

House Engrossed Senate Bill

~~schools; certificates of educational convenience~~
(now: exchange programs; certificates of convenience)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 355
SENATE BILL 1361

AN ACT

AMENDING SECTIONS 15-825 AND 15-825.01, ARIZONA REVISED STATUTES; RELATING
TO SCHOOL ADMISSION REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-825, Arizona Revised Statutes, is amended to
3 read:

4 15-825. Certificates of educational convenience; issuance;
5 effect on enrollment records; reporting
6 requirements

7 A. A pupil who is precluded by distance, ~~or~~ lack of adequate
8 transportation facilities **OR A PARENT'S OR GUARDIAN'S EMPLOYMENT** from
9 attending a school in the school district or county of the pupil's
10 residence or who resides in unorganized territory may apply to the ~~county~~
11 ~~school superintendent~~ **PUPIL'S SCHOOL DISTRICT OF RESIDENCE OR, FOR A PUPIL**
12 **WHO RESIDES IN UNORGANIZED TERRITORY, THE SCHOOL DISTRICT OF ATTENDANCE**
13 for a certificate of educational convenience. **IF A PUPIL WHO RESIDES IN**
14 **UNORGANIZED TERRITORY DOES NOT HAVE A SCHOOL DISTRICT OF ATTENDANCE AND**
15 **SEEKS TO APPLY FOR A CERTIFICATE OF EDUCATIONAL CONVENIENCE, THE PUPIL'S**
16 **PARENT SHALL ENROLL THE PUPIL IN A SCHOOL PURSUANT TO ARTICLE 1.1 OF THIS**
17 **CHAPTER AND APPLY TO THE SCHOOL DISTRICT THAT OPERATES THAT SCHOOL FOR A**
18 **CERTIFICATE OF EDUCATIONAL CONVENIENCE. A SCHOOL DISTRICT THAT RECEIVES**
19 **AN APPLICATION PURSUANT TO THIS SUBSECTION SHALL SUBMIT THE COMPLETED**
20 **APPLICATION TO THE COUNTY SCHOOL SUPERINTENDENT ELECTRONICALLY, IN PERSON**
21 **OR BY REGULAR MAIL.** If it appears to the county school superintendent
22 that it is not feasible for the pupil to attend a school in the school
23 district or county of residence, the county school superintendent shall
24 issue a certificate **OF EDUCATIONAL CONVENIENCE** authorizing the pupil to
25 attend a school in an adjoining school district or county, whether within
26 or without this state. If a certificate of educational convenience is
27 issued as provided in this subsection, the school enrollment of a pupil is
28 as follows:

29 1. The school enrollment of a pupil who is precluded from attending
30 a school in this state and who must attend school in another state, when
31 certified to the county school superintendent by the official in charge of
32 the school attended, is deemed for the purpose of determining student
33 count to be enrollment in the school of the county or school district of
34 the student's residence.

35 2. The school enrollment of a pupil from unorganized territory or
36 from another school district is deemed for the purpose of determining
37 student count to be enrollment in the school district of actual
38 attendance.

39 B. The county school superintendent of any county in which a pupil
40 is placed as described in this subsection shall issue a certificate of
41 educational convenience for the pupil to attend school in the school
42 district or adjoining school district to that in which the pupil is placed
43 by an agency of this state or a state or federal court of competent
44 jurisdiction in one of the following:

- 45 1. A state rehabilitation or corrective institution.

1 2. A foster home or child care agency or institution ~~which~~ THAT is
2 licensed and supervised by the department of child safety or the
3 department of health services.

4 3. A residential facility THAT IS operated or supported by the
5 department of economic security or the department of health services.

6 4. Under the supervision of the department of juvenile corrections,
7 ~~in~~ a residence pursuant to the interstate compact on juveniles.
8 Notwithstanding section 41-1959, the placing agency, department or
9 institution shall provide the school district of attendance with the
10 necessary information to enable the district to obtain a certificate of
11 educational convenience pursuant to this subsection.

12 C. A pupil attending school under a certificate of educational
13 convenience issued pursuant to subsection B of this section is deemed for
14 the purpose of determining student count to be enrolled in the school
15 district of attendance. The county school superintendent of any county
16 shall not issue a certificate of educational convenience as provided in
17 subsection B of this section if the pupil is placed in the same district
18 of the pupil's parents' or legal guardians' residence or if the pupil is
19 placed without a court order and the pupil's parents or legal guardians
20 are not residents of this state.

21 D. If a certificate of educational convenience is issued as
22 provided in subsection B of this section, or for a pupil whose parent or
23 guardian is employed and domiciled by a state institution as prescribed by
24 section 15-976, tuition may be charged as follows:

25 1. For group B children with disabilities:

26 (a) Who are from unorganized territory, whose parent or guardian is
27 employed by a state institution as prescribed by section 15-976 or who
28 have been issued a certificate of educational convenience pursuant to
29 subsection B of this section, the superintendent of public instruction
30 shall reimburse the district of attendance for the excess costs as
31 provided in section 15-824, subsection E, paragraph 4.

32 (b) Who are from another school district, the school district of
33 residence shall reimburse the district of attendance for the excess costs
34 as provided in section 15-824, subsection E, paragraph 4.

35 2. For pupils who are precluded from attending a school in this
36 state and who must attend a school in another state:

37 (a) If the pupil resides in a school district in this state, the
38 district of residence shall pay the amount charged by the district of
39 attendance.

40 (b) If the pupil resides in unorganized territory, the
41 superintendent of public instruction shall pay the amount charged by the
42 district of attendance.

43 E. The county school superintendent who issues a certificate of
44 educational convenience shall notify the superintendent of public
45 instruction of the issuance of the certificate. The superintendent of

1 public instruction shall draw a warrant in favor of the school district of
2 actual attendance for the amount charged, whether for common or high
3 school attendance, as provided in section 15-824.

4 F. The total amount of state monies that may be spent in any fiscal
5 year by the superintendent of public instruction for certificates of
6 educational convenience shall not exceed the amount appropriated or
7 authorized by section 35-173 for that purpose. This section does not
8 impose a duty on an officer, agent or employee of this state to discharge
9 a responsibility or ~~to~~ create any right in a person or group if the
10 discharge or right would require an expenditure of state monies in excess
11 of the expenditure authorized by legislative appropriation for that
12 specific purpose.

13 G. ON OR BEFORE JANUARY 1 OF EACH YEAR, EACH COUNTY SCHOOL
14 SUPERINTENDENT SHALL REPORT TO THE DEPARTMENT OF EDUCATION THE TOTAL
15 NUMBER OF CERTIFICATES OF EDUCATIONAL CONVENIENCE THAT THE COUNTY SCHOOL
16 SUPERINTENDENT ISSUED PURSUANT TO SUBSECTION A OF THIS SECTION DURING THE
17 PREVIOUS CALENDAR YEAR AND THE TOTAL NUMBER OF CERTIFICATES OF EDUCATIONAL
18 CONVENIENCE THAT THE COUNTY SCHOOL SUPERINTENDENT ISSUED PURSUANT TO
19 SUBSECTION B OF THIS SECTION DURING THE PREVIOUS CALENDAR YEAR.

20 H. THE DEPARTMENT OF EDUCATION SHALL MAINTAIN THE REPORTS RECEIVED
21 UNDER SUBSECTION G OF THIS SECTION.

22 Sec. 2. Section 15-825.01, Arizona Revised Statutes, is amended to
23 read:

24 15-825.01. Certificates of educational convenience; pupils
25 attending out-of-state schools

26 A. A school district is eligible to receive payment from state
27 school monies for excess tuition if the following conditions are met:

28 1. The county school superintendent issues a certificate of
29 educational convenience pursuant to section 15-825, subsection A, ~~for~~ for one
30 or more pupils who reside in the district to attend a school in an
31 adjacent state ~~which~~ THAT is proximate to the school district when the
32 pupils are precluded by distance, ~~or~~ lack of adequate transportation
33 facilities OR A PARENT'S OR GUARDIAN'S EMPLOYMENT from attending a school
34 in the school district or county of the pupils' residence.

35 2. The superintendent of public instruction determines that the
36 development of an interstate compact with another state or an
37 intergovernmental agreement between the sending and receiving school
38 districts, which provides for tuition-free attendance in the receiving
39 district, is impracticable or not in the best interests of this state.

40 3. The total amount of tuition charged by the receiving district is
41 greater than the equalization base amount as determined by section 15-971,
42 subsection A, ~~for~~ for all of the pupils for whom tuition is being paid
43 pursuant to paragraph 1 of this subsection.

1 B. The excess tuition payment shall be calculated as follows:

2 1. Determine the amount of tuition being charged by the receiving
3 district for pupils attending the district pursuant to subsection A,
4 paragraph 1 of this section.

5 2. Determine the lesser of the amount determined in paragraph 1 of
6 this subsection or the guaranteed tuition level. The guaranteed tuition
7 level for the receiving district shall be determined for the tuitioned
8 pupils by the department of education based ~~upon~~ ON the receiving state's
9 school finance formula or the actual costs of educating pupils in the
10 receiving district, whichever is appropriate.

11 3. Subtract the equalization base amount as provided in subsection
12 A, paragraph 3 of this section, from the amount determined in paragraph 2
13 of this subsection.

14 C. The excess tuition payment is exempt from the revenue control
15 limit as provided in section 15-947.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.