

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2382

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-248.02; 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 15-248.02, to read:

4 15-248.02. Students who are not citizens: data collection:
5 annual report: withholding state aid: violation:
6 classification

7 A. THE DEPARTMENT OF EDUCATION SHALL COLLECT AND COMPILE FROM SCHOOL
8 DISTRICTS, AND SCHOOL DISTRICTS SHALL COLLECT AND COMPILE FROM THE PARENTS OR
9 LEGAL GUARDIANS OF ALL STUDENTS ENROLLED IN A PUBLIC SCHOOL, DATA CONCERNING
10 STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL AND WHO CANNOT PROVE LAWFUL
11 PRESENCE IN THE UNITED STATES. THE DATA SHALL BE IN SUFFICIENT VOLUME AND
12 SPECIFICITY TO SUPPORT A MEANINGFUL AND WELL STRUCTURED REPORT.

13 B. ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE DEPARTMENT OF EDUCATION
14 SHALL SUBMIT A REPORT THAT SUMMARIZES THE DATA COLLECTED ON A DISTRICT BY
15 DISTRICT BASIS PURSUANT TO THIS SECTION TO THE GOVERNOR, THE STATE TREASURER,
16 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE
17 AND SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE. THE
18 REPORT SHALL NOT INCLUDE ANY PERSONALLY IDENTIFIABLE STUDENT INFORMATION.
19 THE REPORT SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION AND INCLUDE
20 DETAILED SUPPORT ON A SCHOOL BY SCHOOL BASIS FOR ANY SUMMARIZED INFORMATION
21 PRESENTED IN THE REPORT:

22 1. THE NUMBER OF STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE THEIR
23 STUDENT'S LAWFUL PRESENCE IN THE UNITED STATES.

24 2. THE NUMBER OF STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE THEIR
25 STUDENT'S LAWFUL PRESENCE IN THE UNITED STATES AND WHO WERE NOT ENROLLED
26 PREVIOUSLY IN ANY SCHOOL DISTRICT IN THIS STATE.

27 3. THE NUMBER OF STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE THEIR
28 STUDENT'S LAWFUL PRESENCE IN THE UNITED STATES AND WHO WERE ENROLLED
29 PREVIOUSLY IN A SCHOOL DISTRICT IN THIS STATE BUT ARE NO LONGER ENROLLED FOR
30 REASONS OTHER THAN NORMAL GRADUATION.

31 4. BASED ON THE AVERAGE STUDENT PER TEACHER RATIO IN THE SCHOOL
32 DISTRICT, THE NUMBER OF TEACHERS THAT WERE EMPLOYED TO PROVIDE EDUCATIONAL
33 SERVICES TO STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE THEIR STUDENT'S
34 LAWFUL PRESENCE IN THE UNITED STATES.

35 5. BASED ON THE AVERAGE CLASSROOM TEACHER SALARY FOR THE SCHOOL
36 DISTRICT, THE AMOUNT OF MONEY SPENT IN THE CLASSROOM ON TEACHERS' SALARIES
37 FOR STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE THEIR STUDENT'S LAWFUL
38 PRESENCE IN THE UNITED STATES.

39 6. BASED ON THE AVERAGE OPERATING AND MAINTENANCE OVERHEAD PER STUDENT
40 IN THE SCHOOL DISTRICT, THE AMOUNT OF MONEY SPENT FOR OPERATIONS AND
41 MAINTENANCE FOR STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE THEIR STUDENT'S
42 LAWFUL PRESENCE IN THE UNITED STATES.

1 7. BASED ON THE AVERAGE SALARY FOR SUPPORT AND ADMINISTRATIVE STAFF
2 OUTSIDE THE CLASSROOM, THE AMOUNT OF MONEY SPENT FOR STUDENTS WHOSE PARENTS
3 WERE UNABLE TO PROVE THEIR STUDENT'S LAWFUL PRESENCE IN THE UNITED STATES.

4 8. A VERIFIABLE, GOOD FAITH ESTIMATE OF THE TOTAL COST TO THE
5 TAXPAYERS OF THIS STATE FOR PROVIDING EDUCATIONAL SERVICES TO NONCITIZEN
6 STUDENTS GENERALLY AND THE TOTAL COST TO THE TAXPAYERS OF THIS STATE FOR
7 PROVIDING EDUCATIONAL SERVICES TO STUDENTS WHOSE PARENTS WERE UNABLE TO PROVE
8 THE STUDENT'S LAWFUL PRESENCE IN THE UNITED STATES.

9 C. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WITHHOLD A SCHOOL
10 DISTRICT'S APPORTIONMENT OF STATE AID IF A SCHOOL DISTRICT DOES NOT COMPLY
11 WITH THE REQUIREMENTS OF THIS SECTION IN A COMPLETE AND TIMELY MANNER.

12 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WITHHOLD THE SALARY
13 OR BONUS, OR BOTH, OF ANY EMPLOYEE OF THIS STATE OR OF ANY SCHOOL DISTRICT OF
14 THIS STATE WHO FAILS TO TIMELY COMPLY WITH THIS SECTION.

15 E. A PERSON WHO INTENTIONALLY PROVIDES A FRAUDULENT REPORT, OR WHO
16 PROVIDES FRAUDULENT UNDERLYING DATA FOR THAT REPORT, IS GUILTY OF A CLASS 1
17 MISDEMEANOR.