

REFERENCE TITLE: school age; increase; parental permission

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2168

Introduced by
Representative Dial

AN ACT

AMENDING SECTIONS 15-802, 15-803 AND 15-805, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL ATTENDANCE.

(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~~ WHO IS AT LEAST six and ~~sixteen~~
7 UNDER EIGHTEEN years OF AGE shall attend a school and shall be provided
8 instruction in at least the subjects of reading, grammar, mathematics, social
9 studies and science. The person who has custody of the child shall choose a
10 public, private or charter school or a homeschool as defined in this section
11 to provide instruction or shall sign a contract to participate in an Arizona
12 empowerment scholarship account pursuant to section 15-2402.
13 B. The parent or person who has custody shall do the following:
14 1. If the child will attend a public, private or charter school,
15 enroll the child in and ensure that the child attends a public, private or
16 charter school for the full time school is in session. In accordance with
17 guidelines adopted by the department of education, school districts and
18 charter schools shall require and maintain verifiable documentation of
19 residency in this state for pupils who enroll in the school district or
20 charter school. If a child attends a school that is operated on a year-round
21 basis, the child shall regularly attend during school sessions that total not
22 less than one hundred eighty school days or two hundred school days, as
23 applicable, or the equivalent as approved by the superintendent of public
24 instruction.
25 2. If the child will attend a private school or homeschool, file an
26 affidavit of intent with the county school superintendent stating that the
27 child is attending a regularly organized private school or is being provided
28 with instruction in a homeschool. The affidavit of intent shall include:
29 (a) The child's name.
30 (b) The child's date of birth.
31 (c) The current address of the school the child is attending.
32 (d) The names, telephone numbers and addresses of the persons who
33 currently have custody of the child.
34 3. If the child will attend homeschool, the child has not reached
35 eight years of age by September 1 of the school year and the person who has
36 custody of the child does not desire to begin home instruction until the
37 child has reached eight years of age, file an affidavit of intent pursuant to
38 paragraph 2 of this subsection stating that the person who has custody of the
39 child does not desire to begin homeschool instruction.
40 C. An affidavit of intent shall be filed within thirty days from the
41 time the child begins to attend a private school or homeschool and is not
42 required thereafter unless the private school or the homeschool instruction
43 is terminated and then resumed. The person who has custody of the child
44 shall notify the county school superintendent within thirty days of the
45 termination that the child is no longer being instructed at a private school

1 or a homeschool. If the private school or homeschool instruction is resumed,
2 the person who has custody of the child shall file another affidavit of
3 intent with the county school superintendent within thirty days.

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

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

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

12 3. The child has presented reasons for nonattendance at a public
13 school that are satisfactory to the school principal or the school
14 principal's designee. For the purposes of this paragraph, the principal's
15 designee may be the school district governing board.

16 4. The child is ~~over-fourteen~~ AT LEAST SIXTEEN years of age and is
17 employed, with the consent of the person who has custody of him, at some
18 lawful wage earning occupation.

19 5. The child is enrolled in a work training, career education, career
20 and technical education, vocational education or manual training program that
21 meets the educational standards established and approved by the department of
22 education.

23 6. The child was either:

24 (a) Suspended and not directed to participate in an alternative
25 education program.

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

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

30 E. Unless otherwise exempted in this section or section 15-803, a
31 parent of a child ~~between~~ WHO IS AT LEAST six and ~~sixteen~~ UNDER EIGHTEEN
32 years of age or a person who has custody of a child, who does not provide
33 instruction in a homeschool and who fails to enroll or fails to ensure that
34 the child attends a public, private or charter school pursuant to this
35 section or fails to sign a contract to participate in an empowerment
36 scholarship account pursuant to section 15-2402 is guilty of a class 3
37 misdemeanor. A parent who fails to comply with the duty to file an affidavit
38 of intent to provide instruction in a homeschool is guilty of a petty
39 offense.

40 F. If a child will be educated pursuant to an empowerment scholarship
41 account pursuant to section 15-2402, the department of education shall
42 provide a copy of the contract to participate in the empowerment scholarship
43 account to the school superintendent of the county where the pupil resides.

1 G. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT WHO HAS NOT
2 COMPLETED THE HIGH SCHOOL COURSE OF STUDY NECESSARY FOR COMPLETION OF GRADE
3 TWELVE AS PRESCRIBED BY THE STATE BOARD OF EDUCATION MAY WITHDRAW FROM SCHOOL
4 ONLY IF THE PERSON SIGNS AND SUBMITS TO THE PRINCIPAL OR HEAD TEACHER OF THE
5 SCHOOL WHERE THE PERSON WAS LAST ENROLLED A NOTARIZED CONSENT FORM THAT IS
6 PROVIDED BY THE SCHOOL. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO
7 WITHDRAWS FROM A HOMESCHOOL.

8 ~~G.~~ H. For the purposes of this section:

9 1. "Educated pursuant to an empowerment scholarship account" means a
10 child whose parent has signed a contract pursuant to section 15-2402 to
11 educate the child outside of any school district or charter school and in
12 which the parent may but is not required to enroll the child in a private
13 school or to educate the child through any of the methods specified in
14 section 15-2402.

15 2. "Homeschool" means a nonpublic school conducted primarily by the
16 parent, guardian or other person who has custody of the child or nonpublic
17 instruction provided in the child's home.

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

21 Sec. 2. Section 15-803, Arizona Revised Statutes, is amended to read:

22 15-803. School attendance; exemptions; definitions

23 A. It is unlawful for any child who is ~~between~~ AT LEAST six and
24 ~~sixteen~~ UNDER EIGHTEEN years of age to fail to attend school during the hours
25 school is in session, unless either:

26 1. The child is excused pursuant to section 15-802, subsection D or
27 section 15-901, subsection A, paragraph 5, subdivision (c).

28 2. The child is accompanied by a parent or a person authorized by a
29 parent.

30 3. The child is provided with instruction in a homeschool.

31 B. A child who is habitually truant or who has excessive absences may
32 be adjudicated an incorrigible child as defined in section 8-201. Absences
33 may be considered excessive when the number of absent days exceeds ten per
34 cent of the number of required attendance days prescribed in section 15-802,
35 subsection B, paragraph 1.

36 C. For the purposes of this section:

37 1. "Habitually truant" means a truant child who is truant for at least
38 five school days within a school year.

39 2. "Truant" means an unexcused absence for at least one class period
40 during the day.

41 3. "Truant child" means a child who is ~~between~~ AT LEAST six and
42 ~~sixteen~~ UNDER EIGHTEEN years of age and who is not in attendance at a public
43 or private school during the hours that school is in session, unless excused
44 as provided by this section.

1 Sec. 3. Section 15-805, Arizona Revised Statutes, is amended to read:
2 15-805. Attendance officer; powers and duties
3 A. The attendance officer may enforce the law relating to:
4 1. School attendance of children ~~between the ages of~~ WHO ARE AT LEAST
5 six and ~~sixteen~~ UNDER EIGHTEEN years OF AGE.
6 2. ~~The provisions of~~ Section 15-802, subsection E, ~~and~~ section
7 15-803.
8 3. Employment of children ~~between the ages of~~ WHO ARE AT LEAST six and
9 ~~sixteen~~ UNDER EIGHTEEN years OF AGE.
10 B. The attendance officer may:
11 1. Issue a citation to an adult or child who is alleged to be in
12 violation of laws specified in subsection A of this section to appear before
13 a court of competent jurisdiction and shall advise the person to whom the
14 citation is issued that failure to appear at the time and place specified in
15 the citation may result in the issuance of a warrant for the person's
16 arrest. A citation that is issued to a child under eighteen years of age
17 shall require the child's parent or person having custody to appear with the
18 child at the time and place specified in the citation. The attendance
19 officer shall notify the child's parent or person having custody that the
20 citation was issued and that the parent or person having custody is required
21 to appear in court with the child and shall give proof of the notice to the
22 court.
23 2. Issue a citation on an Arizona traffic ticket and complaint form
24 for any violation of laws specified in subsection A of this section.
25 3. Report a violation of a law specified in subsection A of this
26 section to the local law enforcement agency and request an investigation of
27 the violation. The law enforcement agency shall, when sufficient cause
28 exists, SHALL refer the matter for prosecution.
29 4. Enter all places where children may be employed to investigate and
30 enforce the law.
31 Sec. 4. Compulsory school attendance age in school years
32 2014-2015 and 2015-2016
33 Notwithstanding sections 15-802, 15-803 and 15-805, Arizona Revised
34 Statutes, as amended by this act:
35 1. For the 2014-2015 school year:
36 (a) Every child who is under sixteen and one-half years of age shall
37 be provided instruction in a public, private or charter school or a
38 homeschool unless the child is excused from this requirement as prescribed in
39 section 15-802, subsection D, Arizona Revised Statutes, as amended by this
40 act.
41 (b) In order for a child who is at least sixteen and one-half and
42 under eighteen years of age to withdraw from school during the 2014-2015
43 school year, the child's parent shall sign and submit to the principal or
44 head teacher of the school where the child was last enrolled a notarized

1 consent form that is provided by the school. This subdivision does not apply
2 to a child who withdraws from a homeschool.

3 2. For the 2015-2016 school year:

4 (a) Every child who is under seventeen and one-half years of age shall
5 be provided instruction in a public, private or charter school or a
6 homeschool unless the child is excused from this requirement as prescribed in
7 section 15-802, subsection D, Arizona Revised Statutes, as amended by this
8 act.

9 (b) In order for a child who is at least seventeen and one-half and
10 under eighteen years of age to withdraw from school during the 2015-2016
11 school year, the child's parent shall sign and submit to the principal or
12 head teacher of the school where the child was last enrolled a notarized
13 consent form that is provided by the school. This subdivision does not apply
14 to a child who withdraws from a homeschool.