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)

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, 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.

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

J. EXCEPT AS PROVIDED IN SUBSECTION I OF THIS SECTION, A SCHOOL DISTRICT OR A CHARTER SCHOOL SHALL NOT INCLUDE PUPILS WHO ARE NOT RESIDENTS OF THIS STATE IN THE DISTRICT'S OR CHARTER SCHOOL'S STUDENT COUNT AND SHALL 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.