

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 248

# **HOUSE BILL 2665**

AN ACT

AMENDING SECTIONS 15-184 AND 15-816.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-108; APPROPRIATING MONIES; RELATING TO CHARTER SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-184, Arizona Revised Statutes, is amended to  
3 read:

4 15-184. Charter schools; admissions requirements

5 A. A charter school shall enroll all eligible pupils who submit a  
6 timely application, unless the number of applications exceeds the capacity of  
7 a program, class, grade level or building.

8 B. A charter school shall give enrollment preference to pupils  
9 returning to the charter school in the second or any subsequent year of its  
10 operation and to siblings of pupils already enrolled in the charter school.

11 C. A charter school that is sponsored by a school district governing  
12 board shall give enrollment preference to eligible pupils who reside within  
13 the boundaries of the school district where the charter school is physically  
14 located.

15 D. A CHARTER SCHOOL MAY GIVE ENROLLMENT PREFERENCE TO CHILDREN WHO ARE  
16 IN FOSTER CARE OR MEET THE DEFINITION OF UNACCOMPANIED YOUTH PRESCRIBED IN  
17 THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (42 UNITED STATES CODE SECTION  
18 11434a).

19 ~~D~~. E. A charter school may give enrollment preference to and reserve  
20 capacity for pupils who either:

21 1. Are children, grandchildren or legal wards of any of the following:

22 (a) Employees of the school.

23 (b) Employees of the charter holder.

24 (c) Members of the governing body of the school.

25 (d) Directors, officers, partners or board members of the charter  
26 holder.

27 2. Attended another charter school or are the siblings of that pupil  
28 if the charter school previously attended by the pupil has the identical  
29 charter holder, board and governing board membership as the enrolling charter  
30 school or is managed by the same educational management organization, charter  
31 management organization or educational service provider as determined by the  
32 charter authorizer.

33 ~~E~~. F. If remaining capacity is insufficient to enroll all pupils who  
34 submit a timely application, the charter school shall select pupils through  
35 an equitable selection process such as a lottery except that preference shall  
36 be given to siblings of a pupil selected through an equitable selection  
37 process such as a lottery.

38 ~~F~~. G. Except as provided in subsections A through ~~D~~ E of this  
39 section, a charter school shall not limit admission based on ethnicity,  
40 national origin, gender, income level, disabling condition, proficiency in  
41 the English language or athletic ability.

42 ~~G~~. H. A charter school may limit admission to pupils within a given  
43 age group or grade level.

44 ~~H~~. I. A charter school may provide instruction to pupils of a single  
45 gender with the approval of the sponsor of the charter school. An existing

1 charter school may amend its charter to provide instruction to pupils of a  
2 single gender, and if approved by the sponsor of the charter school, may  
3 provide instruction to pupils of a single gender at the beginning of the next  
4 school year.

5 ~~J.~~ J. A charter school shall admit pupils who reside in the  
6 attendance area of a school or who reside in a school district that is under  
7 a court order of desegregation or that is a party to an agreement with the  
8 United States department of education office for civil rights directed toward  
9 remediating alleged or proven racial discrimination unless notice is received  
10 from the resident school that the admission would violate the court order or  
11 agreement. If a charter school admits a pupil after notice is received that  
12 the admission would constitute such a violation, the charter school is not  
13 allowed to include in its student count the pupils wrongfully admitted.

14 ~~K.~~ K. A charter school may refuse to admit any pupil who has been  
15 expelled from another educational institution or who is in the process of  
16 being expelled from another educational institution.

17 Sec. 2. Section 15-816.01, Arizona Revised Statutes, is amended to  
18 read:

19 15-816.01. Enrollment policies

20 A. School district governing boards shall establish policies and shall  
21 implement an open enrollment policy without charging tuition. Tuition may be  
22 charged to nonresident pupils only if the tuition is authorized under section  
23 15-764, subsection C, section 15-797, subsection C, section 15-823,  
24 subsection A, section 15-824, subsection A or section 15-825 or if two school  
25 districts have entered into a voluntary agreement for the payment of tuition  
26 for certain pupils. These policies shall include admission criteria,  
27 application procedures and transportation provisions. A SCHOOL DISTRICT MAY  
28 GIVE ENROLLMENT PREFERENCE TO CHILDREN WHO ARE IN FOSTER CARE. A school  
29 district may give enrollment preference to and reserve capacity for pupils  
30 who are children of persons who are employed by or at a school in the school  
31 district. A copy of the district policies for open enrollment shall be  
32 posted on the district's website and shall be available to the public on  
33 request.

34 B. The governing board of the district educating the pupil may provide  
35 transportation limited to no more than twenty miles each way to and from the  
36 school of attendance or to and from a pickup point on a regular  
37 transportation route or for the total miles traveled each day to an adjacent  
38 district for eligible nonresident pupils who meet the economic eligibility  
39 requirements established under the national school lunch and child nutrition  
40 acts (42 United States Code sections 1751 through 1785) for free or reduced  
41 price lunches.

42 C. The governing board of the district educating the pupil shall  
43 provide transportation limited to no more than twenty miles each way to and  
44 from the school of attendance or to and from a pickup point on a regular  
45 transportation route or for the total miles traveled each day to an adjacent

1 district for nonresident pupils with disabilities whose individualized  
2 education program specifies that transportation is necessary for fulfillment  
3 of the program.

4 Sec. 3. Title 41, chapter 1, article 1, Arizona Revised Statutes, is  
5 amended by adding section 41-108, to read:

6 41-108. Foster youth education success program: fund: report:  
7 program termination

8 A. THE FOSTER YOUTH EDUCATION SUCCESS PROGRAM IS ESTABLISHED IN THE  
9 OFFICE OF THE GOVERNOR FOR THE PURPOSE OF IMPROVING THE EDUCATIONAL OUTCOMES  
10 OF CHILDREN IN THIS STATE'S FOSTER CARE SYSTEM.

11 B. THE FOSTER YOUTH EDUCATION SUCCESS FUND IS ESTABLISHED CONSISTING  
12 OF MONIES APPROPRIATED TO THE FUND AND MONIES RECEIVED BY THE OFFICE OF THE  
13 GOVERNOR FROM ANY LAWFUL PUBLIC OR PRIVATE SOURCE FOR THIS PURPOSE. THE  
14 OFFICE OF THE GOVERNOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE  
15 CONTINUOUSLY APPROPRIATED. THE OFFICE OF THE GOVERNOR MAY ACCEPT AND SPEND  
16 LOCAL, STATE AND FEDERAL MONIES AND PRIVATE GRANTS, GIFTS, CONTRIBUTIONS AND  
17 DEVICES TO ASSIST IN CARRYING OUT THE PURPOSES OF THIS SECTION. MONIES IN  
18 THE FUND DO NOT REVERT TO THE STATE GENERAL FUND.

19 C. THE OFFICE OF THE GOVERNOR SHALL ESTABLISH POLICIES AND PROCEDURES,  
20 SELECTION CRITERIA AND MINIMUM PERFORMANCE STANDARDS FOR SERVICE PROVIDERS  
21 THAT WISH TO PARTICIPATE IN THE PROGRAM.

22 D. A SERVICE PROVIDER THAT IS SELECTED TO PARTICIPATE IN THE PROGRAM  
23 SHALL:

24 1. CONTRACT WITH AN ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME  
25 TAXES UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE AND THAT PROVIDES  
26 THE FOLLOWING PROGRAMMATIC COMPONENTS:

27 (a) A PARTNERSHIP WITH LOCAL EDUCATION AGENCIES, CHILD WELFARE  
28 AGENCIES AND JUDICIAL AGENCIES TO IMPLEMENT A CONTINUOUS CYCLE OF DATA-DRIVEN  
29 INTERVENTIONS FOR CHILDREN IN FOSTER CARE.

30 (b) IDENTIFICATION AND SUPPORT OF AN EDUCATION CHAMPION FOR CHILDREN  
31 IN FOSTER CARE WHO IS INFORMED OF RIGHTS AND RESPONSIBILITIES AND PAIRED WITH  
32 AN EDUCATION COACH TO INCREASE CAPACITY TO SUPPORT EDUCATIONAL SUCCESS FOR  
33 CHILDREN IN FOSTER CARE.

34 (c) DEVELOPMENT AND MONITORING OF AN EDUCATION TEAM, WHICH MAY INCLUDE  
35 EDUCATION LIAISONS, STUDENTS, SOCIAL WORKERS, SCHOOL STAFF, CAREGIVERS,  
36 COURT-APPOINTED SPECIAL ADVOCATES, COACHES, MENTORS OR OTHER COMMUNITY  
37 MEMBERS.

38 (d) A CUSTOMIZED EDUCATION PLAN FOR EACH CHILD IN FOSTER CARE THAT IS  
39 BASED ON INDIVIDUAL STRENGTHS AND NEEDS AND THAT USES A RESEARCH-BASED TOOL.

40 2. SUBMIT AN ANNUAL REPORT ON OR BEFORE DECEMBER 15 TO THE GOVERNOR,  
41 THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
42 THAT INCLUDES AN EVALUATION OF THE EFFECTIVENESS OF THE PROGRAM, INCLUDING  
43 DEMOGRAPHIC INFORMATION AND ACADEMIC OUTCOMES. THE SERVICE PROVIDER SHALL  
44 PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

1 E. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2026  
2 PURSUANT TO SECTION 41-3102.

3 Sec. 4. Appropriations; office of the governor; youth education  
4 success fund; matching monies; exemption

5 A. The sum of \$1,000,000 is appropriated from the state general fund  
6 in fiscal year 2017-2018 to the office of the governor for deposit in the  
7 youth education success fund established by section 41-108, Arizona Revised  
8 Statutes, as added by this act, for the purposes of this act.

9 B. In addition to the monies appropriated in subsection A of this  
10 section, the sum of \$500,000 is appropriated from the state general fund in  
11 fiscal year 2017-2018 to the office of the governor for deposit in the youth  
12 education success fund established by section 41-108, Arizona Revised  
13 Statutes, as added by this act, to be spent when matching amounts, including  
14 matching amounts of less than \$500,000, from sources other than this state of  
15 other public monies, gifts, grants and donations are collected by the office  
16 of the governor and deposited in the fund.

17 C. Monies from public sources other than this state, gifts, grants and  
18 donations may be spent by the office of the governor as they are collected,  
19 but an accounting shall be made by the office of the governor to the joint  
20 legislative budget committee to determine qualification for the state match  
21 under subsection B of this section.

22 D. The appropriations made in subsections A and B of this section are  
23 exempt from the provisions of section 35-190, Arizona Revised Statutes,  
24 relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR MAY 13, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2016.

Passed the House March 2, 2016

Passed the Senate May 6, 2016

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

0 Nays, 2 Not Voting

*[Signature]*

Speaker of the House

Pro Tempore

*[Signature]*

Chief Clerk of the House

*[Signature]*

President of the Senate

*[Signature]*

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. 2665

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 7, 2016,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
7 day of May, 2016,

at 3:33 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 13<sup>th</sup> day of

May, 2016,

at 9:54 o'clock A. M.

[Signature]  
Governor of Arizona

H.B. 2665

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 13<sup>th</sup> day of May, 2016,

at 3:32 o'clock P M.

[Signature]  
Secretary of State