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

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

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

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

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

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

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

1. A state rehabilitation or corrective institution.
2. A foster home or child care agency or institution which is licensed and supervised by the department of child safety or the department of health services.

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

4. Under the supervision of the department of juvenile corrections, in a residence pursuant to the interstate compact on juveniles.

Notwithstanding section 41-1959, the placing agency, department or institution shall provide the school district of attendance with the necessary information to enable the district to obtain a certificate of educational convenience pursuant to this subsection.

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

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

1. For group B children with disabilities:
   (a) Who are from unorganized territory, whose parent or guardian is employed by a state institution as prescribed by section 15-976 or who have been issued a certificate of educational convenience pursuant to subsection B of this section, the superintendent of public instruction shall reimburse the district of attendance for the excess costs as provided in section 15-824, subsection E, paragraph 4.
   (b) Who are from another school district, the school district of residence shall reimburse the district of attendance for the excess costs as provided in section 15-824, subsection E, paragraph 4.

2. For pupils who are precluded from attending a school in this state and who must attend a school in another state:
   (a) If the pupil resides in a school district in this state, the district of residence shall pay the amount charged by the district of attendance.
   (b) If the pupil resides in unorganized territory, the superintendent of public instruction shall pay the amount charged by the district of attendance.

E. The county school superintendent who issues a certificate of educational convenience shall notify the superintendent of public instruction of the issuance of the certificate. The superintendent of
public instruction shall draw a warrant in favor of the school district of
actual attendance for the amount charged, whether for common or high
school attendance, as provided in section 15-824.

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

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

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

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

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

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

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

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

3. The total amount of tuition charged by the receiving district is
greater than the equalization base amount as determined by section 15-971,
subsection A., for all of the pupils for whom tuition is being paid
pursuant to paragraph 1 of this subsection.
B. The excess tuition payment shall be calculated as follows:
   1. Determine the amount of tuition being charged by the receiving
district for pupils attending the district pursuant to subsection A,
paragraph 1 of this section.
   2. Determine the lesser of the amount determined in paragraph 1 of
this subsection or the guaranteed tuition level. The guaranteed tuition
level for the receiving district shall be determined for the tuioned
pupils by the department of education based upon the receiving state's
school finance formula or the actual costs of educating pupils in the
receiving district, whichever is appropriate.
   3. Subtract the equalization base amount as provided in subsection
A, paragraph 3 of this section, from the amount determined in paragraph 2
of this subsection.
C. The excess tuition payment is exempt from the revenue control
limit as provided in section 15-947.

APPROVED BY THE GOVERNOR JULY 6, 2022.