



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

**AMENDED**

FACT SHEET FOR H.B. 2427

~~unused tax credit; termination; time~~  
(NOW: attendance boundaries; schools; open enrollment)

Purpose

Modifies open enrollment policies adopted by school district governing boards (governing boards) and establishes open enrollment reporting requirements and public information efforts.

Background

*Open enrollment* is a policy adopted and implemented by a governing board to allow resident transfer pupils to enroll in any school within the school district, to allow resident pupils to enroll in any school located within other school districts in Arizona and to allow nonresident pupils to enroll in any school within the district ([A.R.S. § 15-816](#)).

Each governing board is required to establish and implement an open enrollment policy without charging tuition, with prescribed exemptions. These policies must include admission criteria, application procedures and transportation provisions. A school district may give enrollment preference to children who are in foster care and may give enrollment preference and reserve capacity for children of school or school district employees. A copy of the district's policies for open enrollment must be posted on its website and made available upon request ([A.R.S. § 15-816.01](#)).

A governing board may provide transportation limited to 20 miles each way to and from the school of attendance or a pickup point or for the total miles traveled each day to an adjacent district for eligible nonresident pupils who meet the economic eligibility requirements. The governing board is required to provide transportation of up to 20 miles each way to nonresident pupils with disabilities whose individualized education program specifies that transportation is necessary for fulfillment of the program ([A.R.S. § 15-816.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Open Enrollment Policies***

1. Requires governing board open enrollment policies to:
  - a) include basic information needed to request enrollment as determined by the State Board of Education (SBE) that is consistent with guidance and state and federal law regarding pupil privacy and civil rights;
  - b) include information regarding the provision of transportation or resources for transportation;
  - c) include a description of open enrollment options in an SBE-prescribed format; and
  - d) be easily accessible from the school's web page and be available in English, Spanish or any other language used by a majority of the populations served by the school or school district.

2. Requires a school district to update each school's website on the open seat capacity and the number of students on the wait list for enrollment, by grade level, at least once every 12 weeks, unless there are no changes to report.
3. Requires a school district with a separate capacity for specialized programs to post required capacity information by program.
4. Directs schools to accept pupils throughout the school year as capacity allows through open enrollment policies and to select pupils on the wait list as seats become available.
5. Requires pupils who are denied access to a school due to capacity limits to be informed that they are on a wait list and provided applicable selection process details.
6. Prohibits a school from asking parents for information needed for pupil registration until enrollment is approved.
7. Requires a school district to enroll, at any time, any resident pupil who applies for enrollment.
8. Requires a school district to give enrollment preference to and reserve capacity for:
  - a) resident pupils;
  - b) pupils returning to the school from the prior year; and
  - c) siblings of pupils already enrolled.
9. Allows a school district to give enrollment preference to children who:
  - a) meet the definition of unaccompanied youth prescribed in the McKinney-Vento Homeless Assistance Act; or
  - b) attend a school that is closing.
10. Allows a school district to give enrollment preference to and reserve capacity for resident transfer pupils and their siblings.
11. Requires a school or a district, if remaining capacity as determined by the governing board is insufficient to enroll all applicant students, to select pupils through an equitable selection process, such as a transparent lottery, with preference given to siblings of selected pupils.
12. Prohibits a school from:
  - a) limiting admission based on ethnicity or race, national origin, sex, income level, disability, English language proficiency or athletic ability; and
  - b) requiring the submission of any documentation before granting enrollment, other than documentation proving a pupil's age and residency.
13. Requires the SBE to adopt rules relating to the submission of documentation before enrollment is granted.
14. Increases the limit, from 20 miles to 30 miles each way, for transportation provided by a school district to and from a pupil's school of attendance, pickup point or to an adjacent district for eligible pupils or pupils with disabilities.

### ***Governing Board Policies***

15. Requires governing board-adopted policies regarding attendance boundaries to include a parent or guardian notification procedure that includes an assurance that pupils assigned to a new attendance area may stay enrolled in their current school if that school remains open as part of the boundary change and capacity is available.
16. Prohibits attendance boundaries from being used to require pupils to attend certain schools based on the pupil's place of residence.

### ***Enrollment Information Reporting***

17. Directs the SBE to prescribe a standard format for describing open enrollment options to ensure clarity and consistency for parents to understand their options, enrollment capacity at each school and the ability to choose any school within their district of residence or any other school in Arizona.
18. Requires a local education agency (LEA) to share the SBE-prescribed information with each enrolled household each January, or at least one month before the first opportunity to enroll in the LEA for the following school year.
19. Requires the Arizona Department of Education (ADE) to develop a reporting process that informs the public and policymakers of the open enrollment participation rate by school district, school and county, including:
  - a) the number of pupils open enrolled as resident pupils, resident transfer pupils or nonresident pupils in each school and school district;
  - b) the school districts and zip codes from which pupils are enrolling; and
  - c) by FY 2023, the number of pupils enrolled in charter schools and the school districts from which those pupils are enrolling.
20. Requires, subject to available appropriated monies, the SBE to design a public awareness effort by January of each year and distribute materials that:
  - a) communicate to the public the ability to choose any public school in Arizona;
  - b) direct the public to resources to learn about school choice options in Arizona; and
  - c) instruct the public on how to request enrollment for pupils.
21. Allows the SBE to include other options in its public awareness effort informational materials and messaging.
22. Allows the SBE, in designing the public awareness effort and distributing materials, to collaborate with:
  - a) public and private partners to assist in achieving prescribed objectives; and
  - b) ADE to provide parents and the public with informational resources.

### ***Miscellaneous***

23. Defines *resident pupil* as a pupil whose residence is within the attendance area of a school.

24. Defines *specialized program* as:

- a) including dual-language programs, career and technical education or any other program outside of a general education course of study; and
- b) excluding special education programs and whole schools, except established magnet schools.

25. Makes technical and conforming changes.

26. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adopted the strike-everything amendment.

Amendments Adopted by Committee of the Whole

1. Modifies governing board policy requirements related to adopting attendance boundaries and removes the definition of *changing or adopting attendance boundaries*.
2. Requires schools to post open enrollment and capacity information by specialized program and defines *specialized program*.
3. Allows a school district to give enrollment preference to children who are attending a school that is closing.
4. Limits, to 30 miles each way, the transportation provided to and from a pupil's school of attendance, pickup point or to an adjacent district for eligible pupils or pupils with disabilities.

Senate Action

FIN            3/24/21    DPA/SE    5-4-1

Prepared by Senate Research

April 23, 2021

JO/JP/gs