

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
EDUCATION COMMITTEE

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SUBJECT: Strike everything amendment to S.B. 1361, relating to exchange programs; schools; certificates of educational convenience

Purpose

Removes the limit on the number of nonresident foreign students in exchange programs with a J-1 Visa (J-1 Visa students) that a school district (district) governing board (governing board) may admit and include in the district's student count. Modifies certificate of convenience (CEC) application procedures, adds to the circumstances for CEC eligibility and prescribes reporting requirements.

Background

Under J-1 Visa secondary school student programs, foreign secondary school students have the opportunity to study in the United States at a public or private secondary school while living with host families or residing at boarding schools ([22 CFR 62.25](#)). A governing board may admit, without payment of tuition, a limited number of J-1 Visa students that is equal to the number of resident students enrolled in the local education agency who currently participate in a foreign exchange program ([A.R.S. § 15-823](#)).

A CEC authorizes a pupil to attend school in an adjoining district or county that is within or outside of Arizona. A pupil may apply for a CEC to the applicable county school superintendent (county superintendent) if the pupil: 1) resides in unorganized territory; or 2) is precluded from attending a school in the pupil's district or county of residence by specified factors. For the purposes of school financing, a pupil precluded from attending an Arizona school who receives a CEC to attend school in another state is counted in the district or county of residence. A pupil is considered enrolled in the district of actual attendance if the pupil is from unorganized territory or from another district. A county superintendent may also issue a CEC to a student placed by a court or a state agency in certain institutions or facilities ([A.R.S. § 15-825](#)).

If removing the restriction on the number of J-1 Visa students a governing board may admit and include in state funding calculations or the modifications to CEC procedures result in an increased number of students included in student count calculations, there may be an increase in Basic State Aid costs to the state General Fund.

Provisions

1. Removes the limit on the number of J-1 Visa students a governing board may admit without the payment of tuition.
2. Allows a school district or a charter school to include J-1 Visa students in the student count and obtain state funding for the students.

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3. Allows a pupil to apply for a CEC if the employment of the pupil's parent or guardian precludes a pupil from attending a school in the pupil's district or county of residence.
4. Directs a pupil applying for a CEC to apply to the following entities, rather than the county superintendent:
 - a) the pupil's district of residence; or
 - b) for a pupil residing in unorganized territory, the district of attendance.
5. Requires the parent of a pupil seeking a CEC who resides in unorganized territory and does not have a district of attendance to:
 - a) enroll the pupil in a school according to open enrollment law; and
 - b) apply to the district operating that school.
6. Directs a district receiving a CEC application to submit, to the county superintendent, the completed application electronically, in person or by regular mail.
7. Directs each county superintendent to report to ADE the total number of CECs the county superintendent issued in the previous calendar year for each category:
 - a) pupils who reside in unorganized territory or are precluded from attending a school in the pupil's district or county of residence as specified; and
 - b) pupils placed in certain institutions or facilities by a court or a state agency.
8. Makes technical and conforming changes.
9. Becomes effective on the general effective date.