Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 274

HOUSE BILL 2332

AN ACT

AMENDING SECTION 15-823, 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 15-823, Arizona Revised Statutes, is amended to read:

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

A. Except as provided in subsections B, C, D, ~~and~~ E AND F of this section, children of nonresidents of this state may be admitted upon payment of a reasonable tuition fixed by the governing board.

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

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

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

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

F. THE GOVERNING BOARD MAY ADMIT CHILDREN WHO ARE RESIDENTS OF THE UNITED STATES, BUT WHO ARE NONRESIDENTS OF THIS STATE, WITHOUT PAYMENT OF TUITION IF ALL OF THE FOLLOWING CONDITIONS EXIST:

1. THE CHILD IS A MEMBER OF A FEDERALLY RECOGNIZED INDIAN TRIBE.

2. THE CHILD RESIDES ON INDIAN LANDS THAT ARE UNDER THE JURISDICTION OF THE TRIBE OF WHICH THE CHILD IS A MEMBER.

3. THE AREA IN THE BOUNDARIES OF THE RESERVATION WHERE THE CHILD RESIDES IS LOCATED BOTH IN THIS STATE AND IN ANOTHER STATE OF THE UNITED STATES.

4. THE GOVERNING BOARD ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE GOVERNING BOARD OF THE SCHOOL DISTRICT IN ANOTHER STATE IN WHICH THE NONRESIDENT CHILD RESIDES. THE INTERGOVERNMENTAL AGREEMENT SHALL SPECIFY THE

NUMBER OF NONRESIDENT CHILDREN ADMITTED IN THIS STATE AND THE NUMBER OF RESIDENT CHILDREN THAT ARE ADMITTED BY THE GOVERNING BOARD IN ANOTHER STATE.

G. THE GOVERNING BOARD SHALL CHARGE REASONABLE TUITION FOR THE NUMBER OF NONRESIDENT PUPILS WHO RESIDE IN ANOTHER STATE AND WHO ARE ADMITTED BY A GOVERNING BOARD IN THIS STATE PURSUANT TO SUBSECTION F OF THIS SECTION THAT EXCEED THE NUMBER OF RESIDENT PUPILS FROM THIS STATE WHO ARE ADMITTED INTO A SCHOOL DISTRICT BY THE OTHER STATE.

H. THE GOVERNING BOARD OF A SCHOOL DISTRICT SHALL PAY REASONABLE TUITION FOR THE NUMBER OF RESIDENT PUPILS WHO RESIDE IN THAT SCHOOL DISTRICT AND WHO ARE ADMITTED BY A SCHOOL DISTRICT IN ANOTHER STATE PURSUANT TO SUBSECTION F OF THIS SECTION THAT EXCEED THE NUMBER OF NONRESIDENT PUPILS FROM THAT OTHER STATE WHO ARE ADMITTED BY THE GOVERNING BOARD INTO THAT SCHOOL DISTRICT IN THIS STATE.

~~F.~~ I. Children admitted under this section shall be counted or not counted as resident pupils as prescribed in section 15-824, subsection D.

Sec. 2. Retroactivity

Section 15-823, Arizona Revised Statutes, as amended by this act, applies retroactively to from and after June 30, 2007.

APPROVED BY THE GOVERNOR JULY 2, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 2, 2007.

Passed the House March 6, 2007

by the following vote: 51 Ayes,

6 Nays, 3 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate June 19, 2007

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2332

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

June 30, 2007,

by the following vote: 52 Ayes,

2 Nays, 6 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21st day of June, 2007

at 8:20 o'clock a. M.

Secretary to the Governor

Approved this 2 day of

July, 2007,

at 11 or o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2 day of July, 2007,

at 2:43 o'clock P. M.

Secretary of State

H.B. 2332