

COMMITTEE ON EDUCATION

Representative Rich Crandall, Chairman
 Representative Doris Goodale, Vice-Chairman
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* Strike-Everything Amendment
 [E] Emergency Clause
 [P 105] Proposition 105 Clause
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 [LIV] Line Item Veto

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HB 2006 – Chapter 14 – schools; juvenile probation officers

Enables school districts and charter schools to enter into an IGA to hire JPOs for law-related education programs. The school district or charter school is responsible for paying the costs associated with hiring a JPO.

HB 2031 – Chapter 75 – schools; contractors; fingerprint clearance cards

Requires contractors, subcontractors, or vendors, or any of their employees, to have a valid FPCC if they provide services to an individual school on a regular basis and directs schools districts to adopt policies for this purpose by December 31, 2009. Exempts persons who participate in field experience or student teaching in another state from the requirement to obtain an Arizona FPCC. Denies due process hearings to school personnel who are dismissed for failure to immediately report when they are arrested for or charged with one of the non-appealable offenses that would preclude them from obtaining a valid FPCC.

HB 2099 – Chapter 98 – charter schools; zoning

Specifies that charter schools are classified as public schools for the purposes of municipal and county zoning. Requires municipalities and counties to allow charter schools to operate at a location or in a facility where a school in a school district would be allowed to operate. Authorizes municipalities and counties to adopt zoning regulations to prohibit charter schools from operating in an existing single family residence on a property of less than one acre.

HB 2357 – Chapter 88 – public education; students’ religious liberties

Prohibits a public educational institution from discriminating against students or parents on the basis of a religious viewpoint or expression, and establishes an administrative process for the remedy of alleged violations of a student’s religious rights, which must be exercised before a student or parent can pursue legal action.

HB 2432 – Chapter 90 – school board membership; family members

Prohibits persons related as immediate family and who shared the same household of residence within the previous four years from simultaneously serving on or being candidates for nomination or election to the same five-member school district governing board. Allows a qualified elector of the school district to bring action in Superior Court to enforce these eligibility restrictions. Defines *immediate family* and *household of residence*.

HB 2495 – Chapter 91 – in-state tuition; veterans

Classifies a person who was honorably discharged from an Arizona military installation, regardless of the length of time the person was domiciled in Arizona, as an in-state student for tuition purposes at any public university or community college in Arizona.

SB 1134 – Chapter 58 – commission for postsecondary education; continuation

Continues the ACPE until July 1, 2019.

SB 1196 – Chapter 95 – *education omnibus

Parental Requests for Information

- Provides a process for parents to submit a written request for information from their child’s school that requires the school to respond within 10 days of receiving the request and allows the parent to appeal to the school district governing board if the parent is not satisfied with the result of the request.

AIMS Test

- Allows a pupil to substitute a college entrance exam score for a passing score on the AIMS test if 1) SBE establishes a minimum score on the college entrance exam that may be substituted for the AIMS test, 2) the pupil is in grade 12, and 3) the pupil has taken the AIMS test each time it was offered.

Academic Receivership / Alternative Operation Plans (AOPs)

- Establishes a new academic receivership process that allows SBE to determine whether a school district should be subject to an AOP if at least half of the district's schools are labeled underperforming or failing and at least one school is labeled failing.

FPCCs and Teacher Certification

- Requires tutors and students in teacher preparation programs to obtain identity-verified FPCCs.
- Directs SBE to adopt rules that provide alternative certification for nontraditional foreign language teachers by substituting a passing score on a nationally-accredited test for the education coursework credit hours required for certification.

Enrollment Policies

- Permits a charter school to give enrollment preference to children of school employees, governing board members, or employees, directors, officers, partners, or board members of the charter holder.
- Allows a charter school, with the permission of the school's sponsor, to provide instruction to pupils of a single gender.

Special Education

- Renames the disability category of preschool moderate delay to developmental delay (DD), includes children ages three through nine, clarifies that the Group A weight may be used for DD programs, and establishes a Group B weight for DD, but prohibits Group B funding for preschool children in the DD category.
- Incorporates the disability category of preschool speech/language delay into speech language impairment (SLI) and prohibits Group B funding for preschool children in the SLI category.

Charter School Governing Bodies and School District Governing Boards

- Specifies that in the case of vacancies, a majority of the remaining members on a charter school governing body or a school district governing board constitutes a quorum for the transaction of business, except in the case of a charter school such a quorum is prohibited if prohibited by the charter school's operating agreement, and in the case of a school district a quorum of one is prohibited.
- Allows a school district governing board to submit three names to the county school superintendent for consideration to fill a vacancy on the board. The county school superintendent is not required to appoint one of these persons to fill the vacancy.

Employment Benefits

- Allows a school district governing board that currently offers other postemployment benefits (OPEBs) to school district employees to deposit monies used for these benefits into an OPEB fund or trust account and establishes requirements for the management of the OPEB fund or trust account.

- Instructs each school district to submit their most recent actuarial study of existing and prospective OPEBs to JLBC by September 1, 2009. Thereafter, a school district is required to submit a copy of any new actuarial study conducted by the district to JLBC within 30 days of the study being completed.
- Authorizes ASRS to establish a supplemental employee deferral plan to provide public employees, other than state employees, an opportunity to save tax-deferred monies for retirement in addition to the state-defined benefit retirement plan.
- Allows a school district governing board to contract with an insurance pool operated solely for charter schools, and requires a trustee, board of trustees, or insurance pool that contracts with a school district governing board or charter school for the purposes of providing a common self-insurance program to:
 - Comply with all open meeting and public records laws.
 - Be subject to all accounting, auditing, and reporting requirements that insurance pools operated by two or more public agencies are subject to.

Arizona Online Instruction (AOI)

- Renames TAPBI to AOI, removes the cap on the number of school districts and charter schools allowed to participate in AOI, and requires SBE and SBCS to jointly develop standards for the approval of *online course providers* and *online schools*.
- Directs SBE and SBCS to jointly develop annual reporting mechanisms for AOI and transfers responsibility for collecting and compiling the AOI annual report to ADE.
- Asserts that AOI pupils do not incur absences and may generate ADA at any time between July 1 and June 30 of each fiscal year.
- Determines the ADM of an AOI pupil by dividing the number of instructional hours reported in the pupil's daily log by the applicable hourly requirements.
- Provides funding for AOI pupils as follows:
 - For AOI pupils enrolled part-time, 85% of the BSL those pupils would receive if they were enrolled in a traditional public school.
 - For AOI pupils enrolled full-time, 95% of the BSL those pupils would receive if they were enrolled in a traditional public school, except a high school pupil enrolled in AOI only qualifies as a full-time student if he or she is enrolled for the equivalent of five hours each day for 180 school days.

SFB

- Allows a school district that has been approved for new school facilities by SFB for FY 2009-10, but that will not receive SFB funding because of the new school construction moratorium, to lease a parcel of state trust land for use as a school site and be reimbursed for the cost of the lease.
- Permits SFB to contract for private services, construction project management services, school building assessments, and land acquisition and school site development services.
- Requires a school district to notify and receive written approval from SFB before taking any action that would reduce pupil square footage.
- Changes the annual submission date, from September 1 to October 15, for school districts to submit their Renovations Report to SFB and directs SFB to withhold building renewal monies from a district that fails to submit their Renovations Report by October 15.

- Allows SFB to access a school district's public utility company records, if the school district does not object within 30 days of written notification from SFB, in order to assemble data on utility consumption at school facilities and determine the effectiveness of facility design, operation, and maintenance measures intended to reduce energy and water consumption and costs.

Miscellaneous

- Exempts school districts and charter schools from municipal tax on the storage, use, or consumption of personal property.
- Retroactive to June 30, 2009, stipulates that school districts and charter schools must report new data elements beginning July 1 following the effective date of the law requiring the collection of the data.
- Authorizes a school district, with the permission of ADE, to adjust their ADM for school closures due to situations affecting the safety of persons or property resulting from fire, flooding or floodwater, an earthquake, a hazardous material event, or other causes.
- Permits the SPI to establish a system to evaluate the performance of ADE employees that is intended to boost productivity and instill a sense of shared responsibility. The system would be separate from the performance measures established by ADOA for state employees.
- Requires ADE to evaluate and assess existing studies on national ranking and overall quality of schools in Arizona.
- Establishes the Task Force for Measuring Academic Gains of K-3 Pupils.
- Continues the ACPE until July 1, 2019.
- Permits the Santa Cruz Valley Union and the Red Mesa Unified school districts to repay overexpenditures over a five-year period beginning in FY 2009-10.
- Retroactive to September 21, 2006, allows the Blue Ridge Unified and Snowflake Unified school districts to petition SBE for a three-year extension on the repayment of monies owed as a result of ADM audits conducted on the districts.

SB 1197 – Chapter 62 [E] – *task force; special education

An emergency measure that establishes the nine-member Task Force on Best Practices in Special Education and Behavior Management to examine, evaluate, and make recommendations concerning best practices for managing the behavior and discipline of pupils with disabilities. Directs the Task Force to submit a written report of its finding by August 20, 2009. Requires each school district and charter school to hold a public meeting by June 30, 2010 to review and consider the adoption of the best practices recommended by the Task Force. The school district or charter school is not required to adopt the recommendations and may choose to modify the recommendations to accommodate the needs of the school district or charter school.

SB 1386 – Chapter 117 – charter schools; charter renewal period

Allows a charter school to apply to its sponsor for an early renewal of its charter. Directs the sponsor of a charter school to review fiscal audits, academic performance data, and the current contract between the sponsor and the charter school when considering a charter school's renewal application. Increases the charter renewal period from 15 to 20 years.