

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2367

AN ACT

AMENDING SECTION 15-802, 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; policies; affidavit of intent;
5 exceptions; violations; classification; definitions

6 A. Every child between the ages of six and sixteen years shall
7 attend a school and shall be provided instruction in at least the subjects
8 of reading, grammar, mathematics, social studies and science. The person
9 who has custody of the child shall choose a public, private or charter
10 school or a homeschool as defined in this section to provide instruction
11 or shall sign a contract to participate in an Arizona empowerment
12 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~~ THE public,
16 private or charter school for the full time school is in session. In
17 accordance with ~~guidelines adopted~~ POLICIES ESTABLISHED by the ~~department~~
18 STATE BOARD of education, school districts and charter schools shall
19 require and maintain verifiable documentation of residency in this state
20 for pupils who enroll in the school district or charter school. If a
21 child attends a school that is operated on a year-round basis, the child
22 shall regularly attend during school sessions that total ~~not less than~~ AT
23 LEAST one hundred eighty school days or two hundred school days, as
24 applicable, or the equivalent as approved by the superintendent of public
25 instruction.

26 2. If the child will attend a private school or homeschool, file an
27 affidavit of intent with the county school superintendent stating that the
28 child is attending a regularly organized private school or is being
29 provided with instruction in a homeschool. The affidavit of intent shall
30 include:

- 31 (a) The child's name.
32 (b) The child's date of birth.
33 (c) The current address of the school the child is attending.
34 (d) The names, telephone numbers and addresses of the persons who
35 currently have custody of the child.

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

42 C. An affidavit of intent shall be filed within thirty days ~~from~~
43 AFTER the time the child begins to attend a private school or homeschool
44 and is not required thereafter unless the private school or the homeschool
45 instruction is terminated and then resumed. The person who has custody of

1 the child shall notify the county school superintendent within thirty days
2 ~~of~~ AFTER the termination that the child is no longer being instructed at a
3 private school or a homeschool. If the private school or homeschool
4 instruction is resumed, the person who has custody of the child shall file
5 another affidavit of intent with the county school superintendent within
6 thirty days.

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

10 1. The child is in such physical or mental condition that
11 instruction is inexpedient or impracticable.

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

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

19 4. The child is over fourteen years of age and is employed, with
20 the consent of the person who has custody of the child, at some lawful
21 wage earning occupation.

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

26 6. The child was either:

27 (a) Suspended and not directed to participate in an alternative
28 education program.

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

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

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

42 F. If a child will be educated pursuant to an ARIZONA empowerment
43 scholarship account pursuant to section 15-2402, the department of
44 education shall provide a list of students participating in ARIZONA

1 empowerment scholarship accounts to the school superintendent of the
2 county where the pupil resides.

3 G. For the purposes of this section:

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

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

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