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FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 358

SENATE BILL 1068

AN ACT

AMENDING SECTIONS 15-824, 15-825, 15-951 AND 15-976, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO SCHOOL ENROLLMENT.

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

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

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

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

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

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

B. The residence of the person having legal custody of the pupil is considered the residence of the pupil, except as provided in subsection C of this section and in section 15-825, subsection B. ~~For the purposes of this 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,—:

38 1. "Costs per student count" means the sum of the following for the
39 common or high school portion of the school district attended, whichever is
40 applicable to the pupil involved, as prescribed in the uniform system of
41 financial records:

42 ~~1-~~ (a) The actual school district expenditures for the regular
43 education program subsection of the maintenance and operation section of the

1 budget divided by the school district's student count for the common or high
2 school portion of the school district, whichever is applicable.

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

9 ~~3-~~ (c) The actual school district expenditures for debt service
10 divided by the school district's student count for the common or high school
11 portion of the school district, whichever is applicable.

12 ~~4-~~ (d) The result obtained in ~~paragraph 3 of this subsection~~
13 SUBDIVISION (c) OF THIS PARAGRAPH shall not exceed:

14 ~~(a)~~ (i) Five hundred fifty dollars if the pupil's school district of
15 residence pays tuition for seven hundred fifty or fewer pupils to other
16 school districts OR ONE HUNDRED FIFTY DOLLARS IF THE STATE PAYS TUITION FOR
17 SEVEN HUNDRED FIFTY OR FEWER PUPILS TO A SCHOOL DISTRICT PURSUANT TO SECTION
18 15-825, SUBSECTION D OR SECTION 15-976.

19 ~~(b)~~ (ii) Six hundred dollars if the pupil's school district of
20 residence pays tuition for one thousand or fewer, but more than seven hundred
21 fifty, pupils to other school districts OR TWO HUNDRED DOLLARS IF THE STATE
22 PAYS TUITION FOR ONE THOUSAND OR FEWER, BUT MORE THAN SEVEN HUNDRED FIFTY,
23 PUPILS TO A SCHOOL DISTRICT PURSUANT TO SECTION 15-825, SUBSECTION D OR
24 SECTION 15-976.

25 ~~(c)~~ (iii) The actual cost per student count if EITHER the pupil's
26 school district of residence OR THE STATE pays tuition for more than one
27 thousand pupils to other school districts.

28 2. "LEGAL CUSTODY" MEANS:

29 (a) CUSTODY EXERCISED BY THE NATURAL OR ADOPTIVE PARENTS WITH WHOM A
30 PUPIL RESIDES.

31 (b) CUSTODY GRANTED BY ORDER OF A COURT OF COMPETENT JURISDICTION TO
32 A PERSON OR PERSONS WITH WHOM A PUPIL RESIDES UNLESS THE PRIMARY PURPOSE FOR
33 WHICH CUSTODY WAS REQUESTED WAS TO CIRCUMVENT THE PAYMENT OF TUITION AS
34 PROVIDED IN THIS SECTION.

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

36 15-825. Certificate of educational convenience; issuance;
37 effect on enrollment records

38 A. A pupil who is precluded by distance or lack of adequate
39 transportation facilities from attending a school in the school district or
40 county of the pupil's residence or who resides in unorganized territory may
41 apply to the county school superintendent for a certificate of educational
42 convenience. If it appears to the county school superintendent that it is
43 not feasible for the pupil to attend a school in the school district or
44 county of residence, the county school superintendent shall issue a

1 certificate authorizing the pupil to attend a school in an adjoining school
2 district or county, whether within or without this state. If a certificate
3 of educational convenience is issued as provided in this subsection, the
4 school enrollment of a pupil is as follows:

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

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

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

20 1. A state rehabilitation or corrective institution.

21 2. A foster home or child care agency or institution which is licensed
22 and supervised by the department of economic security or the department of
23 health services.

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

26 4. Under the supervision of the department of juvenile corrections in
27 a residence pursuant to the interstate compact on juveniles. Notwithstanding
28 the provisions of section 41-1959, the placing agency, department or
29 institution shall provide the school district of attendance with the
30 necessary information to enable the district to obtain a certificate of
31 educational convenience pursuant to this subsection.

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

40 D. If a certificate of educational convenience is issued as provided
41 in subsection B of this section, or for a pupil whose parent or guardian is
42 employed and domiciled by a state institution as prescribed by section
43 15-976, tuition may be charged as follows:

1 1. For group B children with disabilities ~~who are:~~

2 (a) WHO ARE from unorganized territory, WHOSE PARENT OR GUARDIAN IS
3 EMPLOYED BY A STATE INSTITUTION AS PRESCRIBED BY SECTION 15-976 or who have
4 been issued a certificate of educational convenience pursuant to subsection
5 B of this section, the superintendent of public instruction shall reimburse
6 the district of attendance for the excess costs as provided in section
7 15-824, subsection E, paragraph 3.

8 (b) WHO ARE from another school district, the school district of
9 residence shall reimburse the district of attendance for the excess costs as
10 provided in section 15-824, subsection E, paragraph 3.

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

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

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

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

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

34 Sec. 3. Section 15-951, Arizona Revised Statutes, is amended to read:
35 15-951. Revenue control limit, capital outlay revenue limit,
36 capital levy revenue limit, district support level
37 and student count for a common school district not
38 within a high school district

39 A. Notwithstanding section 15-947, the revenue control limit for a
40 common school district not within a high school district is the sum of the
41 following:

42 1. The base revenue control limit computed as prescribed in section
43 15-944 but excluding pupils admitted to another school district as provided
44 in section 15-824, subsection A, paragraph 2.

1 2. The tuition payable for high school pupils who attend school in
2 another school district as provided in section 15-824, subsection A,
3 paragraph 2, including any transportation charge, except as provided in
4 subsection H of this section.

5 3. The transportation revenue control limit for all pupils who reside
6 in the district except those high school pupils transported by another
7 district.

8 B. Notwithstanding subsection A of this section, for the purposes of
9 sections 15-481, 15-482 and 15-1102, the revenue control limit for a common
10 school district not within a high school district is the sum of the
11 following:

12 1. The base revenue control limit for pupils computed as prescribed
13 in section 15-944 but excluding pupils admitted to another school district
14 as provided in section 15-824, subsection A, paragraph 2.

15 2. The transportation revenue control limit for all pupils who reside
16 in the district except those high school pupils transported by another
17 district.

18 C. Notwithstanding section 15-961, the capital outlay revenue limit
19 for a common school district not within a high school district is the capital
20 outlay revenue limit computed as prescribed in section 15-961 but excluding
21 pupils who are admitted to another school district as provided in section
22 15-824, subsection A, paragraph 2.

23 D. Notwithstanding section 15-962, the capital levy revenue limit for
24 a common school district not within a high school district is the capital
25 levy revenue limit computed as prescribed in section 15-962 but excluding
26 pupils who are both admitted to another school district as provided in
27 section 15-824, subsection A, paragraph 2 and not transported by the common
28 school district.

29 E. Notwithstanding section 15-947, the district support level for a
30 common school district not within a high school district is the sum of the
31 following:

32 1. The base support level computed as prescribed in section 15-943 but
33 excluding pupils who are admitted to another school district as provided in
34 section 15-824, subsection A, paragraph 2.

35 2. The tuition payable for high school pupils who are admitted to
36 another school district as provided in section 15-824, subsection A,
37 paragraph 2, including any transportation charge, except as provided in
38 subsection H of this section.

39 3. The transportation support level for all pupils who reside in the
40 school district except those high school pupils transported by another school
41 district.

42 F. For the purpose of determining eligibility to adjust the student
43 count as provided in section 15-942, the student count for a common school
44 district not within a high school district is the student count for pupils

1 in the school district less the student count for pupils enrolled in another
2 school district as provided in section 15-824, subsection A, paragraph 2.

3 G. For the purpose of determining eligibility to increase the revenue
4 control limit and district support level or recompute the revenue control
5 limit as provided in section 15-948, the student count for a common school
6 district not within a high school district is the student count for pupils
7 in kindergarten programs and grades one through twelve, including pupils
8 enrolled in another school district as provided in section 15-824, subsection
9 A, paragraph 2.

10 H. The tuition amount in subsections A and E of this section shall not
11 include amounts per student count for bond issues as prescribed by section
12 15-824, subsection F, paragraph ~~2~~ 1, SUBDIVISION (c) in excess of the
13 following:

14 1. One hundred fifty dollars if the pupil's school district of
15 residence pays tuition for seven hundred fifty or fewer pupils to other
16 school districts.

17 2. Two hundred dollars if the pupil's school district of residence
18 pays tuition for one thousand or fewer, but more than seven hundred fifty
19 pupils to other school districts.

20 3. The actual cost per student count if the pupil's school district
21 of residence pays tuition for more than one thousand pupils to other school
22 districts.

23 Sec. 4. Section 15-976, Arizona Revised Statutes, is amended to read:
24 15-976. Assistance for school districts for children whose
25 parents are employed by certain state institutions;
26 expenditure limitation

27 A. The superintendent of public instruction shall assist school
28 districts in educating children whose parents or legal guardians are employed
29 by and domiciled at the following state institutions and stations: the state
30 hospital, the Arizona state schools for the deaf and the blind, mental
31 retardation centers, port of entry inspection stations and institutions and
32 facilities maintained by the state department of corrections. THE SCHOOL
33 ENROLLMENT IS DEEMED FOR THE PURPOSE OF DETERMINING STUDENT COUNT TO BE
34 ENROLLMENT IN THE SCHOOL DISTRICT OF ACTUAL ATTENDANCE. The assistance shall
35 be by payment of tuition AS FOLLOWS:

36 1. FOR GROUP B CHILDREN WITH DISABILITIES, as provided in section
37 15-825, subsection D.

38 2. FOR CHILDREN OTHER THAN GROUP B CHILDREN WITH DISABILITIES, THE
39 COSTS PER STUDENT COUNT AS PRESCRIBED IN SECTION 15-824, SUBSECTION F MINUS
40 THE AMOUNT GENERATED BY THE EQUALIZATION BASE AS DETERMINED IN SECTION
41 15-971, SUBSECTION A FOR THOSE PUPILS, EXCEPT THAT IN NO CASE SHALL THE
42 TUITION FOR ANY PUPIL EXCEED AN AMOUNT EQUAL TO SEVEN THOUSAND DOLLARS MINUS
43 THE AMOUNT GENERATED BY THE EQUALIZATION BASE AS DETERMINED IN SECTION
44 15-971, SUBSECTION A.

1 B. Claims for such payments shall be made by the school districts
2 through the county school superintendent to the superintendent of public
3 instruction.

4 ~~B-~~ C. The total amount of state monies that may be spent in any
5 fiscal year by the superintendent of public instruction pursuant to
6 subsection A of this section shall not exceed the amount appropriated or
7 authorized by section 35-173 for that purpose. This section shall not be
8 construed to impose a duty on an officer, agent or employee of this state to
9 discharge 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 of
11 the expenditure authorized by legislative appropriation for that specific
12 purpose.

13 Sec. 5. Appropriation; purpose

14 The sum of \$23,000 is appropriated from the state general fund to the
15 superintendent of public instruction for fiscal year 1996-1997 for the
16 additional cost of assistance to school districts pursuant to section 15-976,
17 Arizona Revised Statutes, as amended by section 4 of this act for children
18 whose parents are employed by certain state institutions.

19 Sec. 6. Retroactivity

20 Sections 1, 2, 3 and 4 of this act apply retroactively to July 1, 1995.

APPROVED BY THE GOVERNOR MAY 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 1996