

# **Education Committee**

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# EDUCATION COMMITTEE

## LEGISLATION ENACTED

### school facilities board revisions (S.B. 1102) – Chapter 105

Modifies School Facilities Board statutes as follows: 1) requires school districts to include the nature and cost of certain repairs and renovations in district building reports; 2) establishes a formula for the recalculation of school facility age; and 3) requires school districts to be responsible for any costs associated with the conversion of the space to be used for administrative purposes.

Allows a child care facility that provides services using a documented educational philosophy including least restrictive environment for infants to use floor bedding rather than cribs if certain requirements are met. Authorizes the Department of Health Services to require the installation of cribs if a facility does not comply with those requirements.

### property; liability; schools; recreational users (S.B. 1123) – Chapter 71

Removes students who are in transit to or from school during non-instructional hours from consideration when determining liability on school grounds used for recreation.

### school district overrides; bonds; information (S.B. 1182) – Chapter 111

Requires the purpose statement contained in any override election informational report or in any political subdivision bond election informational pamphlet to only present factual information in a neutral manner and specifies that advocacy for the override expenditures or bonds is strictly limited to the arguments section of the report or pamphlet. Requires the bond election informational pamphlet to contain information on the projects and expenditures for which the bonds are to be issued.

### empowerment scholarship accounts; revisions (S.B. 1237) – Chapter 244

Requires parents of Empowerment Scholarship Account (ESA) students to use a portion of ESA monies each quarter for the student's education unless the ESA is allocated monies according to a non-quarterly transfer schedule. Allows the Arizona Department of Education (ADE) to transfer monies to the State Treasurer according to a transfer schedule other than quarterly transfers if ADE determines that schedule is necessary for the operation of the ESA. Requires ADE to contract with an independent third party to determine if an ESA student qualifies for educational therapies or services and specifies that ESA monies may only be used for educational therapies or services if a student qualifies for certain special needs as determined by the school district or an independent third party. ESA monies may be used for tutoring or teaching services provided by an accredited individual or facility. Rather than provide a copy of each student's ESA contract, requires ADE to provide a list of students participating in ESAs to respective county school superintendents.

critical languages; economic development; pilot (S.B. 1242) – Chapter 114 E

An emergency measure, effective April 22, 2014, that requires the State Board of Education (SBE), if sufficient funding is provided, to establish a six-year Arizona Critical Language and Economic Development Pilot Program (Program). Requires the SBE, in consultation with the Arizona Department of Education (ADE), to develop and implement courses of study in critical languages for the Program. The Program courses may be taught through innovative learning technologies either in a traditional setting or by a visiting foreign guest and may use paraprofessionals in the classroom if the paraprofessionals meet certain conditions.

Requires the SBE to adopt rules relating to the authorized critical language courses as outlined. Requires ADE to track, monitor and expand the Program to include additional course offerings and other critical languages, subject to certain conditions. Limits participation in the Program to no more than 20 school sites and requires the SBE, beginning in school year 2015, to select 7 schools that meet specific criteria to participate in the Program. Requires, if sufficient funding is available, each participating school to receive money and to establish an instructional model as outlined. Requires ADE, if sufficient funding is available, to establish and maintain an Office of Economic Development and Critical Languages and to prorate the amount provided to each participating school in accordance with available funding. Precludes pupils classified as English Language Learners and native speakers of the critical language being taught from Program eligibility. Eliminates the Program on September 30, 2020.

school letter classification; science scores (S.B. 1288) – Chapter 116

Includes academic performance and academic gain on the science portion of the Arizona Instrument to Measure Standards test in the academic performance indicators used to determine school and school district achievement profiles.

school property; leases; immunity (S.B. 1336) – Chapter 248

Provides immunity from civil liability to the following, unless they are guilty of gross negligence or intentional misconduct: 1) school districts and their employees regarding the lease or use of school property; and 2) charter schools and their employees regarding the use of school property. Specifies that a charter school may permit the use of school property by any person, group or organization for any lawful purpose, as outlined, and may charge a reasonable fee for such use.

ADE school finance revisions (S.B. 1350) – Chapter 226

Effective July 1, 2014, modifies various school finance statutes as follows:

**Transportation** – Prohibits miles driven transporting eligible students from being reported as daily route miles by more than one school district.

**Supplemental State Aid** – Grants school districts eligibility for supplemental state aid if the district experiences a loss of property tax revenue resulting from a decrease in assessed

valuation due to specified natural disasters. Limits the timeframe during which a school district may receive such supplemental state aid to no more than three fiscal years.

***Average Daily Membership (ADM)*** – Requires the Arizona Department of Education (ADE) to recompute ADM for the previous fiscal year no later than August 30 and requires ADE to inform school districts and charter schools of their final ADM no later than September 15. Requires state aid calculations for all school districts and charter schools for the previous fiscal year to be finalized and district budget limits to be adjusted no later than November 1 of each year.

***Charter Schools Sponsored by the State Board for Education, State Board for Charter Schools, a University, a Community College District or a Group of Community College Districts*** – Requires such charter schools to revise respective student counts after the first 40 days in session and grants such charter schools eligibility to count pupils for the K-3 reading support level weight in the first year of operation.

***Fees*** – Requires all school district governing boards and charter school governing bodies that authorize the assessment of fees to ensure all fees contain a waiver provision in the event of economic hardship.

***Teacher Experience Index (TEI)*** – Requires the Superintendent of Public Instruction, by February 1 rather than March 15, to notify each school district of its preliminary TEI for the budget year and modifies other TEI reporting requirements in accordance with this change.

***Grand Canyon Diploma (GCD)*** – Allows students eligible for a GCD to enroll in a community college the following semester, rather than the following fall semester, after earning a GCD. Allows school districts and charter schools to include a student who earned a GCD in the district's or charter school's ADM, rather than the district's or charter school's student count, if the student subsequently utilizes certain educational pathways after earning a GCD.

***Miscellaneous*** – Specifies that school districts that pay tuition to a Joint Technical Education District member district on behalf of district students must be school districts located within Arizona in order for such students to generate State Aid.

~~schools; noncertificated employees; fingerprinting~~ (NOW: noncertificated employees; schools; fingerprinting) (S.B. 1391) – Chapter 125

Authorizes school districts and charter schools to require noncertificated and other specified personnel to obtain fingerprint clearance cards (cards) and authorizes such personnel to apply for a card regardless of whether obtaining a card is a condition of employment. Allows school districts to communicate whether a person has been issued or denied a card to other school districts for employment purposes or upon request of the applicant.

universities; intellectual property. (S.B. 1392) – Chapter 194

Requires the Arizona Board of Regents (ABOR) to maintain intellectual property policies that allow, on a case-by-case negotiated basis, the licensing, assignment or other transfer of intellectual property owned by ABOR to third parties if the transfer meets certain conditions.

Eliminates the process requiring a university officer or employee to apply to ABOR for permission to transfer technology developed by the individual from the university to commercial and industrial enterprises. Requires ABOR to identify, on a case-by-case basis, individual and institutional conflicts of interest and conflicts of commitment that may arise as a result of a proposed transfer.

K-12 education; budget reconciliation; 2014-2015 (S.B. 1488) – Chapter 17 LIVS

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community colleges; nonresidents; reimbursement (H.B. 2005) – Chapter 21

Requires community college districts (districts) to include in annual reports the total number of students residing outside of the district disaggregated by county of residence for nonresident students who reside in Arizona and by state of residence for nonresident students who reside in another state. Eliminates the requirement that the county school superintendent certify a student's residence to the community college district board and the county board of supervisors. Removes the requirement that students residing in the state of Arizona but not in a district must sign a notarized statement pertaining to county residency.

charter schools; higher education sponsors (H.B. 2039) – Chapter 42

Retroactive to July 1, 2011, extends eligibility to participate in the Arizona State Retirement System to charter schools sponsored by a university, community college district or group of community college districts. Expands eligibility to receive exemptions from certain financial and electronic data submission requirements, including the Uniform System of Financial Records, procurement rules and audit requirements to charter schools sponsored by the aforementioned postsecondary institutions.

~~technical correction; petroleum product storage~~ (NOW: increased eligibility; empowerment scholarship accounts) (H.B. 2139) – Chapter 199

Expands Empowerment Scholarship Account (ESA) qualifications to include siblings of current or previous ESA recipients and students who have not previously attended a governmental primary or secondary school but are currently eligible to enroll in a program for preschool children with disabilities.

empowerment scholarships; military families (H.B. 2150) – Chapter 200 W/O

Adds having a parent or guardian who was a member of the U.S. Armed Forces killed in the line of duty to the list of Empowerment Scholarship Account (ESA) qualifications and exempts a child whose parent or guardian is an active member of the U.S. Armed Forces or who was killed in the line of duty from having to meet one of the additional requirements for ESA qualifications.

computer science courses; math credit. (H.B. 2265) – Chapter 137

Allows a rigorous computer science course to fulfill a mathematics course required for high school graduation if the school district governing board or governing body of a charter school determines: 1) the rigorous computer science course includes significant mathematics content; and 2) the high school offering the course has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science. The rigorous computer science course must not conflict with the State Board of Education prescribed high school graduation requirements.

STOs; grants; corporate tax credit (H.B. 2328) – Chapter 278

Beginning July 1, 2014, eliminates the requirement that a student, in order to qualify for a displaced or disabled educational scholarship or tuition grant from School Tuition Organization (STO) funded by contributions from corporations and insurers, must meet certain eligibility requirements, including having attended a governmental primary or secondary school for at least 90 days of the prior fiscal year or one full semester before transferring to a qualifying school. Requires the student, if qualifying for an Empowerment Scholarship Account by having received a scholarship from a qualifying STO, to have previously attended a governmental primary or secondary school as a full time student for at least 90 days of the prior fiscal year or one full semester prior to attending a qualified school.

schools; transporting district conversion (H.B. 2438) – Chapter 61

An emergency measure, effective April 16, 2014, that establishes a process for a qualifying small school district to become a transporting school district. To qualify for a transporting district conversion election, the district must be located in a county with a population of fewer than 15,000 persons and have had fewer than 100 students enrolled for the past three years. If the conversion is approved by the voters, the school district must begin operating as a transporting district on the next July 1 after the election results are certified. The newly converted transporting district must continue to operate in the same manner as other school districts except the transporting district must: 1) transport its entire student population to one or more other school districts; and 2) not educate any students in school facilities located within the transporting district. The transporting district is prohibited from adopting a budget in excess of the general budget limit, regardless of student count.

Prohibits a school district from adopting a budget that exceeds the district Revenue Control Limit by more than 10 percent without approval by the district voters if the district: 1) is located in a county with a population of fewer than 15,000 persons; and 2) has had fewer than 100 students enrolled for the past three years. Requires a district board that meets such qualifications to revise the district budget and adjust the district tax rate to comply with the budget limitations. Repeals the provisions of this legislation on December 31, 2016.

promotion; ceremony; 8th grade (H.B. 2501) – Chapter 172

Removes the requirement that a county school superintendent furnish and sign eighth grade promotion certificates at the request of a school district governing board. Specifies that

school districts may conduct a ceremony to honor pupils who have been promoted from the eighth grade.

postsecondary distance education; reciprocity agreements (H.B. 2577) – Chapter 213

An emergency measure, effective April 23, 2014, that authorizes the Arizona Board of Regents (ABOR), community college districts and the State Board for Private Postsecondary Education, through an intergovernmental agreement (IGA), to enter into an interstate reciprocity agreement for the purpose of managing postsecondary distance education. Specifies that the IGA must identify the application process to participate in the reciprocity agreement and must be jointly administered by representatives from ABOR, a community college district and the State Board for Private Postsecondary Education. Limits the responsibilities designated through the IGA to the administration of the distance education reciprocity agreement for participating postsecondary institutions that have a principal place of business in Arizona. Defines *postsecondary institution* as: 1) any degree-granting public or private university or college in Arizona; 2) any accredited degree-granting community college in Arizona; and 3) any degree-granting college or university located on and operated by a federally recognized Indian tribe.

teachers; suicide prevention; continuing education (H.B. 2605) – Chapter 272

Retroactive to July 1, 2014, requires the State Board of Education to adopt rules to allow certificated teachers and administrators to count suicide awareness and prevention training programs as continuing education credits.

ADE; program administration (H.B. 2637) – Chapter 214

Effective July 1, 2014, modifies various procedures regarding programs administered by the Arizona Department of Education (ADE) as follows:

***ADE Professional Development Revolving Fund (Fund)*** – Authorizes ADE to make professional development content available to educators at a reasonable cost and establishes the Fund as a separate account for expenses incurred producing and delivering such courses and content. Requires monies obtained from tuition for professional development to be deposited in the Fund and exempts monies in the Fund from lapsing. Monies in the fund are subject to legislative appropriation.

***Move on When Reading*** – Prohibits a pupil from being retained if data regarding the pupil's performance on the Arizona Instrument to Measure Standards (AIMS) test, or a successor test, is not available before the start of the following academic year. Requires a qualifying pupil to receive designated academic intervention and remedial strategies regardless of whether the student is retained. Allows the State Board of Education (SBE) to establish a measurement equivalent to *falls far below* the third-grade reading level on the AIMS test or a successor test.

***School Safety Program*** – Authorizes charter schools to participate in the School Safety Program.

*School and School District Achievement Profiles* – Includes in the methodology used to determine school and school district achievement profiles a measure of the perception of educational quality at the school or school district.

higher education; budget reconciliation; 2014-2015. (H.B. 2711) – Chapter 16

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### **LEGISLATION VETOED**

schools; local control; student privacy (H.B. 2316) – VETOED

Prohibits the State Board of Education (SBE), the Superintendent of Public Instruction and the Arizona Department of Education (ADE) from adopting any educational standards, curricula or instructional approaches that may be mandated by the federal government. Prohibits ADE from: 1) applying for any federal grant that requires certain application conditions as outlined; and 2) requiring the adoption of specific curricula or instructional approaches. Requires changes to state academic standards to be done through a transparent public process that allows Arizona citizens time and opportunity to provide feedback. Requires the SBE, before any public meeting to vote on the proposed changes, to follow specific procedures. Student data collected by the specified entities must be obtained in a manner consistent with state and federal law designed to protect student privacy. Prohibits specific personally identifiable student information from being reported or shared with the federal government or private vendors for the purpose of marketing or business development.

The Governor indicates in her veto message that the language of H.B. 2316 is redundant and unnecessary. She also states that by prohibiting ADE from requiring school districts and charter schools to use specific instructional approaches, H.B. 2316 could have preempted ADE from stipulating that schools teach early reading with a phonics-based emphasis, and from enforcing requirements of the Structured English Immersion Program.