

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 331

HOUSE BILL 2722

AN ACT

AMENDING SECTION 15-823, ARIZONA REVISED STATUTES; RELATING TO STATE FUNDING FOR SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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 and F of this section,
7 children of nonresidents of this state may be admitted upon payment of a
8 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 benefit
14 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 is
21 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 are
24 in exchange programs without payment of tuition or as it may otherwise
25 prescribe.

26 E. The governing board may admit children who are residents of the
27 United States without payment of tuition if evidence indicates that because
28 the parents are homeless or the child is abandoned, as defined in section
29 8-201, the child's physical, mental, moral or emotional health is best served
30 by placement with a person who does not have legal custody of the child and
31 who is a resident within the school district, unless the governing board
32 determines that the placement is solely for the purpose of obtaining an
33 education in this state without payment of tuition.

34 F. The governing board may admit children who are residents of the
35 United States, but who are nonresidents of this state, without payment of
36 tuition if all of the following conditions exist:

37 1. The child is a member of a federally recognized Indian tribe.

38 2. The child resides on Indian lands that are under the jurisdiction
39 of the tribe of which the child is a member.

40 3. The area in the boundaries of the reservation where the child
41 resides is located both in this state and in another state of the United
42 States.

43 4. The governing board enters into an intergovernmental agreement with
44 the governing board of the school district in another state in which the

1 nonresident child resides. The intergovernmental agreement shall specify the
2 number of nonresident children admitted in this state and the number of
3 resident children that are admitted by the governing board in another state.

4 G. The governing board shall charge reasonable tuition for the number
5 of nonresident pupils who reside in another state and who are admitted by a
6 governing board in this state pursuant to subsection F of this section that
7 exceed the number of resident pupils from this state who are admitted into a
8 school district by the other state.

9 H. The governing board of a school district shall pay reasonable
10 tuition for the number of resident pupils who reside in that school district
11 and who are admitted by a school district in another state pursuant to
12 subsection F of this section that exceed the number of nonresident pupils
13 from that other state who are admitted by the governing board into that
14 school district in this state.

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

17 J. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, A SCHOOL
18 DISTRICT OR A CHARTER SCHOOL SHALL NOT INCLUDE PUPILS WHO ARE NOT RESIDENTS
19 OF THIS STATE IN THE DISTRICT'S OR CHARTER SCHOOL'S STUDENT COUNT AND SHALL
20 NOT OBTAIN STATE FUNDING FOR THOSE PUPILS.

APPROVED BY THE GOVERNOR MAY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.

Passed the House March 24, 2010

by the following vote: 52 Ayes,

2 Nays, 6 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 27, 2010

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

28 day of April, 2010

at 11:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

May

at 12:52 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 12th day of May, 2010

at 9:35 o'clock a M.

[Signature]
Secretary of State

H.B. 2722