

CHAPTER 165

Senate Bill 321

AN ACT

RELATING TO EDUCATION; PRESCRIBING USAGE OF CERTIFICATES OF EDUCATIONAL CONVENIENCE; PROVIDING FOR ADMISSION OF PUPILS OF OTHER DISTRICTS, AND AMENDING SECTIONS 15-304 AND 15-449, ARIZONA REVISED STATUTES.

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

Section 1. PURPOSE

The purpose of this act is to limit the issuance of certificates of educational convenience.

Sec. 2. Section 15-304, Arizona Revised Statutes, is amended to read:

15-304. CERTIFICATE OF EDUCATIONAL CONVENIENCE; ISSUANCE; EFFECT ON ATTENDANCE RECORDS

A. A pupil precluded by distance or lack of adequate transportation facilities from attending a common or high school in the district or county of his residence or who resides in unorganized territory may apply to the county school superintendent for a certificate of educational convenience. If it appears to the superintendent that it is not feasible for the pupil to attend the common or high school in the district or county of residence, he shall issue a certificate authorizing the pupil to attend a common or high school in an adjoining district or county, whether within or without the state. ~~Such attendance, when certified to the county superintendent by the official in charge of the school attended, shall be deemed for the purpose of determining average daily attendance to be attendance in the common or high school of the county or district of the student's residence.~~

~~B. In the event of an order issued by the superior court placing the custody or legal guardianship of a child in a rehabilitation or corrective institution, the county school superintendent of the county containing the school district of the pupil's immediate residence shall issue a certificate of convenience for such child to attend a school in the district or adjoining the district containing such corrective institution. The attendance of such pupil shall be deemed, for the purpose of determining average daily attendance, to be attendance in the common or high school of the district from where such child was transferred. Tuition may be charged in the district of actual attendance as for nonresident attendance. The county school superintendent shall draw a warrant upon the county treasurer in favor of the school of actual attendance for the amount charged, whether for common or high school attendance, in conformity with the provisions of section 15 449.~~

1. ATTENDANCE OF A PUPIL PRECLUDED FROM ATTENDING A SCHOOL IN THE DISTRICT OR COUNTY OF HIS RESIDENCE, WHEN CERTIFIED TO THE COUNTY SUPERINTENDENT BY THE OFFICIAL IN CHARGE OF THE SCHOOL ATTENDED, SHALL BE DEEMED FOR THE PURPOSE OF DETERMINING AVERAGE DAILY ATTENDANCE TO BE ATTENDANCE IN THE COMMON OR HIGH SCHOOL OF THE COUNTY OR DISTRICT OF THE STUDENT'S RESIDENCE.

2. ATTENDANCE OF A PUPIL FROM UNORGANIZED TERRITORY SHALL BE DEEMED FOR THE PURPOSE OF DETERMINING AVERAGE DAILY ATTENDANCE TO BE ATTENDANCE IN THE COMMON OR HIGH SCHOOL DISTRICT OF ATTENDANCE.

B. THE COUNTY SCHOOL SUPERINTENDENT OF ANY COUNTY IN WHICH A PUPIL IS PLACED AS DESCRIBED IN PARAGRAPH 1, 2 OR 3 OF THIS SUBSECTION SHALL ISSUE A CERTIFICATE OF EDUCATIONAL CONVENIENCE FOR THE PUPIL TO ATTEND SCHOOL IN THE SCHOOL DISTRICT OR ADJOINING SCHOOL DISTRICT TO THAT IN WHICH THE PUPIL IS PLACED IN ONE OF THE FOLLOWING:

1. A STATE REHABILITATION OR CORRECTIVE INSTITUTION.

2. A FOSTER HOME OR CHILD CARE AGENCY OR INSTITUTION WHICH IS LICENSED AND SUPERVISED BY THE STATE DEPARTMENT OF PUBLIC WELFARE.

3. UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS IN A RESIDENCE PURSUANT TO THE INTERSTATE COMPACT ON JUVENILES.

C. If a certificate of convenience is issued as provided by the terms of subsection B, ~~or if a child's residence is in doubt because such child has been placed in a foster home by action of the welfare department or the superior court or if the residence of an abandoned or orphaned child is in doubt because his parent or guardian was a transient, the certificate of convenience shall be issued by the county school superintendent,~~ the attendance of such pupil shall be deemed, for the purpose of determining average daily attendance, to be attendance in the common or high school of the district of attendance. Tuition may be charged ~~in~~ the STATE SUPERINTENDENT OF PUBLIC INSTRUCTION BY THE district of actual attendance as for nonresident attendance, provided that the per capita apportionment of state and county aid, ~~including equalization aid,~~ shall be deducted from the total amount charged for tuition. The county school superintendent ISSUING A CERTIFICATE SHALL NOTIFY THE STATE SUPERINTENDENT OF THE ISSUANCE. THE STATE SUPERINTENDENT shall draw a warrant upon the ~~county~~ STATE treasurer ~~as a charge against the county~~ in favor of the school of actual attendance for the amount charged as adjusted, whether for common or high school attendance, in conformity with the provisions of section 15-449.

Sec. 3. Section 15-449, Arizona Revised Statutes, is amended to read:

15-449. ADMISSION OF PUPILS OF OTHER DISTRICTS;
TUITION CHARGES

A. The board of trustees of a common or high school shall admit pupils from another district or area as follows:

1. Upon the presentation of a certificate of educational convenience issued by the county school superintendent pursuant to section 15-304 or by agreement between districts, without payment of tuition, to exchange pupils for their convenience for reasons deemed sufficient by the governing boards.

2. To a high school without the presentation of such certificate, if the pupil is a resident of a common school district within the state which has neither a high school nor a school in which high school subjects are taught. ATTENDANCE OF SUCH PUPILS SHALL BE DEEMED, FOR THE PURPOSE OF DETERMINING AVERAGE DAILY ATTENDANCE, AND FOR APPORTIONMENT OF STATE AND COUNTY AID TO BE ATTENDANCE IN THE DISTRICT OF THE PUPIL'S RESIDENCE.

B. The residence of the person having legal custody of the pupil shall be considered the residence of the pupil, except as provided by the terms of subsection ~~C~~ B of section 15-304. FOR THE PURPOSES OF THIS SECTION "LEGAL CUSTODY" MEANS:

1. CUSTODY EXERCISED BY THE NATURAL OR ADOPTIVE PARENTS WITH WHOM A PUPIL RESIDES.

2. CUSTODY GRANTED BY ORDER OF A COURT OF COMPETENT JURISDICTION TO A PERSON OR PERSONS WITH WHOM A PUPIL RESIDES.

C. The attendance of ~~such~~ A pupil shall be deemed, for the purpose of determining average daily attendance, and for apportionment of state and county aid, ~~including equalization aid,~~ to be attendance in the district of ~~residence.~~ ATTENDANCE, except as provided by the terms of subsection ~~C~~ A, PARAGRAPH 1 of section 15-304 AND SUBSECTION A, PARAGRAPH 2 OF THIS SECTION.

D. Tuition shall be charged for all pupils attending school in a district other than that of their residence, as provided in subsections A and B, and shall be determined and paid in the following manner:

1. The tuition FOR PUPILS ATTENDING SCHOOL IN A DISTRICT OTHER THAN THAT OF THEIR RESIDENCE, EXCEPT PUPILS PROVIDED FOR BY SECTION 15-304, SUBSECTIONS B AND C, shall be the per capita cost of the school district attended, as determined for the current school year, and described in section 15-1201 as permissible operational expenditures per pupil per annum for the present fiscal year PLUS AN ADDITIONAL SUM FOR CAPITAL OUTLAY, NOT TO EXCEED ONE HUNDRED DOLLARS PER PUPIL, PER ANNUM, TO BE DETERMINED BY THE SCHOOL DISTRICT ATTENDED AND PRORATED ON THE AVERAGE DAILY ATTENDANCE OF THE TUITION STUDENT. A CLAIM FOR TUITION SHALL BE PRESENTED AGAINST THE DISTRICT OF RESIDENCE THROUGH THE COUNTY SUPERINTENDENT, WHO SHALL DRAW A WARRANT ON THE COUNTY TREASURER IN FAVOR OF THE DISTRICT OF ATTENDANCE AND SHALL BE PAID FROM THE FUNDS OF THE DISTRICT OF RESIDENCE.

~~2. An additional sum for capital outlay, not exceeding one hundred dollars per pupil per annum, to be determined by the school attended.~~

~~3. Claims for tuition shall be presented against the district of residence, through the county school superintendent, who shall draw his warrant on the county treasurer in favor of the district of attendance, and shall be paid from the funds of the district of residence, except as provided by the terms of subsection C of section 15-304.~~

~~4. Tuition for attendance less than the full school year shall be prorated on the basis of the period of enrollment.~~

2. TUITION OF PUPILS AS PROVIDED BY SUBSECTIONS B AND C OF SECTION 15-304 SHALL BE THE PER CAPITA

COST OF THE SCHOOL DISTRICT ATTENDED, AS DETERMINED FOR THE CURRENT SCHOOL YEAR, AND DESCRIBED IN SECTION 15-1201 AS PERMISSIBLE OPERATIONAL EXPENDITURES PER PUPIL PER ANNUM FOR THE PRESENT FISCAL YEAR PLUS AN ADDITIONAL SUM FOR CAPITAL OUTLAY, NOT TO EXCEED ONE HUNDRED DOLLARS PER PUPIL, PER ANNUM, TO BE DETERMINED BY THE SCHOOL DISTRICT ATTENDED AND PRORATED ON THE AVERAGE DAILY ATTENDANCE OF THE TUITION STUDENT. THE AMOUNT OF SUCH TUITION SHALL NOT INCLUDE A PER CAPITA APPORTIONMENT OF STATE AND COUNTY AID. THE CLAIM FOR TUITION SHALL BE PRESENTED AGAINST THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION OF THE STATE DEPARTMENT OF EDUCATION WHO SHALL DRAW HIS WARRANT IN FAVOR OF THE DISTRICT OF ATTENDANCE AND SHALL ISSUE THIS WARRANT TO THE COUNTY TREASURER FOR THE DISTRICT OF ATTENDANCE.

~~5- 3. Tuition for pupils, residents of the state, residing in un-~~
~~organized territory, shall be paid by the county school superintendent~~
~~from the special county school reserve fund; the amount of such~~
~~tuition shall not include the per capita apportionments of state and~~
~~county aid. ~~including equalization aid,~~ and The attendance of such~~
~~pupils IN A SCHOOL DISTRICT shall be deemed, INCLUDED~~
~~IN THE BASIS FOR DETERMINING THE APPORTIONMENT~~
~~OF THE STATE AND COUNTY AID FOR THAT DISTRICT. ~~for the purpose of determining average daily attendance and appor-~~~~
~~tionment of state and county aid, including equalization aid, to be~~
~~attendance in the district of actual attendance.~~

6- 4. The amount so received representing contributions to capital outlay shall be applied to the bond redemptions and interest fund of the district if there be one, otherwise ~~said~~ SUCH amount shall be credited to the district fund.

Approved by the Governor—May 11, 1971

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