

REFERENCE TITLE: foreign exchange programs; student count

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

HB 2395

Introduced by
Representatives Gress: Pawlik

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~~ SECTION 15-901,
27 beginning in the ~~2016-2017~~ 2024-2025 school year the governing board may
28 admit ~~the same number of~~ nonresident foreign students who are in exchange
29 programs and who are recipients of a J-1 visa pursuant to federal
30 law, ~~that is equal to the number of resident students enrolled in that~~
31 ~~local education agency who are currently participating in a foreign~~
32 ~~exchange program, as determined by the department,~~ without the payment of
33 tuition AND MAY INCLUDE THESE STUDENTS IN THE SCHOOL DISTRICT'S OR CHARTER
34 SCHOOL'S AVERAGE DAILY MEMBERSHIP UNDER SECTION 15-901 IF EITHER OF THE
35 FOLLOWING APPLIES:

36 1. THE SCHOOL DISTRICT OR CHARTER SCHOOL SEEKS TO INCLUDE THE SAME
37 NUMBER OF NONRESIDENT FOREIGN STUDENTS IN THE SCHOOL DISTRICT'S OR CHARTER
38 SCHOOL'S AVERAGE DAILY MEMBERSHIP AS THE NUMBER OF RESIDENT STUDENTS WHO
39 ARE ENROLLED IN THE SCHOOL DISTRICT OR CHARTER SCHOOL AND WHO ARE
40 PARTICIPATING IN A FOREIGN EXCHANGE PROGRAM DURING THE SAME PERIOD. A
41 SCHOOL DISTRICT OR CHARTER SCHOOL MUST APPLY TO THE DEPARTMENT OF
42 EDUCATION FOR APPROVAL BEFORE INCLUDING A NONRESIDENT FOREIGN STUDENT IN
43 THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP UNDER
44 THIS PARAGRAPH.

1 2. THE DEPARTMENT OF EDUCATION APPROVES A SCHOOL DISTRICT'S OR
2 CHARTER SCHOOL'S APPLICATION TO INCLUDE AN IDENTIFIABLE NONRESIDENT
3 FOREIGN STUDENT WHO IS IN AN EXCHANGE PROGRAM AND WHO IS A RECIPIENT OF A
4 J-1 VISA PURSUANT TO FEDERAL LAW IN THE SCHOOL DISTRICT'S OR CHARTER
5 SCHOOL'S AVERAGE DAILY MEMBERSHIP. FOR THE PURPOSES OF THIS PARAGRAPH, A
6 NONRESIDENT FOREIGN STUDENT IS IDENTIFIABLE IF THE SCHOOL DISTRICT OR
7 CHARTER SCHOOL REPORTS THE STUDENT'S LEGAL NAME AND DATE OF BIRTH. THE
8 DEPARTMENT SHALL APPROVE APPLICATIONS UNDER THIS PARAGRAPH ON A
9 FIRST-COME, FIRST-SERVED BASIS AND MAY APPROVE APPLICATIONS FOR UP TO ONE
10 HUNDRED FULL-TIME STUDENTS AS DEFINED IN SECTION 15-901 PER SCHOOL YEAR.

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

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

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

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

25 3. The area in the boundaries of the reservation where the child
26 resides is located both in this state and in another state of the United
27 States.

28 4. The governing board enters into an intergovernmental agreement
29 with the governing board of the school district in another state in which
30 the nonresident child resides. The intergovernmental agreement shall
31 specify the number of nonresident children admitted in this state and the
32 number of resident children that are admitted by the governing board in
33 another state.

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

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

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

1 I. The governing board shall charge reasonable tuition for the
2 number of nonresident pupils who reside in another state and who are
3 admitted by a governing board in this state pursuant to subsection G of
4 this section that exceeds the number of resident pupils from this state
5 who are admitted into a school district by the other state.

6 J. The governing board of a school district shall pay reasonable
7 tuition for the number of resident pupils who reside in that school
8 district and who are admitted by a school district in another state
9 pursuant to subsection G of this section that exceeds the number of
10 nonresident pupils from that other state who are admitted by the governing
11 board into that school district in this state.

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

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