

Education Accountability & Reform Committee

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EDUCATION ACCOUNTABILITY & REFORM COMMITTEE

LEGISLATION ENACTED

commission for postsecondary education; continuation (S.B. 1134) – Chapter 58

Continues the Arizona Commission for Postsecondary Education until July 1, 2019.

expenditure limitation; penalty waiver; Pima (S.B. 1146) – Chapter 59

SEE FINANCE COMMITTEE.

education; meetings; technical correction (NOW: education omnibus) (S.B. 1196) – Chapter 95

An omnibus bill packages together several measures into one bill as it relates to a single subject. S.B. 1196 is an omnibus bill that addresses issues related to public education.

State Board of Education (SBE) – Requires the SBE to establish a minimum score on one or more nationally recognized college entrance exams for the purposes of satisfying the Arizona Instrument to Measure Standards (AIMS) graduation requirement if a student has taken and failed to pass one or more portions of AIMS. The SBE must determine a district's equalization aid did not conform to statute in order for the SBE to reduce a district's state aid for overexpenditures but requires the district to reduce its budget limit to adjust for the overexpenditure. Allows the school district to request a hearing before the SBE to dispute a determination of overexpenditure rather than requiring a hearing for all overexpenditures. Requires the SBE to adopt rules regarding alternative certification for teachers of nontraditional foreign languages.

Arizona Department of Education (ADE) – Allows the Superintendent of Public Instruction (SPI) to establish an alternate performance pay system for ADE employees to improve employee productivity and morale. Requires ADE to notify the SBE when a school district's expenditures exceed its general budget limit. Clarifies that errors in calculating a district's or charter's budget limit does not require a reduction in state aid unless the error is in calculating the district's or charter's state aid. Adds ADE to sections authorizing the SBE to deny certification applications to conform to current practice. A school district may apply to ADE for further average daily membership (ADM) adjustments for natural disasters and hazardous material events.

Arizona Online Instruction (AOI) – Renames the Technology Assisted Project Based Instruction (TAPBI) program to Arizona Online Instruction (AOI). Eliminates the cap on enrollment and the number of school districts and charter schools authorized to participate upon approval from the SBE or State Board for Charter Schools (SBCS). Each new school participates in probationary status and may apply for permanent status after demonstrating its program's academic integrity through improvement in academic achievement. The SBE or the SBCS must remove a school from the program if it fails to demonstrate improvement in academic achievement within three years. Removes existing annual reporting requirements and instructs the SBE and SBCS to develop new annual reporting mechanisms. ADM for participating students is calculated at 95 percent for full-time students and 85 percent for part-time students based on specified attendance requirements. Programs must include multiple diverse assessment measures and required assessments must be proctored.

School District Governing Boards, School Districts and Schools – School district governing boards may submit up to three names to the county school superintendent for consideration in appointing someone to fill a vacant board seat within 30 days of notification of the vacancy. The county superintendent may, but is not required, to appoint someone from the submitted list. Allows a school district board with vacancies to attain a quorum with a majority of the remaining members, but a single member may not be a quorum. Allows school districts to give enrollment preference and reserve capacity for students whose parents are employed by, or at a school within, the district. Eliminates the requirement for teachers to keep a school register and instead requires them to take and maintain daily classroom attendance.

Parental Information Requests – Establishes a process for a parent or legal guardian to request information regarding their child’s educational records, curriculum and learning material as follows: 1) the parent must submit a written request to the school principal or the district superintendent during regular business hours; 2) the principal or superintendent must either deliver the requested information or a written explanation for the denial; 3) if the request was denied or the information was not received within 15 days of the original request, the parent may submit a written request for the information to the school district governing board; 4) the school district governing board must consider the request at the next scheduled public meeting that the request can be properly noticed and placed on the agenda.

Charter Schools – Provides charter schools in compliance with statutory fingerprinting requirements the same rights and protections provided to compliant school districts. A charter school board with vacancies may attain a quorum with a majority of the remaining members, if permitted by the charter school’s operating agreement. Permits charter schools to give enrollment preference to children of board members and employees of the charter holder and the school. Authorizes charter schools to provide instruction to a single gender, with permission of its sponsor. Allows charter schools to enter into contracts or agreements for joint purchasing of insurance.

Special Education – Makes changes to disability categories and Group B weights as follows: 1) renames preschool severe delay (P-SD) to early childhood severe delay (ECSD); 2) replaces the P-SD Group B weight with the ECSD Group B weight; 3) renames preschool moderate delay to developmental delay (DD) and includes children ages three through nine; 4) establishes a DD Group B weight but prohibits Group B funding for DD preschool children and allows Group A funding for DD programs; 5) incorporates preschool speech/language delay and specific learning disability for preschool children into speech/language impairment (SLI) and Group B funding for SLI preschool children.

Fingerprinting – Expands the list of individuals required to obtain identity verified fingerprint clearance cards to include students in a teacher preparation program, participants in field experience or student teaching, and tutors. Students in an Arizona teacher preparation program who student teach or engage in field experience in another state are not required to obtain an Arizona fingerprint clearance card.

Academic Receivership – Allows ADE to recommend to SBE to hold a public hearing to determine whether a district should be subject to an Alternative Operation Plan (AOP) if the district has at least half of its schools, with a minimum of six, designated as underperforming or failing. ADE and the SBE, prior to either making a hearing recommendation or placing a district on an AOP, must consider certain specified items. ADE must recommend three government, nonprofit or private

entities or individuals to manage the district's affairs to the SBE who appoints a manager from the list and specifies their scope of authority. The SBE may remove the manager for insufficient progress. The manager must review and investigate the district's educational affairs, submit a report to SBE of its findings and an AOP which must include a timeline and details on how the district administration transitions back to the governing board. Details the powers the SBE may give to the manager. Requires SBE to periodically review districts under an AOP to determine whether operating authority should be returned to the district governing board.

Employment Benefits – Allows districts currently offering postemployment benefits to deposit funds used for those benefits into other postemployment benefits (OPEB) funds, trust accounts or both. Prohibits legislative appropriations to fund these benefits. OPEB accounts must meet certain requirements and are not subject to reversion unless the account remains inactive for five years, at which time funds revert to the district's maintenance and operations fund. Specifies qualifications for investment managers and establishes their authority over funds. Restricts the amount that may be invested in equity securities to 30 percent. Districts must annually submit an actuarial study of existing and prospective OPEBs to the Joint Legislative Budget Committee.

Allows the Arizona State Retirement System to establish a supplemental employee deferral plan for public employees, other than state employees, to save additional tax-deferred money for retirement.

Insurance Pools – Allows a school district to contract with an insurance pool operated solely for charter schools. A trustee, board of trustees, or insurance pool contracting with a school district or charter school to provide a common self-insurance program must comply with all open meeting and public records laws and is subject to the same accounting, auditing and reporting requirements as insurance pools operated by two or more public agencies.

Arizona National Rankings – Requires ADE to collect, evaluate and assess existing studies and findings on national rankings and overall quality of Arizona schools and to submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives by December 1 of each year. ADE must present its findings at a public meeting for discussion and analysis.

K-3 Academic Gains Task Force – Establishes the Task Force for Measuring Academic Gains of K-3 Pupils (Task Force) to develop measures and tasks associated with measures of academic gains in math, reading and language for students in kindergarten through third grade. Requires ADE to develop the process, upon approval from SBE, for school districts and charter schools that choose to participate to improve their academic achievement profile. SBE must review and approve any testing process developed by the Task Force and ADE must maintain the integrity of any testing process used to measure the academic gains.

School Facilities Board (SFB) – Prohibits school districts from taking action at any time, rather than the current three-year time frame, to reduce pupil square footage or equipment without SFB notification and written approval. Allows the SFB to contract for construction project management services, school building assessments and services related to land acquisition and new school site development and to contract directly with construction project managers. Authorizes the SFB to access school district utility bills for data related to energy usage after giving written notice to each district and receiving no objection. Changes the due date, from September 1 to October 15, for school districts to submit their building renewal report. Allows monies from the New Schools Facilities Fund to be used for SFB contracted expenses. Requires the SFB to distribute monies

received from the State Land Department for public education leases to a school district that provided the funding for the lease, if the district is approved for a new school but received no award due to the new school construction moratorium in FY 2009-2010.

Arizona Commission for Postsecondary Education (ACPE) – Continues the ACPE until July 1, 2019 and repeals the ACPE on January 1, 2020.

Miscellaneous – Allows school districts and charter schools to begin reporting new student level data elements on July 1 of the year following the effective date of the law requiring the collection of the data. Exempts school districts and charter schools from municipal tax on the storage, use or consumption of personal property. Modifies the requirement for public universities in this state to offer the required classes on the U.S. and Arizona Constitutions rather than administer the exam. Allows Santa Cruz Valley Union High School and Red Mesa Unified School District five-year payback periods for overexpenditures. Makes numerous technical and conforming changes, repeals outdated and unnecessary sections and updates the school finance statutes.

~~technical correction; dental board powers (NOW: task force; special education) (S.B. 1197) – Chapter 62 E~~

An emergency measure, effective July 10, 2009, establishing the nine member Task Force on Best Practices in Special Education and Behavior Management (Task Force) appointed by the State Board of Education (SBE). The Task Force must examine, evaluate and make recommendations regarding the best practices for managing the behavior and discipline of pupils with disabilities. The recommendations must include a list of prohibited disciplinary actions, mandatory or recommended training for special education teachers and classroom aides and parental notice requirements concerning disciplinary actions. Requires the Task Force to submit its findings and recommendations to the SBE, the State Board for Charter Schools (SBCS), the Governor and the Legislature by August 20, 2009. The SBE and SBCS must make the Task Force's recommendations available to every school district and charter school in the state.

All school district and charter school governing boards must conduct a public meeting to review and consider the adoption of the Task Force's recommendations by June 30, 2010. School district and charter school governing boards may modify the recommendations to accommodate the needs and circumstance of each individual school district or charter school. Repeals the Task Force on September 15, 2010.

charter schools; charter renewal period (S.B. 1386) – Chapter 117

Allows a charter school operator to seek early renewal at any time but requires notice to the charter school's sponsor of the intent to seek early renewal at least nine months prior to the intended renewal application submission. The sponsor must review annual fiscal audits and performance data and the current contract before providing a renewal application. Renewal application submissions must also include a detailed business plan. Requires the sponsor to provide written notice of its consideration of a submitted application. Increases the period a charter school may be renewed from 15 to 20 years after a charter school's initial 15 year charter.

schools; gun safety instructors; certification (S.B. 1437) – Chapter 97

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

schools; juvenile probation officers (H.B. 2006) – Chapter 14

Allows a school district and charter school to enter into intergovernmental agreements to hire juvenile probation officers for law-related education programs. The school district or charter school must pay the costs associated with hiring a juvenile probation officer.

jury duty; motor vehicle parking (NOW: supplemental reductions; appropriations; FY 2008-2009 (H.B. 2028/S.B. 1189) – Chapter 5

SEE APPROPRIATIONS COMMITTEE.

school districts; liability; immunity waiver (NOW: school district balances; allocations) (H.B. 2029/S.B. 1190) – Chapter 6

SEE APPROPRIATIONS COMMITTEE.

schools; contractors; fingerprint clearance cards (H.B. 2031) – Chapter 75

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

charter schools; zoning (H.B. 2099) – Chapter 98

Classifies charter schools as public schools for zoning purposes and requires municipalities and counties to allow a charter school to operate where a school district may operate a school. The legislation applies municipal or county building codes to charter school construction and development and further stipulates that charter schools are subject to the same level of oversight, ordinances, limitations and requirements as district schools. Authorizes municipalities or counties to adopt zoning regulations to prohibit charter schools from operating in an existing single family residence located on less than one acre of property.

schools; energy contracts (H.B. 2332) – Chapter 101

Allows school districts to enter into energy performance and renewable energy power purchase contracts and utilize the savings resulting from these contracts. Provides contract implementation and reporting requirements.

Energy Performance Contracts (Contracts) and Renewable Energy Power Purchase Agreements (Agreements) – School districts retain savings resulting from Contracts and may utilize the savings for contract and project implementation but may not use the savings for excess utilities. No longer requires the qualified provider to perform an energy audit relating to the cost savings measures. Eliminates the requirement for competitive sealed bidding for qualified subcontractors. Expands the modifications to the energy baseline to include significant changes in the nature and intensity of energy use. The qualified provider and the school district must each perform a reasonable investigation to determine whether the measures in the Contract will result in the stated energy or water savings. Allows simplified energy performance contracts (Simplified Contracts) for projects under \$500,000, with certain exemptions. Expands the items that qualify as an energy cost savings measure. Exempts property procured through a Contract, Agreement or Simplified Contract from voter approval.

School District and Charter Schools Energy and Water Savings Accounts (Accounts) –

Allows districts to establish Accounts consisting of a designated pool of capital investment monies to fund energy and water savings projects and allows funds from contracts between the district and utility, energy and water service providers to be deposited into the Account. Details authorized Account expenditures, investments, repayment schedules and reporting requirements. Authorizes school districts to deposit funding from the American Recovery and Reinvestment Act of 2008 into their energy and water savings account. Permits districts to obtain any required financing as part of the initial competitive bid.

Reporting – Requires districts to report specified project information to the Department of Commerce’s (ADOC) Energy Office and the School Facilities Board (SFB). Replaces the Superintendent of Public Instruction with the SFB and adds the DOC Energy Office to the list of recipients receiving the provider’s required study establishing the scope of the contract, the fixed cost savings guarantee amount and methodology for determining actual savings. The qualified provider must annually prepare a measurement and verification report in addition to an annual reconciliation of savings for the first three years of savings. Requires annual reports by school districts and the SFB and details reporting requirements, deadlines and distribution.

Miscellaneous – Modifies existing guidelines for standard appraisal of solar energy devices on property as it applies to grid-tied photovoltaic systems, under specified conditions. Establishes energy efficiency standards, effective January 1, 2012, for portable electric spas and pool pumps. Repeals all school district provisions from and after June 30, 2013, with certain exceptions.

public education; students’ religious liberties (H.B. 2357/S.B. 1393) – Chapter 88

Prohibits public school districts from discriminating against students or parents based upon religious viewpoint or expression. Permits prayer, engagement in religious activities or expression to the same extent non-religious activities and expression are permitted. Allows students to wear clothing, jewelry and other apparel displaying religious messages or symbols to the same extent other clothing, jewelry and apparel displaying messages or symbols are permitted. Coursework involving a student’s viewpoint must be evaluated based on ordinary, relevant academic standards and not on religious content or viewpoint. Public schools must adopt and implement a policy to comply with this act and other related statutory requirements.

Nothing in this act authorizes the state or its political subdivisions to require participation in prayer or other religious activities or violate any person’s constitutional rights or limit the ability of public schools from adopting policies and procedures related to maintaining order and safety or student speech. A student or parent may initiate legal action to enforce these measures only after following the specified complaint process.

school board membership; family members (H.B. 2432) – Chapter 90

Prohibits *immediate family* members with the same *household residence* within four years from simultaneously running for nomination or election or serving on the same five-member school district governing board. Immediate family members with the same household residence within four years are eligible for nomination or election if the current board member is in the last year of the member’s term of office. Permits the school district’s qualified electors to enforce the eligibility requirements by bringing action in Superior Court. Defines *immediate family* and *household residence*.

LEGISLATION VETOED

technical correction; abandoned vehicles; monies (NOW: general appropriations; FY 2009-2010; trailer) (H.B. 2643/S.B. 1470) – Chapter 12 LIVS

SEE APPROPRIATIONS COMMITTEE.

technical correction; rebate set aside (NOW: budget reconciliation; general revenues; trailer) (H.B. 2644/S.B. 1472) – VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; public roadways (NOW: budget reconciliation; general government; trailer) (H.B. 2645 / S.B. 1473) – VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; state highways (NOW: state properties; trailer) (H.B. 2646 / S.B. 1474) – VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; certificate of title (NOW: budget reconciliation; criminal justice; trailer) (H.B. 2647/S.B. 1475) – VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; industrial development; insurance (NOW: budget reconciliation; K-12 education; trailer) (H.B. 2648/S.B. 1480) - VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; open pit mining (NOW: budget reconciliation; higher education; trailer) (H.B. 2649/S.B. 1477) - VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; health services; fees (NOW: budget reconciliation; health; welfare; trailer) (H.B. 2650/S.B. 1471) – VETOED

SEE APPROPRIATIONS COMMITTEE.

technical correction; national guard (NOW: budget reconciliation; environment; trailer) (H.B. 2651/S.B. 1476) – VETOED

SEE APPROPRIATIONS COMMITTEE.