

REFERENCE TITLE: schools; student data collection

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

HB 2382

Introduced by
Representatives Seel, Antenori, Gowan, Stevens, Senator Pearce R:
Representatives Ash, Burges, Crump, Goodale, Hendrix, Kavanagh,
Montenegro, Weiers J, Weiers JP, Senators Allen S, Gould, Gray L, Harper,
Melvin, Verschoor

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 INCLUDE AT LEAST THE FOLLOWING INFORMATION AND INCLUDE DETAILED
19 SUPPORT ON A SCHOOL BY SCHOOL BASIS FOR ANY SUMMARIZED INFORMATION PRESENTED
20 IN THE REPORT:

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

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

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

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

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

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

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

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

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

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

12 E. A PERSON WHO INTENTIONALLY PROVIDES A FRAUDULENT REPORT, OR WHO
13 PROVIDES FRAUDULENT UNDERLYING DATA FOR THAT REPORT, IS GUILTY OF A CLASS 1
14 MISDEMEANOR.