

REFERENCE TITLE: schools; compulsory attendance age; increase

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

## **SB 1225**

Introduced by  
Senators Mendez: Bowie, Bradley, Cajero Bedford, Contreras, Dalessandro,  
Peshlakai, Quezada; Representatives Andrade, Benally, Blanc, Cardenas,  
Clark, Engel, Fernandez, Gabaldón, Gonzales, Hernandez, Peten, Salman

AN ACT

AMENDING SECTIONS 15-702, 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 15-702, Arizona Revised Statutes, is amended to  
3 read:

4 15-702. High school equivalency diploma; fees; rules

5 A. Any person who is ~~sixteen~~ EIGHTEEN years of age or older and who  
6 passes an equivalency test adopted by the state board of education shall  
7 be awarded an Arizona high school equivalency diploma by the state board  
8 of education and the state superintendent of public instruction. The  
9 state board of education may establish eligibility requirements for  
10 persons wishing to take ~~an~~ THE equivalency test adopted by the state board  
11 of education, except that the minimum age required to take the test may  
12 not be older than ~~sixteen nor shall~~ EIGHTEEN AND the board MAY NOT require  
13 the completion of any high school credits.

14 B. A person who meets the minimum course of study and competency  
15 requirements prescribed by the state board of education for graduation  
16 from high school through a combination of high school credits and  
17 community college and university credits, which are converted to high  
18 school credits in the same manner as provided in section 15-701.01,  
19 subsection F by the governing board or the state board of education, shall  
20 be awarded an Arizona high school equivalency diploma.

21 C. The state board of education may establish and collect fees for  
22 the issuance and reissuance of the following:

- 23 1. A high school equivalency diploma.
- 24 2. A high school equivalency transcript.

25 D. The state board of education shall adopt rules for fee waivers  
26 for the high school equivalency diploma and high school equivalency  
27 transcripts.

28 Sec. 2. Section 15-802, Arizona Revised Statutes, is amended to  
29 read:

30 15-802. School instruction; exceptions; violations;  
31 classification; definitions

32 A. Every child ~~between the ages of~~ WHO IS AT LEAST six and ~~sixteen~~  
33 UNDER EIGHTEEN years OF AGE shall attend a school and shall be provided  
34 instruction in at least the subjects of reading, grammar, mathematics,  
35 social studies and science. The person who has custody of the child shall  
36 choose a public, private or charter school or a homeschool ~~as defined in~~  
37 ~~this section~~ to provide instruction or shall sign a contract to  
38 participate in an Arizona empowerment scholarship account pursuant to  
39 section 15-2402.

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

- 41 1. If the child will attend a public, private or charter school,  
42 enroll the child in and ensure that the child attends ~~a~~ THE public,  
43 private or charter school for the full time school is in session. In  
44 accordance with guidelines adopted by the department of education, school  
45 districts and charter schools shall require and maintain verifiable

1 documentation of residency in this state for pupils who enroll in the  
2 school district or charter school. If a child attends a school that is  
3 operated on a year-round basis, the child shall regularly attend during  
4 school sessions that total ~~not less than~~ AT LEAST one hundred eighty  
5 school days or two hundred school days, as applicable, or the equivalent  
6 as approved by the superintendent of public instruction.

7 2. If the child will attend a private school or homeschool, file an  
8 affidavit of intent with the county school superintendent stating that the  
9 child is attending a regularly organized private school or is being  
10 provided with instruction in a homeschool. The affidavit of intent shall  
11 include:

12 (a) The child's name.

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

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

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

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

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

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

36 1. The child is in such physical or mental condition that  
37 instruction is inexpedient or impracticable.

38 2. The child has completed the high school course of study  
39 necessary for completion of TENTH grade ~~ten~~ as prescribed by the state  
40 board of education.

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

1           4. The child is ~~over fourteen~~ AT LEAST SIXTEEN years of age and is  
2 employed, with the consent of the person who has custody of the child, at  
3 some lawful wage earning occupation.

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

8           6. The child was either:

9           (a) Suspended and not directed to participate in an alternative  
10 education program.

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

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

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

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

30           G. For the purposes of this section:

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

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

40           3. "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.

1           Sec. 3. Section 15-803, Arizona Revised Statutes, is amended to  
2 read:

3           15-803. School attendance; exemptions; definitions

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

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

9           2. The child is accompanied by a parent or a person authorized by a  
10 parent.

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

12           B. A child who is habitually truant or who has excessive absences  
13 may be adjudicated an incorrigible child as defined in section 8-201.  
14 Absences may be considered excessive when the number of absent days  
15 exceeds ten ~~percent~~ PERCENT of the number of required attendance days  
16 prescribed in section 15-802, subsection B, paragraph 1.

17           C. For the purposes of this section:

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

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

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

26           Sec. 4. Section 15-805, Arizona Revised Statutes, is amended to  
27 read:

28           15-805. Attendance officer; powers and duties; citations

29           A. The attendance officer may enforce the law relating to:

30           1. School attendance of children ~~between the ages of~~ WHO ARE AT  
31 LEAST six and ~~sixteen~~ UNDER EIGHTEEN years OF AGE.

32           2. ~~The provisions of~~ Section 15-802, subsection E, and section  
33 15-803.

34           3. Employment of children ~~between the ages of~~ WHO ARE AT LEAST six  
35 and ~~sixteen~~ UNDER EIGHTEEN years OF AGE.

36           B. The attendance officer may:

37           1. Issue a citation to an adult or child who is alleged to be in  
38 violation of laws specified in subsection A of this section to appear  
39 before a court of competent jurisdiction and shall advise the person to  
40 whom the citation is issued that failure to appear at the time and place  
41 specified in the citation may result in the issuance of a warrant for the  
42 person's arrest. A citation that is issued to a child WHO IS under  
43 eighteen years of age shall require the child's parent or person having  
44 custody to appear with the child at the time and place specified in the  
45 citation. The attendance officer shall notify the child's parent or

- 1 person having custody that the citation was issued and that the parent or  
2 person having custody is required to appear in court with the child and  
3 shall give proof of the notice to the court.
- 4       2. Issue a citation on an Arizona traffic ticket and complaint form  
5 for any violation of laws specified in subsection A of this section.
- 6       3. Report a violation of a law specified in subsection A of this  
7 section to the local law enforcement agency and request an investigation  
8 of the violation. The law enforcement agency ~~shall~~, when sufficient cause  
9 exists, **SHALL** refer the matter for prosecution.
- 10       4. Enter all places where children may be employed to investigate  
11 and enforce the law.