RECEIVES**
18 **AN APPLICATION PURSUANT TO THIS SUBSECTION SHALL SUBMIT THE COMPLETED**
19 **APPLICATION TO THE COUNTY SCHOOL SUPERINTENDENT ELECTRONICALLY, IN PERSON**
20 **OR BY REGULAR MAIL.** If it appears to the county school superintendent
21 that it is not feasible for the pupil to attend a school in the school
22 district or county of residence, the county school superintendent shall
23 issue a certificate **OF EDUCATIONAL CONVENIENCE** authorizing the pupil to
24 attend a school in an adjoining school district or county, whether within
25 or without this state. If a certificate of educational convenience is
26 issued as provided in this subsection, the school enrollment of a pupil is
27 as follows:

28 1. The school enrollment of a pupil who is precluded from attending
29 a school in this state and who must attend school in another state, when
30 certified to the county school superintendent by the official in charge of
31 the school attended, is deemed for the purpose of determining student
32 count to be enrollment in the school of the county or school district of
33 the student's residence.

34 2. The school enrollment of a pupil from unorganized territory or
35 from another school district is deemed for the purpose of determining
36 student count to be enrollment in the school district of actual
37 attendance.

38 B. The county school superintendent of any county in which a pupil
39 is placed as described in this subsection shall issue a certificate of
40 educational convenience for the pupil to attend school in the school
41 district or adjoining school district to that in which the pupil is placed
42 by an agency of this state or a state or federal court of competent
43 jurisdiction in one of the following:

- 1 1. A state rehabilitation or corrective institution.
- 2 2. A foster home or child care agency or institution ~~which~~ THAT is
- 3 licensed and supervised by the department of child safety or the
- 4 department of health services.
- 5 3. A residential facility THAT IS operated or supported by the
- 6 department of economic security or the department of health services.
- 7 4. Under the supervision of the department of juvenile corrections,
- 8 ~~in~~ a residence pursuant to the interstate compact on juveniles.
- 9 Notwithstanding section 41-1959, the placing agency, department or
- 10 institution shall provide the school district of attendance with the
- 11 necessary information to enable the district to obtain a certificate of
- 12 educational convenience pursuant to this subsection.
- 13 C. A pupil attending school under a certificate of educational
- 14 convenience issued pursuant to subsection B of this section is deemed for
- 15 the purpose of determining student count to be enrolled in the school
- 16 district of attendance. The county school superintendent of any county
- 17 shall not issue a certificate of educational convenience as provided in
- 18 subsection B of this section if the pupil is placed in the same district
- 19 of the pupil's parents' or legal guardians' residence or if the pupil is
- 20 placed without a court order and the pupil's parents or legal guardians
- 21 are not residents of this state.
- 22 D. If a certificate of educational convenience is issued as
- 23 provided in subsection B of this section, or for a pupil whose parent or
- 24 guardian is employed and domiciled by a state institution as prescribed by
- 25 section 15-976, tuition may be charged as follows:
- 26 1. For group B children with disabilities:
- 27 (a) Who are from unorganized territory, whose parent or guardian is
- 28 employed by a state institution as prescribed by section 15-976 or who
- 29 have been issued a certificate of educational convenience pursuant to
- 30 subsection B of this section, the superintendent of public instruction
- 31 shall reimburse the district of attendance for the excess costs as
- 32 provided in section 15-824, subsection E, paragraph 4.
- 33 (b) Who are from another school district, the school district of
- 34 residence shall reimburse the district of attendance for the excess costs
- 35 as provided in section 15-824, subsection E, paragraph 4.
- 36 2. For pupils who are precluded from attending a school in this
- 37 state and who must attend a school in another state:
- 38 (a) If the pupil resides in a school district in this state, the
- 39 district of residence shall pay the amount charged by the district of
- 40 attendance.
- 41 (b) If the pupil resides in unorganized territory, the
- 42 superintendent of public instruction shall pay the amount charged by the
- 43 district of attendance.
- 44 E. The county school superintendent who issues a certificate of
- 45 educational convenience shall notify the superintendent of public

1 instruction of the issuance of the certificate. The superintendent of
2 public instruction shall draw a warrant in favor of the school district of
3 actual attendance for the amount charged, whether for common or high
4 school attendance, as provided in section 15-824.

5 F. The total amount of state monies that may be spent in any fiscal
6 year by the superintendent of public instruction for certificates of
7 educational convenience shall not exceed the amount appropriated or
8 authorized by section 35-173 for that purpose. This section does not
9 impose a duty on an officer, agent or employee of this state to discharge
10 a responsibility or ~~to~~ create any right in a person or group if the
11 discharge or right would require an expenditure of state monies in excess
12 of the expenditure authorized by legislative appropriation for that
13 specific purpose.

14 G. ON OR BEFORE JANUARY 1 OF EACH YEAR, EACH COUNTY SCHOOL
15 SUPERINTENDENT SHALL REPORT TO THE DEPARTMENT OF EDUCATION THE TOTAL
16 NUMBER OF CERTIFICATES OF EDUCATIONAL CONVENIENCE THAT THE COUNTY SCHOOL
17 SUPERINTENDENT ISSUED PURSUANT TO SUBSECTION A OF THIS SECTION DURING THE
18 PREVIOUS CALENDAR YEAR AND THE TOTAL NUMBER OF CERTIFICATES OF EDUCATIONAL
19 CONVENIENCE THAT THE COUNTY SCHOOL SUPERINTENDENT ISSUED PURSUANT TO
20 SUBSECTION B OF THIS SECTION DURING THE PREVIOUS CALENDAR YEAR.

21 H. THE DEPARTMENT OF EDUCATION SHALL MAINTAIN THE REPORTS RECEIVED
22 UNDER SUBSECTION G OF THIS SECTION.

23 Sec. 3. Section 15-825.01, Arizona Revised Statutes, is amended to
24 read:

25 15-825.01. Certificates of educational convenience; pupils
26 attending out-of-state schools

27 A. A school district is eligible to receive payment from state
28 school monies for excess tuition if the following conditions are met:

29 1. The county school superintendent issues a certificate of
30 educational convenience pursuant to section 15-825, subsection A, ~~for~~ for one
31 or more pupils who reside in the district to attend a school in an
32 adjacent state ~~which~~ THAT is proximate to the school district when the
33 pupils are precluded by distance, ~~or~~ lack of adequate transportation
34 facilities OR A PARENT'S OR GUARDIAN'S EMPLOYMENT from attending a school
35 in the school district or county of the pupils' residence.

36 2. The superintendent of public instruction determines that the
37 development of an interstate compact with another state or an
38 intergovernmental agreement between the sending and receiving school
39 districts, which provides for tuition-free attendance in the receiving
40 district, is impracticable or not in the best interests of this state.

41 3. The total amount of tuition charged by the receiving district is
42 greater than the equalization base amount as determined by section 15-971,
43 subsection A, ~~for~~ for all of the pupils for whom tuition is being paid
44 pursuant to paragraph 1 of this subsection.

1 B. The excess tuition payment shall be calculated as follows:

2 1. Determine the amount of tuition being charged by the receiving
3 district for pupils attending the district pursuant to subsection A,
4 paragraph 1 of this section.

5 2. Determine the lesser of the amount determined in paragraph 1 of
6 this subsection or the guaranteed tuition level. The guaranteed tuition
7 level for the receiving district shall be determined for the tuitioned
8 pupils by the department of education based ~~upon~~ ON the receiving state's
9 school finance formula or the actual costs of educating pupils in the
10 receiving district, whichever is appropriate.

11 3. Subtract the equalization base amount as provided in subsection
12 A, paragraph 3 of this section, from the amount determined in paragraph 2
13 of this subsection.

14 C. The excess tuition payment is exempt from the revenue control
15 limit as provided in section 15-947.