

House Engrossed

schools; enrollment preference; armed forces

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2311

AN ACT

AMENDING SECTIONS 15-184 AND 15-816.01, ARIZONA REVISED STATUTES; RELATING  
TO PUBLIC SCHOOL ENROLLMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-184, Arizona Revised Statutes, is amended to  
3 read:  
4 15-184. Charter schools; admissions requirements; parental  
5 classroom visits  
6 A. A charter school shall enroll all eligible pupils who submit a  
7 timely application, unless the number of applications exceeds the capacity  
8 of a program, class, grade level or building.  
9 B. A charter school shall give enrollment preference to pupils who  
10 are returning to the charter school in the second or any subsequent year  
11 of its operation and to siblings of pupils who are already enrolled in the  
12 charter school.  
13 C. A charter school may give enrollment preference to children who  
14 are in foster care or meet the definition of unaccompanied youth  
15 prescribed in the McKinney-Vento homeless assistance act (42 United States  
16 Code section 11434a).  
17 D. A charter school may give enrollment preference to and reserve  
18 capacity for pupils who either:  
19 1. Are children, grandchildren or legal wards of any of the  
20 following:  
21 (a) Employees of the school.  
22 (b) Employees of the charter holder.  
23 (c) Members of the governing body of the school.  
24 (d) Directors, officers, partners or board members of the charter  
25 holder.  
26 2. Attended another charter school or are the siblings of that  
27 pupil if the charter school previously attended by the pupil has the  
28 identical charter holder, board and governing board membership as the  
29 enrolling charter school or is managed by the same educational management  
30 organization, charter management organization or educational service  
31 provider as determined by the charter authorizer.  
32 3. ARE CHILDREN OF A MEMBER OF THE ARMED FORCES OF THE UNITED  
33 STATES WHO EITHER IS ON ACTIVE DUTY OR WAS KILLED IN THE LINE OF DUTY.  
34 E. If remaining capacity is insufficient to enroll all pupils who  
35 submit a timely application, the charter school shall select pupils  
36 through an equitable selection process such as a lottery except that  
37 preference shall be given to siblings of a pupil who is selected through  
38 an equitable selection process such as a lottery.  
39 F. Except as provided in subsections A through D of this section, a  
40 charter school shall not limit admission based on ethnicity, national  
41 origin, gender, income level, disabling condition, proficiency in the  
42 English language or athletic ability.  
43 G. A charter school may limit admission to pupils within a given  
44 age group or grade level.

1 H. A charter school may provide instruction to pupils of a single  
2 gender with the approval of the sponsor of the charter school. An  
3 existing charter school may amend its charter to provide instruction to  
4 pupils of a single gender and, if approved by the sponsor of the charter  
5 school, may provide instruction to pupils of a single gender at the  
6 beginning of the next school year.

7 I. A charter school may refuse to admit any pupil who has been  
8 expelled from another educational institution or who is in the process of  
9 being expelled from another educational institution.

10 J. A charter school governing body must develop and adopt in a  
11 public meeting policies to allow for visits, tours and observations of all  
12 classrooms by parents of enrolled pupils and parents who wish to enroll  
13 their children in the charter school unless a visit, tour or observation  
14 threatens the health and safety of pupils and staff. These policies and  
15 procedures must be easily accessible from the home page on each school's  
16 website.

17 Sec. 2. Section 15-816.01, Arizona Revised Statutes, is amended to  
18 read:

19 15-816.01. Open enrollment policies; preference; selection  
20 process; transportation; reporting requirements;  
21 public awareness effort

22 A. School district governing boards shall establish policies and  
23 shall implement an open enrollment policy without charging tuition.  
24 Tuition may be charged to nonresident pupils only if the tuition is  
25 authorized under section 15-764, subsection C, section 15-797, subsection  
26 C, section 15-823, subsection A, section 15-824, subsection A or section  
27 15-825 or if two school districts have entered into a voluntary agreement  
28 for the payment of tuition for certain pupils. These policies shall  
29 include the information required by subsection I of this section, basic  
30 information that is needed to request enrollment and that is consistent  
31 with guidance and state and federal law regarding pupil privacy and civil  
32 rights, and information regarding the provision of transportation or  
33 resources for transportation. The policies must be easily accessible from  
34 the home page on each school's website and be available in English and in  
35 Spanish or in any other language used by a majority of the populations  
36 served by the school or school district. A school district shall update  
37 on each school's website the school's capacity and whether the school is  
38 currently accepting open enrollment students, by grade level, at least  
39 once every twelve weeks unless there are no changes to report for the  
40 individual school. If a school has any other separate capacity by  
41 specialized program, the information required pursuant to this subsection  
42 shall also be posted by specialized program. Schools shall accept pupils  
43 throughout the school year as capacity allows. Pupils who are denied  
44 access due to capacity shall be informed that they are on a wait list and

1 of the details regarding the process prescribed in subsection E of this  
2 section. Pupils shall be selected as seats become available.

3 B. A school district shall enroll at any time any resident pupil  
4 who applies for enrollment to the school district pursuant to this  
5 section. A school district shall give enrollment preference to and  
6 reserve capacity for all of the following:

- 7 1. Resident pupils.
- 8 2. Pupils returning to the school from the prior year.
- 9 3. Siblings of pupils already enrolled.

10 C. A school district may give enrollment preference to children  
11 who:

- 12 1. Are in foster care.
- 13 2. Meet the definition of unaccompanied youth prescribed in the  
14 McKinney-Vento homeless assistance act (P.L. 100-77; 101 Stat. 482;  
15 42 United States Code section 11434a).
- 16 3. Attend a school that is closing.
- 17 4. ARE CHILDREN OF A MEMBER OF THE ARMED FORCES OF THE UNITED  
18 STATES WHO EITHER IS ON ACTIVE DUTY OR WAS KILLED IN THE LINE OF DUTY.

19 D. A school district may give enrollment preference to and reserve  
20 capacity for all of the following:

- 21 1. Pupils who are children of persons who are employed by or at a  
22 school in the school district.
- 23 2. Resident transfer pupils and their siblings.
- 24 3. Pupils who meet additional criteria established and published by  
25 the school district governing board pursuant to subsection A of this  
26 section.

27 E. If remaining capacity at a school, as determined by the school  
28 district governing board, is insufficient to enroll all pupils who submit  
29 a timely request, the school or school district shall select pupils  
30 through an equitable selection process such as a lottery, except that  
31 preference shall be given to the siblings of a pupil selected through an  
32 equitable selection process such as a lottery.

33 F. Except as provided in subsections A through E of this section, a  
34 school that is operated by a school district may not limit admission based  
35 on any of the following:

- 36 1. Ethnicity or race.
- 37 2. National origin.
- 38 3. Sex.
- 39 4. Income level.
- 40 5. Disability.
- 41 6. Proficiency in the English language.
- 42 7. Athletic ability.

43 G. The governing board of the district educating the pupil may  
44 provide transportation limited to not more than thirty miles each way to  
45 and from the school of attendance or to and from a pickup point on a

1 regular transportation route or for the total miles traveled each day to  
2 an adjacent district for eligible nonresident pupils who meet the economic  
3 eligibility requirements established under the national school lunch and  
4 child nutrition acts (42 United States Code sections 1751 through 1793)  
5 for free or reduced-price lunches.

6 H. The governing board of the district educating the pupil shall  
7 provide transportation limited to not more than thirty miles each way to  
8 and from the school of attendance or to and from a pickup point on a  
9 regular transportation route or for the total miles traveled each day to  
10 an adjacent district for nonresident pupils with disabilities whose  
11 individualized education program specifies that transportation is  
12 necessary to fulfill the program.

13 I. The state board of education shall adopt a model format that  
14 school districts may use for describing open enrollment options to ensure  
15 clarity and consistency for parents in understanding their enrollment  
16 options as described in this section and enrollment capacity at each  
17 school, including the ability to choose any school within the school  
18 district of residence or any other school district in this state. The  
19 state board of education shall adopt rules, policies and guidance  
20 consistent with state and federal law for school districts to use while  
21 enrolling students pursuant to this article. Pursuant to the supervisory  
22 duties of the superintendent of public instruction, the department of  
23 education shall investigate and enforce any complaints that the department  
24 receives or substantiated claims of unlawful or inappropriate enrollment  
25 practices by school districts pursuant to state and federal law and shall  
26 refer any complaints received regarding charter schools to the state board  
27 for charter schools to investigate and enforce. The department of  
28 education shall regularly update the state board of education on its  
29 investigations pursuant to this subsection.

30 J. The department of education shall provide an annual report that  
31 informs the public and policymakers of the open enrollment participation  
32 rate by school district, school and county, including the number of  
33 pupils, by student subgroup designation, in each school and school  
34 district that are open enrolled as resident pupils, resident transfer  
35 pupils or nonresident pupils for each school district and the school  
36 districts and zip codes from which students are enrolling. By fiscal year  
37 2022-2023, this participation report shall also include the number of  
38 pupils enrolled in charter schools and the school districts from which  
39 those pupils are enrolling.

40 K. Subject to the availability of appropriated monies, each January  
41 the state board of education shall design a public awareness effort to  
42 distribute materials that do all of the following:

43 1. Communicate to the public the ability to choose any public  
44 school in this state.

1           2. Direct the public to resources to learn about school choice  
2 options in this state.

3           3. Instruct the public how to request enrollment for pupils.

4           L. The state board of education may include other options in its  
5 informational materials and messaging developed under subsection K of this  
6 section.

7           M. In designing the public awareness effort and distributing  
8 materials under subsection K of this section, the state board of education  
9 may collaborate with both:

10          1. Public and private partners to assist the state board in  
11 achieving the objectives prescribed in subsection K of this section.

12          2. The department of education in providing parents and the public  
13 with informational resources.