

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1141

AN ACT

AMENDING SECTION 15-802, ARIZONA REVISED STATUTES; RELATING TO PUPIL
RESIDENCY REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-802, Arizona Revised Statutes, is amended to
3 read:

4 15-802. School instruction: exceptions: violations:
5 classification: definitions

6 A. Every child between the ages of six and sixteen years shall attend
7 a school and shall be provided instruction in at least the subjects of
8 reading, grammar, mathematics, social studies and science. The person who
9 has custody of the child shall choose a public, private, charter or home
10 school as defined in this section to provide instruction.

11 B. The parent or person who has custody shall do the following:

12 1. If the child will attend a public, private or charter school,
13 enroll the child in and ensure that the child attends a public, private or
14 charter school for the full time school is in session. IN ACCORDANCE WITH
15 GUIDELINES ADOPTED BY THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS AND
16 CHARTER SCHOOLS SHALL REQUIRE AND MAINTAIN VERIFIABLE DOCUMENTATION OF
17 RESIDENCY IN THIS STATE FOR PUPILS WHO ENROLL IN THE SCHOOL DISTRICT OR
18 CHARTER SCHOOL. If a child attends a school ~~which~~ THAT is operated on a
19 year-round basis, the child shall regularly attend during school sessions
20 that total not less than one hundred seventy-five school days or two hundred
21 school days, as applicable, or the equivalent as approved by the
22 superintendent of public instruction.

23 2. If the child will attend a private school or home school, file an
24 affidavit of intent with the county school superintendent stating that the
25 child is attending a regularly organized private school or is being provided
26 with instruction in a home school. The affidavit of intent shall include:

27 (a) The child's name.

28 (b) The child's date of birth.

29 (c) The current address of the school the child is attending.

30 (d) The names, telephone numbers and addresses of the persons who
31 currently have custody of the child.

32 3. If the child will attend home school, the child has not reached
33 eight years of age by September 1 of the school year and the person who has
34 custody of the child does not desire to begin home instruction until the
35 child has reached eight years of age, file an affidavit of intent pursuant to
36 paragraph 2 of this subsection stating that the person who has custody of the
37 child does not desire to begin home school instruction.

38 C. An affidavit of intent shall be filed within thirty days from the
39 time the child begins to attend a private school or home school and is not
40 required thereafter unless the private school or the home school instruction
41 is terminated and then resumed. The person who has custody of the child
42 shall notify the county school superintendent within thirty days of the
43 termination that the child is no longer being instructed at a private school
44 or a home school. If the private school or home school instruction is

1 resumed, the person who has custody of the child shall file another affidavit
2 of intent with the county school superintendent within thirty days.

3 D. A person is excused from the duties prescribed by subsection A or B
4 of this section if any of the following ~~are~~ IS shown to the satisfaction of
5 the school principal or the school principal's designee:

6 1. The child is in such physical or mental condition that instruction
7 is inexpedient or impracticable.

8 2. The child has completed the high school course of study necessary
9 for completion of grade ten as prescribed by the state board of education.

10 3. The child has presented reasons for nonattendance at a public
11 school ~~which~~ THAT are satisfactory to the school principal or the school
12 principal's designee. For THE purposes of this paragraph, the principal's
13 designee may be the school district governing board.

14 4. The child is over fourteen years of age and is EMPLOYED, with the
15 consent of the person who has custody of him, ~~employed~~ at some lawful wage
16 earning occupation.

17 5. The child is enrolled in a work training, career education, career
18 and technical education, vocational education or manual training program
19 ~~which~~ THAT meets the educational standards established and approved by the
20 department of education.

21 6. The child was either:

22 (a) Suspended and not directed to participate in an alternative
23 education program.

24 (b) Expelled from a public school as provided in article 3 of this
25 chapter.

26 7. The child is enrolled in an education program provided by a state
27 educational or other institution.

28 E. Unless otherwise exempted in this section or section 15-803, a
29 parent of a child between six and sixteen years of age or a person who has
30 custody of a child, who does not provide instruction in a home school and who
31 fails to enroll or fails to ensure that the child attends a public, private
32 or charter school pursuant to this section is guilty of a class 3
33 misdemeanor. A parent who fails to comply with the duty to file an affidavit
34 of intent to provide instruction in a home school is guilty of a petty
35 offense.

36 F. For the purposes of this section:

37 1. "Home school" means a school conducted primarily by the parent,
38 guardian or other person who has custody of the child or instruction provided
39 in the child's home.

40 2. "Private school" means a nonpublic institution, other than the
41 child's home, where academic instruction is provided for at least the same
42 number of days and hours each year as a public school.