

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1126**

Montenegro Floor Amendment

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SB 1126 permits a school district governing board or charter school governing body to adopt policies to require students in grades K-5 to engage in daily organized physical activity.

The Montenegro Floor Amendment to SB 1126 dated 4/2/15 at 9:07 P.M. makes the following changes:

- Prohibits instruction obtained at an academy from being used to satisfy adopted requirements.
- Permits a governing board, retroactive to July 1, 2014, to admit children who are residents of the United States, but not Arizona, without payment of tuition if the child is enrolled in a year-round residential boarding academy and the child's parents have executed a current notarized guardianship agreement covering the child while enrolled at the academy that meets specified requirements.
- Makes technical and conforming changes

Amendment explanation prepared by Aaron Wonders

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lcs

4/2/2015

MONTENEGRO FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1126

(Reference to Senate engrossed bill)

1 Page 1, after line 16, insert:

2 "E. INSTRUCTION OBTAINED AT AN ACADEMY PURSUANT TO SECTION 15-823 MAY  
3 NOT BE USED TO SATISFY THE POLICIES ADOPTED PURSUANT TO SUBSECTION A OF THIS  
4 SECTION.

5 Sec. 2. Section 15-823, Arizona Revised Statutes, is amended to read:  
6 15-823. Admission: residents of other school districts;  
7 nonresidents of this state; tuition

8 A. Except as provided in subsections B, C, D, E, ~~and~~ F AND G of this  
9 section, children of nonresidents of this state may be admitted upon payment  
10 of a reasonable tuition fixed by the governing board.

11 B. The governing board shall admit children of nonresident teaching  
12 and research faculty of community college districts and state universities  
13 and children of nonresident graduate or undergraduate students of community  
14 college districts and state universities whose parent's presence at the  
15 district or university is of international, national, state or local benefit  
16 without payment of tuition.

17 C. The governing board shall admit children who are residents of the  
18 United States but who are nonresidents of this state without payment of  
19 tuition if evidence indicates that the child's physical, mental, moral or  
20 emotional health is best served by placement with a grandparent, brother,  
21 sister, stepbrother, stepsister, aunt or uncle who is a resident within the  
22 school district, unless the governing board determines that the placement is  
23 solely for the purpose of obtaining an education in this state without  
24 payment of tuition.

25 D. The governing board may admit nonresident foreign students who are  
26 in exchange programs without payment of tuition or as it may otherwise  
27 prescribe.

1           E. The governing board may admit children who are residents of the  
2 United States without payment of tuition if evidence indicates that because  
3 the parents are homeless or the child is abandoned, as defined in section  
4 8-201, the child's physical, mental, moral or emotional health is best served  
5 by placement with a person who does not have legal custody of the child and  
6 who is a resident within the school district, unless the governing board  
7 determines that the placement is solely for the purpose of obtaining an  
8 education in this state without payment of tuition.

9           F. The governing board may admit children who are residents of the  
10 United States, but who are nonresidents of this state, without payment of  
11 tuition if all of the following conditions exist:

12           1. The child is a member of a federally recognized Indian tribe.  
13           2. The child resides on Indian lands that are under the jurisdiction  
14 of the tribe of which the child is a member.

15           3. The area in the boundaries of the reservation where the child  
16 resides is located both in this state and in another state of the United  
17 States.

18           4. The governing board enters into an intergovernmental agreement with  
19 the governing board of the school district in another state in which the  
20 nonresident child resides. The intergovernmental agreement shall specify the  
21 number of nonresident children admitted in this state and the number of  
22 resident children that are admitted by the governing board in another state.

23           G. THE GOVERNING BOARD MAY ADMIT CHILDREN WHO ARE RESIDENTS OF THE  
24 UNITED STATES, BUT WHO ARE NONRESIDENTS OF THIS STATE, WITHOUT PAYMENT OF  
25 TUITION IF ALL OF THE FOLLOWING CONDITIONS EXIST:

26           1. THE CHILD IS ENROLLED IN A YEAR-ROUND RESIDENTIAL BOARDING ACADEMY  
27 LOCATED IN THIS STATE SPECIALIZING IN INTENSIVE INSTRUCTION AND SKILL  
28 DEVELOPMENT IN SPORTS, MUSIC OR ACTING.

29           2. THE CHILD'S PARENTS HAVE EXECUTED A CURRENT NOTARIZED GUARDIANSHIP  
30 AGREEMENT COVERING THE CHILD WHILE ENROLLED AT THE ACADEMY, WHICH IS A  
31 CONDITION OF ENROLLMENT AT THE ACADEMY AND AUTHORIZES ACADEMY REPRESENTATIVES  
32 TO ACT ON THE CHILD'S PARENT'S OR LEGAL GUARDIAN'S BEHALF IN MAKING ALL

1 DECISIONS ON A DAILY BASIS AS TO THE CHILD'S ACTIVITIES AND NEEDS FOR  
2 MEDICAL, EDUCATIONAL AND OTHER PERSONAL ISSUES.

3 ~~G.~~ H. The governing board shall charge reasonable tuition for the  
4 number of nonresident pupils who reside in another state and who are admitted  
5 by a governing board in this state pursuant to subsection F of this section  
6 that ~~exceed~~ EXCEEDS the number of resident pupils from this state who are  
7 admitted into a school district by the other state.

8 ~~H.~~ I. The governing board of a school district shall pay reasonable  
9 tuition for the number of resident pupils who reside in that school district  
10 and who are admitted by a school district in another state pursuant to  
11 subsection F of this section that ~~exceed~~ EXCEEDS the number of nonresident  
12 pupils from that other state who are admitted by the governing board into  
13 that school district in this state.

14 ~~I.~~ J. Children admitted under this section shall be counted or not  
15 counted as resident pupils as prescribed in section 15-824, subsection D.

16 ~~J.~~ K. Except as provided in subsection I of this section, a school  
17 district or a charter school shall not include pupils who are not residents  
18 of this state in the district's or charter school's student count and shall  
19 not obtain state funding for those pupils.

20 Sec. 3. Retroactivity

21 Section 15-823, Arizona Revised Statutes, as amended by this act,  
22 applies retroactively to from and after June 30, 2014."

23 Amend title to conform

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STEVE MONTENEGRO

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9:07 PM  
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