

COMMITTEE ON EDUCATION
SENATE AMENDMENTS TO S.B. 1361
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-823, Arizona Revised Statutes, is amended to
3 read:

4 15-823. Admission: residents of other school districts;
5 nonresidents of this state; tuition

6 A. Except as provided in subsections B, C, D, E, F, G and H of this
7 section, children of nonresidents of this state may be admitted on payment
8 of a reasonable tuition fixed by the governing board.

9 B. The governing board shall admit children of nonresident teaching
10 and research faculty of community college districts and state universities
11 and children of nonresident graduate or undergraduate students of community
12 college districts and state universities whose parent's presence at the
13 district or university is of international, national, state or local
14 benefit without payment of tuition.

15 C. The governing board shall admit children who are residents of the
16 United States but who are nonresidents of this state without payment of
17 tuition if evidence indicates that the child's physical, mental, moral or
18 emotional health is best served by placement with a grandparent, brother,
19 sister, stepbrother, stepsister, aunt or uncle who is a resident within the
20 school district, unless the governing board determines that the placement
21 is solely for the purpose of obtaining an education in this state without
22 payment of tuition.

23 D. The governing board may admit nonresident foreign students who
24 are in exchange programs without payment of tuition or as it may otherwise
25 prescribe.

1 E. Notwithstanding subsection D of this section, beginning in the
2 ~~2016-2017~~ 2022-2023 school year the governing board may admit ~~the same~~
3 ~~number of~~ nonresident foreign students who are in exchange programs and who
4 are recipients of a J-1 visa pursuant to federal law, ~~that is equal to the~~
5 ~~number of resident students enrolled in that local education agency who are~~
6 ~~currently participating in a foreign exchange program, as determined by the~~
7 ~~department,~~ without the payment of tuition. NOTWITHSTANDING SECTION
8 15-901, A SCHOOL DISTRICT OR A CHARTER SCHOOL MAY INCLUDE THESE STUDENTS IN
9 THE DISTRICT'S OR CHARTER SCHOOL'S STUDENT COUNT AND MAY OBTAIN STATE
10 FUNDING FOR THESE STUDENTS.

11 F. The governing board may admit children who are residents of the
12 United States without payment of tuition if evidence indicates that because
13 the parents are homeless or the child is abandoned, as defined in section
14 8-201, the child's physical, mental, moral or emotional health is best
15 served by placement with a person who does not have legal custody of the
16 child and who is a resident within the school district, unless the
17 governing board determines that the placement is solely for the purpose of
18 obtaining an education in this state without payment of tuition.

19 G. The governing board may admit children who are residents of the
20 United States, but who are nonresidents of this state, without payment of
21 tuition if all of the following conditions exist:

- 22 1. The child is a member of a federally recognized Indian tribe.
- 23 2. The child resides on Indian lands that are under the jurisdiction
24 of the tribe of which the child is a member.
- 25 3. The area in the boundaries of the reservation where the child
26 resides is located both in this state and in another state of the United
27 States.
- 28 4. The governing board enters into an intergovernmental agreement
29 with the governing board of the school district in another state in which
30 the nonresident child resides. The intergovernmental agreement shall
31 specify the number of nonresident children admitted in this state and the

1 number of resident children that are admitted by the governing board in
2 another state.

3 H. The governing board may admit children who are residents of the
4 United States, but who are nonresidents of this state, without payment of
5 tuition if all of the following conditions exist:

6 1. The child is enrolled in a year-round residential boarding
7 academy located in this state specializing in intensive instruction and
8 skill development in sports, music or acting.

9 2. The child's parents have executed a current notarized
10 guardianship agreement covering the child while enrolled at the academy,
11 which is a condition of enrollment at the academy and authorizes academy
12 representatives to act on behalf of the child's parent or legal guardian in
13 making all decisions on a daily basis as to the child's activities and
14 needs for medical, educational and other personal issues.

15 I. The governing board shall charge reasonable tuition for the
16 number of nonresident pupils who reside in another state and who are
17 admitted by a governing board in this state pursuant to subsection G of
18 this section that exceeds the number of resident pupils from this state who
19 are admitted into a school district by the other state.

20 J. The governing board of a school district shall pay reasonable
21 tuition for the number of resident pupils who reside in that school
22 district and who are admitted by a school district in another state
23 pursuant to subsection G of this section that exceeds the number of
24 nonresident pupils from that other state who are admitted by the governing
25 board into that school district in this state.

26 K. Children admitted under this section shall be counted or not
27 counted as resident pupils as prescribed in section 15-824, subsection D.

28 L. Except as provided in subsections E, H and K of this section, a
29 school district or a charter school shall not include pupils who are not
30 residents of this state in the district's or charter school's student count
31 and shall not obtain state funding for those pupils.

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

3 15-825. Certificates of educational convenience; issuance;
4 effect on enrollment records; reporting requirements

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

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

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

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

10 1. A state rehabilitation or corrective institution.

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

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

16 4. Under the supervision of the department of juvenile corrections,
17 ~~in~~ a residence pursuant to the interstate compact on juveniles.
18 Notwithstanding section 41-1959, the placing agency, department or
19 institution shall provide the school district of attendance with the
20 necessary information to enable the district to obtain a certificate of
21 educational convenience pursuant to this subsection.

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

31 D. If a certificate of educational convenience is issued as provided
32 in subsection B of this section, or for a pupil whose parent or guardian is

1 employed and domiciled by a state institution as prescribed by section
2 15-976, tuition may be charged as follows:

3 1. For group B children with disabilities:

4 (a) Who are from unorganized territory, whose parent or guardian is
5 employed by a state institution as prescribed by section 15-976 or who have
6 been issued a certificate of educational convenience pursuant to subsection
7 B of this section, the superintendent of public instruction shall reimburse
8 the district of attendance for the excess costs as provided in section
9 15-824, subsection E, paragraph 4.

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

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

15 (a) If the pupil resides in a school district in this state, the
16 district of residence shall pay the amount charged by the district of
17 attendance.

18 (b) If the pupil resides in unorganized territory, the
19 superintendent of public instruction shall pay the amount charged by the
20 district of attendance.

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

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

1 or right would require an expenditure of state monies in excess of the
2 expenditure authorized by legislative appropriation for that specific
3 purpose.

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

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

13 Sec. 3. Section 15-825.01, Arizona Revised Statutes, is amended to
14 read:

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

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

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

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

31 3. The total amount of tuition charged by the receiving district is
32 greater than the equalization base amount as determined by section 15-971,

1 subsection A, ~~for~~ for all of the pupils for whom tuition is being paid
2 pursuant to paragraph 1 of this subsection.

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

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

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

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

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

18 Amend title to conform

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