



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 6, 2018**

TITLE: **Study of Revisions to Governing Board Policy JFAA (Admission of Resident Students); Policy Regulation JF-R (Student Admissions), and Policy Regulation JQ-R (Student Fees, Fines, and Charges: Tax Credit Contributions) and Related Exhibits.**

BACKGROUND:

Administrative staff and the Arizona School Boards Association have recommended revisions to current policies to clarify language and to address changes in the law. Policies presented for the Board's study this evening are:

Policy JFAA – Admission of Resident Students.

Under current law, the District is required to admit students between the ages of six and twenty-one who are Arizona residents and reside in the district. Recent legislation now allows military families to begin the enrollment process prior to physical arrival in the state and expands the definition of resident students to include those whose parent is transferred or is pending transfer to a military installation within this state.

Policy Regulation JF-R - Student Admissions.

This Regulation has been revised to reflect language regarding verifiable documentation, already set forth in Policy JFAA that is required for District enrollment.

Regulation JQ-R – Student Fees, Fines, and Charges.

Regulation JQ-R is updated and incorporates a modification of A.R.S. 43-1089.01 made by recent legislation. The deadline for tax credit donations moves from December 31 to April 15. Any donations made after December 31 and on or before April 15 may be applied to either the current or the preceding taxable year.

In addition to the tax deadline update, a link to the Arizona Department of Revenue's document *Guidelines for the Public School Extracurricular Activity (ECA) Tax Credit* has been added to the bottom of the Regulation.

Exhibits JQ-EA and JQ-EB – Student Fees, Fines, and Charges.

The above-referenced AZDOR document contains a rubric to help identify activities that are eligible for tax credits. This document is added as Exhibit JQ-EB. If approved by the Board, former Exhibit JQ-E would be recoded as JQ-EA.

RECOMMENDATION:

This item is presented for the Board's review and discussion at this time; no action is required. The proposed policy documents, along with any Board-directed revisions, will be presented for approval at the next Board meeting.

INITIATED BY:

Michelle Tong

**Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel**

Date: February 28, 2018

Todd A. Jaeger

Todd A. Jaeger, J.D., Superintendent

JFAA © ADMISSION OF RESIDENT STUDENTS

A student who is a resident of the District and who meets the applicable age requirements established by state law shall be admitted without payment of tuition to the school in the attendance area in which the student resides and may be admitted as a resident transfer student to another school in the District in accordance with the District's open enrollment policy.

The following students are residents of the District:

- A student who is in the legal custody of a natural or adoptive parent or other person to whom custody has been granted by a court order and who resides with the parent or other person in the District.
- A student who is an emancipated minor and whose place of residence is in the District. When determining whether a minor is emancipated, the Superintendent will consider such factors as whether the student is married, financially independent, and residing away from the family domicile with parental consent.
- A student who is eighteen (18) years of age or older and whose place of residence is in the District.
- A student who is homeless, and who attended a school in the District at the time of becoming homeless.
- A student who resides with a family member living in the District while awaiting the outcome of a legal guardianship or custody proceeding if the family provides written documentary proof in accord with 15-821(D).
- A student whose parent is transferred to or is pending transfer to a military installation within this state while on active military duty pursuant to an official military order.

The residency of a student, natural or adoptive parent, or other person to whom custody of the student has been granted by court order shall be based upon evidence of the individual's physical presence and intent to remain in the District. Such evidence of residency may be determined by using the following verifiable documentation.

Verifiable Documentation

A.R.S. 15-802(B) requires school districts and charter schools to obtain and maintain verifiable documentation of Arizona residency upon enrollment in an Arizona public school. This policy is written to assist school districts and charter schools in meeting the legal requirements of the statute.

The documentation required by A.R.S. 15-802 *must* be provided each time a student enrolls in a school district or charter school in this state, and reaffirmed during the district or charter's annual registration process via the district or charter's annual registration form. The documentation supporting Arizona residency should be maintained according to the school's records retention schedule.

In general, students will fall into one (1) of two (2) groups: 1) those whose parent or legal guardian is able to provide documentation bearing his or her name and address; and 2) those whose parent/legal guardian cannot document his or her own residence because of extenuating circumstances including, but not limited to, that the family's household is multi-generational. Different documentation is required for each circumstance.

Parent(s) or legal guardian(s) that maintains his or her own residence: The parent or legal guardian must complete and sign a form indicating his or her name, the name of the school district, school site, or charter school in which the student is being enrolled, and provide *one (1)* of the following documents, which bear the parent or legal guardian's full name and residential address or physical description of the property where the student resides (no P.O. Boxes):

- Valid Arizona driver's license, Arizona identification card
- Valid Arizona motor vehicle registration
- Valid United States passport
- Property deed
- Mortgage documents
- Property tax bill
- Rental agreement or lease (including Section 8 agreement)
- Utility bill (water, electric, gas, cable, phone)
- Bank or credit card statement
- W-2 wage statement
- Payroll stub
- Certificate of tribal enrollment or other identification issued by a recognized Indian tribe
- Other documentation from a state, tribal, or federal agency (Social Security Administration, Veterans' Administration, Arizona Department of Economic Security, etc.)

Parent(s) or legal guardian(s) that does not maintain his or her own residence: The parent or legal guardian must complete and sign a form indicating his or her name, the name of the school district, school site, or charter school in which the student is being enrolled, and submit a signed, notarized affidavit bearing the name and address of the person who maintains the residence where the student lives attesting to the fact that the student resides at that address, along with a document from the bulleted list above bearing the name and address of the person who maintains the residence.

Use of and Retention of Documents by Schools

School officials must *retain a copy* of the attestations or affidavits and copies of any supporting documentation presented for each student (photocopies acceptable) that school officials believe establish validity. Documents presented may be different in each circumstance, and unique to the living situation of the student. Documents retained by the school district or charter school may be used as an indicia of residency; however, documentation is subject to audit by the Arizona Department of Education. Personally identifiable information other than name and address (SSN, account numbers, etc.) should be redacted from the documentation either by the parent/guardian or the school official prior to filing.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-802
15-816 et seq.
15-821
15-823
15-823.01
15-824

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001

CROSS REF.: IKEB - Acceleration
JFAB - Admission of Nonresident Students
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JLH - Missing Students
JR - Student Records
JRCA - Request for Transfer of Records

JF-R

REGULATION

STUDENT ADMISSIONS

Name of Student

For purposes of future verification and identification, the legal name of a student, as verified by a birth document of some type, shall be the primary name used on all permanent-type school records.

Parents or guardians may desire to have their children called by other than their legal surnames. This is permissible, but shall be done only at the request of the legal guardian. A secondary name or "preferred name" may be included on any permanent type records, but shall be identified as such by using the term *AKA* (also known as) in front of the name.

- *Example: Williams, Rebecca G. (AKA: Becky Lewis).*

Proof of Residency

Each school shall require proof of residency from the parent/guardian of any student enrolling at a school for the first time. As long as the student is enrolled in that school, without a break in enrollment, it is not necessary to require proof of residency again.

When a student goes from elementary to middle school and from middle school to high school, the receiving school shall again verify residency.

Types of proof. The school shall accept any one (1) of the following documents as proof of residency, as long as the document is current and valid, it contains the name of the parent/guardian and the residence address:

- State, Tribal or Federal agency-issued identification (Arizona driver's license or identification card, Tribal enrollment certificate, United States passport, Social Security or Veterans' Administration, etc.)
- Home ownership documents (Mortgage papers, mortgage payment book, property deed or tax bill, contract to purchase or build a home.
- Home rental documents (Lease agreement, lease payment receipt, rent receipt, rental agreement.)
- ~~Rent receipt, rental agreement.~~
- Utility Bill (Electric bill, Gas, Water, Telephone or Cable).

- ~~Gas bill~~ Arizona motor vehicle registration.
- ~~Water bill~~ Bank or credit card statement.
- ~~Telephone bill~~ Payroll stub or W-2 wage statement.
- ~~Cable bill.~~
- If the parent/guardian is living with/staying with/renting from a friend/relative/acquaintance, a notarized statement from that person stating that the parent/guardian is sharing the domicile.

JQ-R ©

REGULATION

STUDENT FEES, FINES, AND CHARGES (Tax Credit Contributions)

Pursuant to A.R.S. 43-1089.01, a taxpayer is allowed a credit for the amount of any fees or cash contributions made to a public school for the support of extracurricular activities or character education programs. Donations are limited to the amounts of two hundred dollars for a single individual or a head of household and four hundred dollars for a married couple filing a joint return. A contribution for which a credit is claimed and that is made on or before April 15 following the taxable year may be applied to either the preceding taxable year or to the current year.

“Extracurricular activities,” as defined in A.R.S. 15-342 and A.R.S. 43-1089.01, are any optional, noncredit, educational, or recreational activities that supplement the education program of the school, whether offered before, during, or after regular school hours. They are school-sponsored activities that require enrolled students to pay a fee in order to participate. At least some monetary amount must be levied to participate in an extracurricular activity in order for the tax credit to be available. A blanket waiver of all activity fees would make the activity ineligible for the tax credit. Examples of extracurricular activities include paying fees for band uniforms, equipment or uniforms for varsity athletic activities, scientific laboratory materials, and in-state or out-of-state trips that are solely for competitive events. Extracurricular activities do not include any senior trips or events that are recreational, amusement, or tourist activities.

“Character education programs,” as defined in A.R.S. 15-719, must include instruction in the definition and application of at least six of the following character traits: truthfulness, responsibility, compassion, diligence, sincerity, trustworthiness, respect, attentiveness, obedience, orderliness, forgiveness, virtue, fairness, caring, citizenship, and integrity. The course of study for each grade, kindergarten through twelfth, may be developed by the district. Activities, discussions, and visual media and literary presentations should be used to illustrate and reinforce the application of the character traits, and presentations should be made by teachers or mentors who demonstrate the character traits.

Using forms prescribed by the Arizona Department of Revenue, a recipient school of any contribution must provide the following information to the Department by February 28 of each year:

- The total number of fee and cash contribution payments received during the previous calendar year.
- The total dollar amount of fees and contributions received during the previous calendar year.

- The total dollar amount of fees and contributions spent by the school during the previous calendar year, categorized by specific extracurricular activity or character education program.

In addition to this report to the Department, schools should issue a receipt to the taxpayer for any fees or cash contributions received. The receipt should include the public school name, school district name and number, taxpayer name and address, fees paid or amount contributed, date paid or contributed, and a description of the activity being supported.

The use of contributions that are not designated for a specific purpose shall be determined by the site council of the public school that receives the contributions. In the absence of a site council, the principal, director, or chief administrator of the school shall make the determination. If, at the end of a fiscal year, there remain any unspent contributions that were previously designated for a specific purpose or program, and that purpose or program has been discontinued or has not been used for two consecutive fiscal years, these contributions shall be considered undesignated in the following fiscal year.

GUIDELINES FOR THE PUBLIC SCHOOL EXTRACURRICULAR ACTIVITY (ECA)

TAX CREDIT - AZDOR Link:

<http://www.azdor.gov/LinkClick.aspx?fileticket=7tg5M2-Lvpw%3D&tabid=>

~~The receipt and expenditure of fees or cash contributions may be for "Extracurricular activities" as indicated in A.R.S. 43-1089.01 and 15-342 with contributions also used for "character education programs" as described in A.R.S. 15-719.~~

~~To comply with the requirements of A.R.S. 43-1089.01 concerning the receipt and expenditure of fees or cash contributions from taxpayers during the previous *calendar* year for support of extracurricular activities and character education programs of the District, annually not later than February 28 each school in the District shall provide the following information on forms prescribed by the Arizona Department of Revenue:~~

- ~~• Total number of fees and contribution payments received.~~
- ~~• Total dollar amount received.~~
- ~~• Total dollar amount spent, categorized specifically by:
 - ~~○ Extracurricular activity.~~
 - ~~○ Character education program.~~~~
- ~~• Total number of student participants, categorized specifically by:
 - ~~○ Extracurricular activity.~~
 - ~~○ Character education program.~~~~

~~When a school has a school council, the school council shall determine how contributions not designated for a specific purpose are to be used at the school. When a school does not have a school council, the principal shall make the determination.~~

~~If at the end of a fiscal year a public school has unspent contributions that were previously designated for a specific purpose or program and that purpose or program has been discontinued or has not been used for two (2) consecutive fiscal years, these contributions shall be considered undesignated in the following fiscal year for the purposes of this subsection.~~

JQ-EA ©

EXHIBIT

STUDENT FEES, FINES, AND CHARGES FEES

Areas where fees may be charged include, but may not be limited to:

- Optional extracurricular activities, which are defined as any optional, noncredit, educational or recreational activity that supplements the education program of the school, whether offered before, during, or after regular school hours.
- Optional programs conducted when school is not in session.
- Fine arts courses (high school only).
- Vocational education courses (high school only).
- Other courses, fees for optional services, equipment, and materials offered to the students beyond those required to successfully complete the basic requirements of the course (high school only).

Pursuant to A.R.S. 15-342, a school district may charge fees for the activities described above if:

- The fees are reasonable.
- The fees do not exceed the actual costs of the activities, programs, services, equipment, or materials.
- A notice of the proposed fees is given to all parents of students enrolled at schools in the District *before* the Governing Board acts to adopt fees.
- The fees are then adopted by the Governing Board.
- The Governing Board includes in its action a grant of authority to the principals to waive the assessment of all or a part of any fee if it creates an economic hardship for a specific student.
- No fees are charged for students' access to or use of computers or related materials.

JQ-EB ©

EXHIBIT

STUDENT FEES, FINES, AND CHARGES
TAX CREDIT CONTRIBUTIONS

IS THIS A TAX CREDIT ELIGIBLE EXTRACURRICULAR ACTIVITY?

In accordance with A.R.S. § 15-342(24) and § 43-1089.01(G)(2):

1. Is the activity sponsored by the District/school? Yes No
2. Is the activity for enrolled students? Yes No
3. Is the activity optional? Yes No
4. Is the activity non-credit? Yes No
5. Does the activity supplement the District/school's educational program? Yes No
6. Does the District/school charge a fee for participation in the activity? Yes No
7. Is the activity fee paid directly to the District/school? Yes No
8. Was the fee for this activity adopted by the Governing Board at a public meeting after notice to all parents of enrolled students? Yes No
9. Has the Governing Board authorized the principal to waive all or part of the activity fee if it creates an economic hardship for a student? Yes No

If you answered NO to any of these questions, then the activity is not tax credit eligible. If you are not certain how to answer any of the above questions, you should consult the school's attorney before offering tax credits for the activity.

Frequently Asked Questions

1. **How must extracurricular activity fees be adopted?** To be eligible for tax credits, extracurricular activity fees must be adopted by the Governing Board at a public meeting after notice to all parents of students enrolled in the district. See A.R.S. § 15-342(24). Districts typically adopt a fee schedule near the beginning of the school year and may later publish supplementary fee schedules. Best practice is for any extracurricular activity fees, including fees for field trips, to be included on the district's published fee schedules. Activity fees that have not been properly noticed or adopted by the Governing Board are not tax credit eligible.
2. **Can the fees be paid directly to a third-party that is coordinating the activity?** Extracurricular activity fees must be paid directly to the district or school. Fees paid to third-parties do not qualify for tax credits. See Arizona Attorney General Opinions I03-008 and I98-007.

3. **Must the district waive all or part of an activity fee if it creates an economic hardship for a student?** The Governing Board must authorize a principal to waive all or part of an activity fee if it creates an economic hardship for a student. See A.R.S. § 15-342(24) and Arizona Attorney General Opinion 199-021. If a student does not raise enough money through tax credit donations and cannot otherwise afford to participate in an extracurricular activity, the student's principal must be authorized to waive all or part of the fee. In practice, this means the principal must find another funding source to pay for the student's activity fee. For example, the school's site council may choose to use undesignated tax credit donations to pay for the activity fees of students for whom payment would represent an economic hardship. See A.R.S. § 43-1089.01(E). Best practice is for a site council, at the beginning of the school year, to identify which activity fees it will cover and in what amounts. If a school or district is unable to waive part or all of an activity fee for a student for whom the fee creates an economic hardship, then no fees may be charged for the activity and the activity would no longer be tax credit eligible. See A.R.S. § 15-342(24).

Any fees charged must be no more than the actual costs of the activity. See A.R.S. § 15-342(24).

Arizona Department of Revenue, Office of Economic Research and Analysis, December 2014