PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2448

(Reference to printed bill)

Strike everything after the enacting clause and insert:

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

15-802. School instruction; exceptions; violations; classification; definitions

A. Every child between the ages of six and sixteen years shall attend a school and shall be provided instruction in at least the subjects of reading, grammar, mathematics, social studies and science. The person who has custody of the child shall choose a public, private or charter school or a homeschool as defined in this section to provide instruction or shall sign a contract to participate in an Arizona empowerment scholarship account pursuant to section 15-2402.

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

1. If the child will attend a public, private or charter school, enroll the child in and ensure that the child attends a public, private or charter school for the full time school is in session. In accordance with guidelines adopted by the department of education, school districts and charter schools shall require and maintain verifiable documentation of residency in this state for pupils who enroll in the school district or charter school. If a child attends a school that is operated on a year-round basis, the child shall regularly attend during school sessions that total not less than one hundred eighty school days or two hundred school days, as applicable, or the equivalent as approved by the superintendent of public instruction.

2. If the child will attend a private school or homeschool, file an affidavit of intent with the county school superintendent stating that the child is attending a regularly organized private school or is being provided with instruction in a homeschool. The affidavit of intent shall include:
(a) The child's name.
(b) The child's date of birth.
(c) The current address of the school the child is attending.
(d) The names, telephone numbers and addresses of the persons who currently have custody of the child.

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

C. An affidavit of intent shall be filed within thirty days from the time the child begins to attend a private school or homeschool and is not required thereafter unless the private school or the homeschool instruction is terminated and then resumed. The person who has custody of the child shall notify the county school superintendent within thirty days of the termination that the child is no longer being instructed at a private school or a homeschool. If the private school or homeschool instruction is resumed, the person who has custody of the child shall file another affidavit of intent with the county school superintendent within thirty days.

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

1. The child is in such physical or mental condition that instruction is inexpedient or impracticable.
2. The child has completed the high school course of study necessary for completion of grade ten as prescribed by the state board of education.
3. The child has presented reasons for nonattendance at a public school that are satisfactory to the school principal or the school principal's designee. For the purposes of this paragraph, the principal's designee may be the school district governing board.
4. The child is over fourteen years of age and is employed, with the consent of the person who has custody of the child, at some lawful wage earning occupation.

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

6. The child was either:
   (a) Suspended and not directed to participate in an alternative education program.
   (b) Expelled from a public school as provided in article 3 of this chapter.

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

E. Unless otherwise exempted in this section or section 15-803, a parent of a child between six and sixteen years of age or a person who has custody of a child, who does not provide instruction in a homeschool and who fails to enroll or fails to ensure that the child attends a public, private or charter school pursuant to this section or fails to sign a contract to participate in an empowerment scholarship account pursuant to section 15-2402 is guilty of a class 3 misdemeanor. A parent who fails to comply with the duty to file an affidavit of intent to provide instruction in a homeschool is guilty of a petty offense.

F. If a child will be educated pursuant to an empowerment scholarship account pursuant to section 15-2402, the department of education shall provide a list of students participating in empowerment scholarship accounts to the school superintendent of the county where the pupil resides.

G. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL INCLUDE IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S AVERAGE DAILY MEMBERSHIP PUPILS WHO ATTEND HOMESCHOOL AND WHO ALSO ENROLL IN COURSES AT THE SCHOOL DISTRICT OR CHARTER SCHOOL THAT AWARD ELECTIVE OR CORE CREDITS. IF A PUPIL WHO ATTENDS HOMESCHOOL RESIDES IN THE ATTENDANCE AREA OF THE SCHOOL, THE PUPIL SHALL BE ALLOWED TO
ENROLL IN THE PORTION OF THE CURRICULUM SELECTED BY THAT PUPIL IN THE SAME MANNER AS OTHER PUPILS WHO ARE ENROLLED IN THAT SCHOOL. IF A PUPIL WHO ATTENDS HOMESCHOOL DOES NOT RESIDE IN THE ATTENDANCE AREA OF THE SCHOOL, THE PUPIL SHALL BE ALLOWED TO ENROLL IN THE PORTION OF THE CURRICULUM SELECTED BY THAT PUPIL IF THE SCHOOL HAS SUFFICIENT CAPACITY TO ENROLL THAT PUPIL.

G. H. For the purposes of this section:

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

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

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

Amend title to conform