

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 115

SENATE BILL 1110

AN ACT

AMENDING SECTION 15-824, ARIZONA REVISED STATUTES; RELATING TO SCHOOL ADMISSION REQUIREMENTS.

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

2 Section 1. Section 15-824, Arizona Revised Statutes, is amended to
3 read:

4 15-824. Admission of pupils of other school districts; homeless
5 children; tuition charges; definitions

6 A. The governing board of a school district shall admit pupils from
7 another school district or area as follows:

8 1. Upon the presentation of a certificate of educational convenience
9 issued by the county school superintendent pursuant to section 15-825.

10 2. To a high school without the presentation of such certificate, if
11 the pupil is a resident of a common school district within this state which
12 is not within a high school district and which does not offer instruction in
13 the pupil's grade. Tuition shall be charged as prescribed in subsection E
14 of this section for each pupil admitted pursuant to this paragraph, each
15 pupil from a school district that provides only financing for pupils who are
16 instructed by another school district and each pupil from a unified district
17 that does not offer instruction in the pupil's grade. The school membership
18 of such pupils is deemed, for the purpose of determining student count and
19 for apportionment of state aid, to be enrollment in the school district of
20 the pupil's residence.

21 B. The residence of the person having legal custody of the pupil is
22 considered the residence of the pupil, except as provided in subsection C of
23 this section and in section 15-825, subsection B. For the purposes of this
24 section "legal custody" means:

1 1. Custody exercised by the natural or adoptive parents with whom a
2 pupil resides.

3 2. Custody granted by order of a court of competent jurisdiction to
4 a person or persons with whom a pupil resides unless the primary purpose for
5 which custody was requested was to circumvent the payment of tuition as
6 provided in this section.

7 C. The current residence of a homeless pupil who does not reside with
8 the person having legal custody of the pupil is considered to be the
9 residence of the homeless pupil if the person having legal custody of the
10 pupil is a resident of the United States. For the purposes of this
11 subsection, "homeless pupil" means a pupil who has a primary residence that
12 is:

13 1. A supervised publicly or privately operated shelter designed to
14 provide temporary living accommodations.

15 2. An institution that provides a temporary residence for individuals
16 intended to be institutionalized.

17 3. A public or private place not designed for, or ordinarily used as,
18 a regular sleeping accommodation for human beings.

19 D. The school enrollment of a pupil who is a resident of this state
20 or who is admitted to a school district under section 15-823, subsection B,
21 C or E is deemed, for the purpose of determining student count and for
22 apportionment of state aid, to be enrollment in the school district of actual
23 attendance, except as provided in section 15-825, subsection A, paragraph 1
24 and subsection A, paragraph 2 of this section and except for pupils for whom
25 the superintendent of public instruction is charged tuition pursuant to
26 section 15-825, subsections B and D and section 15-976 or for whom another
27 school district is charged tuition as provided in subsections E and F of this
28 section.

29 E. If tuition is required to be charged for pupils attending school
30 in a school district other than that of their residence, the tuition shall
31 be determined and paid in the following manner:

32 1. The number of high school pupils for which tuition may be charged
33 to a common school district which is not within a high school district is
34 equal to the average daily membership in the district of attendance from the
35 common school district for the prior fiscal year, except that for the first
36 year in which a common school district not within a high school district
37 stops teaching high school subjects, the district of attendance may charge
38 tuition for the number of pupils which is equal to the average daily
39 membership for high school pupils in the common school district for the prior
40 fiscal year. This number may be adjusted if the common school district
41 increases its revenue control limit and district support level or recomputes
42 its revenue control limit as provided in section 15-948.

43 2. The tuition for pupils attending school in a school district other
44 than that of their residence, except pupils provided for by section 15-825,

1 subsections B and D and any pupils included in the definition of child with
2 a disability in section 15-761, shall not exceed the cost per student count
3 of the school district attended, as determined for the current school year.
4 Tuition for pupils included in the definition of child with a disability in
5 section 15-761 shall not exceed the actual cost of the school attended for
6 each pupil as determined for the current year. The school district of
7 attendance shall not include in the cost per student count a charge for
8 transportation if no transportation is provided, and the charge for
9 transportation shall not exceed the actual costs of providing transportation
10 for the pupils served, as prescribed in the uniform system of financial
11 records. The school district of attendance shall provide the school district
12 of residence with the final tuition charge for the current year and with an
13 estimate of the budget year's tuition charge by May 1 of the current year.
14 The school district of residence shall pay at least one-fourth of the total
15 amount of the estimated tuition by September 30, December 31 and March 31,
16 and it shall pay the remaining amount it owes after adjustments are made by
17 June 30.

18 3. Tuition of pupils as provided in section 15-825, subsection D shall
19 not exceed the excess costs for group B children with disabilities in the
20 cost study prescribed in section 15-236 minus the amount generated by the
21 equalization base as determined in section 15-971, subsection A for these
22 pupils. A school district may submit to the superintendent of public
23 instruction a record of actual excess costs to educate a group B child with
24 a disability if the costs are higher than the calculated excess costs or if
25 a pupil has been placed in a private school for special education services.
26 The superintendent shall determine if the additional costs will be paid, and
27 if the costs are paid, whether the additional costs will be paid by the state
28 or the resident district.

29 4. The amount received representing contributions to capital outlay
30 as provided in subsection F, paragraph 2 of this section shall be applied to
31 the capital outlay fund or the debt service fund of the school district.

32 5. The amount received representing contributions to debt service as
33 provided in subsection F, paragraphs 3 and 4 of this section shall be applied
34 to the debt service fund of the school district if there is one. Otherwise
35 such amount shall be credited to the capital outlay fund of the school
36 district.

37 F. For the purposes of this section, "costs per student count" means
38 the sum of the following for the common or high school portion of the school
39 district attended, whichever is applicable to the pupil involved, as
40 prescribed in the uniform system of financial records:

41 1. The actual school district expenditures for the regular education
42 program subsection of the maintenance and operation section of the budget
43 divided by the school district's student count for the common or high school
44 portion of the school district, whichever is applicable.

1 2. The actual school district expenditures for the capital outlay
2 section of the budget as provided in sections 15-903 and 15-905 excluding
3 expenditures for transportation equipment and buildings if no transportation
4 is provided and expenditures for the acquisition of building sites, divided
5 by the school district's student count for the common or high school portion
6 of the school district, whichever is applicable.

7 3. The actual school district expenditures for debt service divided
8 by the school district's student count for the common or high school portion
9 of the school district, whichever is applicable.

10 4. The result obtained in paragraph 3 of this subsection shall not
11 exceed:

12 (a) ~~Five~~ SEVEN hundred fifty dollars if the pupil's school district
13 of residence pays tuition for seven hundred fifty or fewer pupils to other
14 school districts OR ONE HUNDRED FIFTY DOLLARS IF THE STATE PAYS TUITION FOR
15 SEVEN HUNDRED FIFTY OR FEWER PUPILS TO A SCHOOL DISTRICT PURSUANT TO SECTION
16 15-825, SUBSECTION D.

17 (b) ~~Six~~ EIGHT hundred dollars if the pupil's school district of
18 residence pays tuition for one thousand or fewer, but more than seven hundred
19 fifty, pupils to other school districts OR TWO HUNDRED DOLLARS IF THE STATE
20 PAYS TUITION FOR ONE THOUSAND OR FEWER, BUT MORE THAN SEVEN HUNDRED FIFTY,
21 PUPILS TO A SCHOOL DISTRICT PURSUANT TO SECTION 15-825, SUBSECTION D.

22 (c) The actual cost per student count if the pupil's school district
23 of residence pays tuition for more than one thousand pupils to other school
24 districts.

25 Sec. 2. Tuition for high school pupils who are residents of
26 common school districts not within high school
27 districts: fiscal years 1996-1997 and 1997-1998

28 A. Notwithstanding section 15-824, subsection F, paragraph 4,
29 subdivisions (a) and (b), Arizona Revised Statutes, as amended by this act:

30 1. For fiscal year 1996-1997, the result obtained in section 15-824,
31 subsection F, paragraph 3, Arizona Revised Statutes, as amended by this act,
32 shall not exceed:

33 (a) Six hundred twenty-five dollars if the pupil's school district of
34 residence pays tuition to other school districts for seven hundred fifty or
35 fewer pupils.

36 (b) Six hundred seventy-five dollars if the pupil's school district of
37 residence pays tuition to other school districts for more than seven hundred
38 fifty pupils but less than one thousand and one pupils.

39 2. For fiscal year 1997-1998, the result obtained in section 15-824,
40 subsection F, paragraph 3, Arizona Revised Statutes, as amended by this act,
41 shall not exceed:

42 (a) Six hundred seventy-five dollars if the pupil's school district of
43 residence pays tuition to other school districts for seven hundred fifty or
44 fewer pupils.

1 (b) Seven hundred twenty-five dollars if the pupil's school district
2 of residence pays tuition to other school districts for more than seven
3 hundred fifty pupils but less than one thousand and one pupils.

4 B. This section does not apply to pupils for whom the state pays
5 tuition to a school district.

APPROVED BY THE GOVERNOR APRIL 9, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 1996.