

Senate Engrossed  
exchange programs; student count.

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1185

AN ACT

AMENDING SECTION 15-823, 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~~ 2023-2024 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 STUDENTS DESCRIBED IN THIS SUBSECTION IN THE DISTRICT'S OR CHARTER  
35 SCHOOL'S STUDENT COUNT 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  
20 boarding academy located in this state specializing in intensive  
21 instruction and 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.