

House Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 267

# **HOUSE BILL 2368**

AN ACT

AMENDING SECTIONS 15-807 AND 15-821, ARIZONA REVISED STATUTES; RELATING TO  
SCHOOL ATTENDANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-807, Arizona Revised Statutes, is amended to  
3 read:

4 15-807. Absence from school; notification of parent or person  
5 having custody of pupil; immunity

6 A. If a pupil in a kindergarten program or grades one through eight is  
7 absent from school without excuse as provided in this article or without  
8 notice to the school in which the pupil is enrolled of authorization of the  
9 absence by the parent or other person who has custody of the pupil, the  
10 school in which the pupil is enrolled, ~~within two hours after the first class~~  
11 ~~in which the pupil is absent,~~ shall make a reasonable effort to promptly  
12 telephone and notify the parent or other person who has custody of the pupil  
13 of the pupil's absence from school: —

14 1. WITHIN TWO HOURS AFTER THE FIRST CLASS IN WHICH THE PUPIL IS ABSENT  
15 FOR A PUPIL IN KINDERGARTEN OR GRADES ONE THROUGH SIX.

16 2. WITHIN TWO HOURS AFTER THE FIRST CLASS IN WHICH THE PUPIL IS ABSENT  
17 FOR A PUPIL IN GRADE SEVEN OR EIGHT IF THE FIRST CLASS IN WHICH THE PUPIL IS  
18 ABSENT IS THE PUPIL'S FIRST CLASS OF THE SCHOOL DAY.

19 3. WITHIN FIVE HOURS AFTER THE FIRST CLASS IN WHICH THE PUPIL IS  
20 ABSENT FOR A PUPIL IN GRADE SEVEN OR EIGHT IF THE FIRST CLASS IN WHICH THE  
21 PUPIL IS ABSENT IS AFTER THE PUPIL'S FIRST CLASS OF THE SCHOOL DAY.

22 B. On or before the enrollment of a pupil in a kindergarten program or  
23 grades one through eight, the school district shall notify parents or other  
24 persons who have custody of a pupil of their responsibility to authorize any  
25 absence of the pupil from school and to notify the school in which the pupil  
26 is enrolled in advance or at the time of any absence and that the school  
27 district requires that at least one telephone number, if available, be given  
28 for purposes of this section. The school district shall require that the  
29 telephone number, if available, be given at the time of enrollment of the  
30 pupil in school and that the school of enrollment be promptly notified of any  
31 change in the telephone number.

32 C. A school district, governing board members of a school district and  
33 employees or agents of a school district are not liable for failure to notify  
34 the parent or other person who has custody of a pupil of the pupil's absence  
35 from school as provided in this section.

36 Sec. 2. Section 15-821, Arizona Revised Statutes, is amended to read:  
37 15-821. Admission of children; required age

38 A. Unless otherwise provided by article 1.1 of this chapter or by any  
39 other law, all schools shall admit children WHO ARE between the ages of six  
40 and twenty-one years, who reside in the school district and who meet the  
41 requirements for enrollment in one of the grades or programs offered in the  
42 school. A SCHOOL MAY REFUSE TO ADMIT A CHILD WHO HAS GRADUATED FROM A HIGH  
43 SCHOOL WITH A RECOGNIZED DIPLOMA.

1 B. If a preschool program for children with disabilities is  
2 maintained, a child is eligible for admission as prescribed in section  
3 15-771.

4 C. If a kindergarten program is maintained, a child is eligible for  
5 admission to kindergarten if the child is five years of age. A child is  
6 deemed five years of age if the child reaches the age of five before  
7 September 1 of the current school year. A child is eligible for admission to  
8 first grade if the child is six years of age. A child is deemed six years of  
9 age if the child reaches the age of six before September 1 of the current  
10 school year. The governing board may admit children who have not reached the  
11 required age as prescribed by this subsection if it is determined to be in  
12 the best interest of the children. For children entering the first grade,  
13 such determination shall be based upon one or more consultations with the  
14 parent, parents, guardian or guardians, the children, the teacher and the  
15 school principal. Such children must reach the required age of five for  
16 kindergarten and six for first grade by January 1 of the current school year.

17 D. Notwithstanding any other law, a child who resides with a family  
18 member other than the child's parent ~~and is residing with the family member~~  
19 while awaiting the outcome of a legal guardianship or custody proceeding is  
20 deemed to reside in the school district where that family member resides if  
21 the family member provides written documentary proof of one of the following:

22 1. The family member is attempting to obtain legal guardianship of the  
23 child in an unresolved and uncontested guardianship proceeding commenced in  
24 superior court. The family member shall provide documentation to the school  
25 district within thirty days of enrollment that the family member is  
26 attempting to obtain legal guardianship of the child. Upon obtaining legal  
27 guardianship, the family member shall provide documentation to the school  
28 district.

29 2. The family member is attempting to obtain custody of the child in  
30 an unresolved and uncontested child custody proceeding commenced in superior  
31 court. The family member shall provide documentation to the school district  
32 within thirty days of enrollment that the family member is attempting to  
33 obtain custody of the child. Upon obtaining custody, the family member shall  
34 provide documentation to the school district.

~~APPROVED BY THE GOVERNOR JUNE 12, 2008.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 12, 2008.~~