

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: **full-day kindergarten; expansion**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2782

Introduced by
Representative Boone (with permission of committee on Rules)

AN ACT

AMENDING SECTIONS 15-482 AND 15-901.02, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-901.03; MAKING AN APPROPRIATION; RELATING TO SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-482, Arizona Revised Statutes, is amended to
3 read:

4 15-482. Special budget override provisions; special programs to
5 improve academic achievement of pupils in
6 kindergarten programs and grades one through three

7 A. An additional budget increase may be requested and authorized as
8 provided in section 15-481, subsections I and J of up to five per cent of the
9 revenue control limit as provided in subsection B of this section if the
10 following conditions are met:

11 1. The school district uses a task force of educators and other
12 persons to develop a special program designed to improve the academic
13 achievement of low achieving pupils in kindergarten programs and grades one
14 through three, with the goal that all pupils capable of doing so will learn
15 the basic skills necessary for fourth grade work by the end of the third
16 grade.

17 2. The amount of the proposed budget increase as provided in
18 subsection B of this section is for use for the special program, **SHALL ONLY**
19 **BE USED FOR PUPILS IN KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH THREE** and
20 is to supplement, not supplant, programs for pupils in kindergarten programs
21 and grades one through three which were in existence prior to the budget
22 increase, unless in the fiscal year prior to the fiscal year of the proposed
23 budget increase special programs for pupils in kindergarten programs and
24 grades one through three were in existence and were funded with proceeds from
25 the sale or lease of school property, as provided in section 15-1102.

26 B. The maximum amount of the budget increase requested and authorized
27 shall not exceed the budgeted expenditures of the proposed special program
28 for each fiscal year, not to exceed a total of five per cent of the revenue
29 control limit for each fiscal year. For a unified school district, a common
30 school district not within a high school district or a common school district
31 within a high school district that offers instruction in high school subjects
32 as provided in section 15-447, five per cent of the revenue control limit
33 means five per cent of the revenue control limit attributable to the weighted
34 student count in preschool programs for children with disabilities,
35 kindergarten programs and grades one through eight as provided in section
36 15-971, subsection B.

37 C. For each fiscal year in which a budget increase of up to five per
38 cent of the revenue control limit is authorized as provided in subsection A
39 of this section, the governing board shall:

40 1. Utilize a separate annual special program budget on a form
41 prescribed by the auditor general in conjunction with the department of
42 education. The budget format shall be designed to allow a school district to
43 plan and provide in detail for expenditures to be incurred as a result of the
44 special program.

45 2. Prepare as a part of the school district annual financial report a
46 detailed report of expenditures incurred as a result of the special program,

1 in a format prescribed by the auditor general in conjunction with the
2 department of education, as provided in section 15-904.

3 D. The special program may be designed for any or all of the pupils
4 enrolled in kindergarten programs and grades one through three and may
5 involve efforts to remove barriers to academic achievement as well as efforts
6 to improve instruction or increase the amount of instruction. The special
7 program, at a minimum, shall focus on pupils who, because of innate factors,
8 are not succeeding in the school environment as identified by parents,
9 guardians or school personnel. These pupils may include, but are not limited
10 to, those who do not qualify for special education services, who have
11 measured intelligence quotients of between seventy and eighty-five or who
12 exhibit characteristics of attention deficit disorder or learning patterns
13 attributable to prenatal substance exposure.

14 E. During any fiscal year in which proceeds from the sale or lease of
15 school property are used for the maintenance and operation section of the
16 budget as provided in section 15-1102, a budget increase is in effect as
17 provided in section 15-481, subsection E or F, or a budget increase is in
18 effect as provided in this section, or any combination of these conditions
19 occurs, the total amount of the proceeds and increases which may be expended
20 is equal to fifteen per cent of the revenue control limit for that year as
21 provided in section 15-947, subsection A, provided that the following maximum
22 amount is attributable to any one of the conditions:

23 1. Fifteen per cent of the revenue control limit if using the proceeds
24 from the sale or lease of school property for the maintenance and operation
25 section of the budget as provided in section 15-1102.

26 2. Ten per cent of the revenue control limit if using a budget
27 increase as provided in section 15-481, subsection E or F, or both.

28 3. Five per cent of the revenue control limit if using a budget
29 increase as provided in this section.

30 Sec. 2. Section 15-901.02, Arizona Revised Statutes, is amended to
31 read:

32 15-901.02. Full-day kindergarten instruction; study committee;
33 full-day kindergarten fund

34 A. A school or charter school that is provided and accepts monies
35 pursuant to this section for full-day kindergarten shall offer full-day
36 kindergarten instruction to all pupils who meet the enrollment requirements
37 for kindergarten programs. EACH SCHOOL THAT OFFERS FULL-DAY KINDERGARTEN
38 SHALL OFFER HALF-DAY KINDERGARTEN INSTRUCTION THAT PROVIDES ACADEMICALLY
39 MEANINGFUL INSTRUCTION IN EACH OF THE ACADEMIC STANDARDS ADOPTED FOR
40 KINDERGARTEN BY THE STATE BOARD OF EDUCATION. Parents of pupils who meet the
41 enrollment requirements for voluntary kindergarten programs in a school or
42 charter school that is required to provide full-day kindergarten instruction
43 shall choose either half-day kindergarten instruction or full-day
44 kindergarten instruction.

45 B. The legislature shall develop a plan, including capital monies,
46 ~~considering recommendations of the joint legislative study committee on~~

1 ~~full day kindergarten established in subsection D of this section,~~ to provide
 2 statewide full-day kindergarten instruction by fiscal year
 3 2009-2010. ~~Schools and charter schools that are provided full day~~
 4 ~~kindergarten funding pursuant to this subsection and subsection C of this~~
 5 ~~section shall continuously be provided full day kindergarten funding~~
 6 ~~throughout the statewide implementation of the full day kindergarten plan~~
 7 ~~adopted by the legislature.~~

8 C. FUNDING FOR FULL-DAY KINDERGARTEN SHALL BE SUBJECT TO ANNUAL
 9 APPROPRIATION. EACH ANNUAL APPROPRIATION SHALL SPECIFY THE ELIGIBILITY
 10 REQUIREMENTS BASED ON THE PERCENTAGE OF PUPILS WHO MEET THE ELIGIBILITY
 11 REQUIREMENTS PRESCRIBED IN THIS SUBSECTION. ~~Funding for full day~~
 12 ~~kindergarten shall be provided for fiscal year 2004-2005 to schools or~~
 13 ~~charter schools with a student count in which at least ninety per cent of the~~
 14 ~~pupils meet the economic eligibility requirements established under the~~
 15 ~~national school lunch and child nutrition acts (42 United States Code~~
 16 ~~sections 1751 through 1785)).~~ SCHOOLS AND CHARTER SCHOOLS THAT RECEIVE FULL-
 17 DAY KINDERGARTEN MONIES PURSUANT TO THIS SECTION SHALL COLLECT ELIGIBILITY
 18 DOCUMENTATION FOR THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS (42
 19 UNITED STATES CODE SECTIONS 1751 THROUGH 1785), INCLUDING DOCUMENTATION OF
 20 HOUSEHOLD INCOME, FOR EACH PUPIL THAT RECEIVES FREE LUNCHES OR REDUCED PRICE
 21 LUNCHES UNDER THE UNITED STATES DEPARTMENT OF AGRICULTURE NATIONAL SCHOOL
 22 LUNCH PROGRAM. THE AUDITOR GENERAL SHALL INCLUDE IN THE AUDITS CONDUCTED
 23 PURSUANT TO SECTION 41-1279.03, SUBSECTION A, PARAGRAPH 9 AUDITS OF
 24 COMPLIANCE WITH THIS SECTION. IF THE AUDITOR GENERAL DETERMINES THAT A
 25 SCHOOL OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH THIS SECTION, THE SCHOOL
 26 OR CHARTER SCHOOL IS NO LONGER ELIGIBLE TO RECEIVE STATE MONIES FOR FULL-DAY
 27 KINDERGARTEN INSTRUCTION PURSUANT TO THIS SECTION. The school district or
 28 charter school shall receive monies for full-day kindergarten pursuant to
 29 this section for each pupil who attends kindergarten instruction.

30 ~~D. The joint legislative study committee on full day kindergarten is~~
 31 ~~established and shall consist of three members of the house of~~
 32 ~~representatives appointed by the speaker of the house of representatives, no~~
 33 ~~more than two shall be from the same political party, three members of the~~
 34 ~~senate appointed by the president of the senate, no more than two shall be~~
 35 ~~from the same political party and three members appointed by the governor who~~
 36 ~~represent school districts or charter schools that offer kindergarten~~
 37 ~~programs. The joint legislative study committee shall forward preliminary~~
 38 ~~recommendations by December 1, 2004 to the speaker of the house of~~
 39 ~~representatives, the president of the senate and the governor for full day~~
 40 ~~kindergarten implementation. The joint legislative study committee shall~~
 41 ~~consider funding for each year of implementation, capital accommodations and~~
 42 ~~program implementation issues such as professional development and diagnostic~~
 43 ~~assessment.~~

44 ~~E.~~ D. The full-day kindergarten fund is established consisting of
 45 monies appropriated to the department of education for this purpose. The
 46 department of education shall administer the fund. If there are insufficient

1 monies available in the fund to provide full funding pursuant to this
 2 section, the department of education shall prorate the amount per pupil
 3 distributed to each school district and charter school that is eligible to
 4 receive monies from the fund. The amount budgeted by the school district or
 5 charter school pursuant to this section shall not be included in the
 6 allowable budget balance carryforward calculated pursuant to section
 7 15-943.01. The full-day kindergarten fund terminates on July 1, 2009, and
 8 any unencumbered monies remaining in the fund on that date shall be
 9 transferred to the state general fund.

10 ~~F.~~ E. Monies in the full-day kindergarten fund are continuously
 11 appropriated and are exempt from the provisions of section 35-190 relating to
 12 lapsing of appropriations, and the allocation to each charter school and
 13 school district for a fiscal year shall equal the per pupil amount
 14 established in this section for the fiscal year multiplied by the weighted
 15 student count for the school district or charter school for the fiscal year
 16 pursuant to section 15-943, paragraph 2, subdivision (a). For the purposes
 17 of this subsection, the weighted student count for a school district that
 18 serves as the district of attendance for nonresident pupils shall be
 19 increased to include nonresident pupils who attend school in the school
 20 district.

21 ~~G.~~ F. Monies distributed from the full-day kindergarten fund shall be
 22 spent only for full-day kindergarten instruction.

23 ~~H.~~ G. School districts and charter schools that receive monies from
 24 the full-day kindergarten fund shall submit a report to the superintendent of
 25 public instruction on a per school basis that provides an accounting of the
 26 expenditures of monies distributed from the fund during the school year, a
 27 description of any professional development required under this section,
 28 class size and any district class size policies, data collected from state or
 29 district assessments of kindergarten pupils in both full-day and half-day
 30 programs, the number of pupils, the number of pupils not served and the
 31 reasons those pupils were not served and other information determined by the
 32 department of education and the office of the auditor general. The
 33 department of education in conjunction with the auditor general shall
 34 prescribe the format and due date of the report required under this
 35 subsection.

36 ~~I.~~ H. School districts and charter schools that receive monies from
 37 the full-day kindergarten fund shall receive these monies monthly in an
 38 amount not to exceed one-twelfth of the monies estimated pursuant to
 39 subsection C of this section, except that if there are insufficient monies in
 40 the fund that month to make payments, the distribution for that month shall
 41 be prorated for each school district or charter school. The department of
 42 education may make an additional payment in the current month for any prior
 43 month or months in which school districts or charter schools received a
 44 prorated payment if there are sufficient monies in the fund that month for
 45 the additional payments. The state is not required to make payments to a
 46 school district or charter school full-day kindergarten fund if the monies in

1 the state full-day kindergarten fund are insufficient to meet the estimated
2 allocations to school districts and charter schools pursuant to subsection C
3 of this section.

4 ~~I.~~ I. The Arizona state schools for the deaf and the blind shall
5 receive monies from the full-day kindergarten fund in the same manner as
6 school districts and charter schools. The Arizona state schools for the deaf
7 and the blind are subject to this section in the same manner as school
8 districts and charter schools.

9 ~~K.~~ J. Each school district and charter school shall establish a local
10 level full-day kindergarten fund to receive allocations from the state level
11 full-day kindergarten fund. The local level full-day kindergarten fund shall
12 be a budgetary controlled account. Interest charges for any registered
13 warrants for the local level full-day kindergarten fund shall be a charge
14 against the local level full-day kindergarten fund. Interest earned on
15 monies in the local level full-day kindergarten fund shall be added to the
16 local level full-day kindergarten fund. This state shall not be required to
17 make payments to a school district or charter school local level full-day
18 kindergarten fund that are in addition to monies appropriated to the state
19 level full-day kindergarten fund.

20 ~~L.~~ K. If the state board of education, the department of education,
21 the auditor general or the attorney general determines that a school district
22 is substantially and deliberately not in compliance with this title, and if
23 the school district has failed to correct the deficiency within ninety days
24 after receiving notice from the department of education, the state board of
25 education may direct the superintendent of public instruction, pursuant to
26 state board of education rules, to withhold the monies the school district
27 would otherwise be entitled to receive from the full-day kindergarten fund
28 from the date of the determination of noncompliance until the department of
29 education determines that the school district is in compliance with this
30 title.

31 ~~M.~~ L. If the sponsor of the charter school determines at a public
32 meeting that the charter school is not in compliance with federal law, with
33 the laws of this state or with its charter, the sponsor of a charter school
34 shall notify the department of education to withhold the monies that the
35 charter school would otherwise be entitled to receive from the full-day
36 kindergarten fund. The sponsor shall provide written notice to the charter
37 school at least seventy-two hours before the meeting and shall allow the
38 charter school to respond to the allegations of noncompliance at the meeting
39 before the sponsor makes a final determination to notify the department of
40 education of noncompliance. When the sponsor determines that the charter
41 school is in compliance, the department of education shall restore the amount
42 of monies that the charter school is entitled to receive from the full-day
43 kindergarten fund.

44 ~~N.~~ M. Schools are not required to offer full-day kindergarten
45 instruction to qualifying students if there is insufficient classroom space.
46 Schools shall not accept monies from the full-day kindergarten fund if space

1 limitations result in class sizes that exceed the average class size of the
2 district or charter school.

3 ~~0.~~ N. All schools that accept monies from the full-day kindergarten
4 fund shall provide professional development that is directly related to the
5 delivery of kindergarten standards in a full-day program. Any school that
6 has not yet undergone professional development for implementation of the
7 delivery of a research-based reading curriculum as prescribed in section
8 15-704 may not receive money from the full-day kindergarten fund until this
9 training has been received by the kindergarten instructors on staff.

10 ~~P.~~ O. For any school district that funds voluntary full-day
11 kindergarten instruction with monies from a desegregation levy or a special
12 budget override pursuant to section 15-482 and that qualifies for monies from
13 the full-day kindergarten fund and if the desegregation monies or special
14 budget override monies are used ~~solely~~ to provide full-day kindergarten
15 instruction, the governing board shall hold a public meeting to determine the
16 reallocation of those monies to other programs or whether those monies shall
17 be used to reduce the school district's primary or secondary property tax
18 levy, or both.

19 P. THE DEPARTMENT OF EDUCATION SHALL CONDUCT A COMPREHENSIVE REVIEW OF
20 THE EXISTING RESEARCH ON FULL-DAY KINDERGARTEN INSTRUCTION, INCLUDING
21 ACADEMIC LITERATURE, ACADEMIC STUDIES AND RESEARCH AND REVIEWS CONDUCTED BY
22 PUBLIC AND PRIVATE INSTITUTIONS ON FULL-DAY KINDERGARTEN INSTRUCTION. THE
23 DEPARTMENT SHALL CONSIDER RESEARCH THAT PROVIDES SUPPORT FOR FULL-DAY
24 KINDERGARTEN AND RESEARCH THAT DOES NOT PROVIDE SUPPORT FOR FULL-DAY
25 KINDERGARTEN. THE REVIEW CONDUCTED BY THE DEPARTMENT OF EDUCATION SHALL
26 EMPHASIZE LONGITUDINAL STUDIES THAT ASSESS THE LONG-TERM ACADEMIC IMPACT OF
27 FULL-DAY KINDERGARTEN INSTRUCTION. THE DEPARTMENT SHALL SUBMIT A REPORT THAT
28 SUMMARIZES THE DEPARTMENT'S FINDINGS AND CONCLUSIONS TO THE GOVERNOR, THE
29 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
30 JOINT LEGISLATIVE BUDGET COMMITTEE ON OR BEFORE DECEMBER 1, 2005. THE
31 DEPARTMENT SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND
32 THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

33 Q. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE LEGISLATURE SHALL
34 NOT CONSIDER THE APPROPRIATION OF ANY ADDITIONAL STATE MONIES FOR FULL-DAY
35 KINDERGARTEN INSTRUCTION AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
36 SECTION UNTIL AFTER THE JOINT LEGISLATIVE BUDGET COMMITTEE HAS REVIEWED THE
37 STUDY PRESCRIBED IN SUBSECTION P OF THIS SECTION.

38 R. STATE MONIES FOR FULL-DAY KINDERGARTEN INSTRUCTION SHALL NOT BE
39 PROVIDED FOR ANY PUPIL WHO IS NOT AT LEAST FIVE YEARS OF AGE BEFORE SEPTEMBER
40 1 OF THE SCHOOL YEAR IN WHICH THE PUPIL IS ENROLLED.

41 Sec. 3. Title 15, chapter 9, article 1, Arizona Revised Statutes, is
42 amended by adding section 15-901.03, to read:

43 15-901.03. Fund transfers; review

44 NOTWITHSTANDING SECTION 35-173, SUBSECTION C, ANY TRANSFER TO OR FROM
45 THE AMOUNT APPROPRIATED FOR BASIC STATE AID ENTITLEMENT, ADDITIONAL STATE AID
46 TO SCHOOLS, CERTIFICATES OF EDUCATIONAL CONVENIENCE OR THE SPECIAL EDUCATION

1 FUND LINE ITEMS SHALL REQUIRE REVIEW BY THE JOINT LEGISLATIVE BUDGET
2 COMMITTEE.

3 Sec. 4. Appropriation; purpose; exemption

4 A. The sum of \$38,050,000 is appropriated from the state general fund
5 in fiscal year 2005-2006 to the department of education for distribution to
6 schools and charter schools that qualify to receive state monies for full-day
7 kindergarten instruction as prescribed in section 15-901.02, Arizona Revised
8 Statutes, as amended by this act. Funding for full-day kindergarten shall be
9 provided for fiscal year 2005-2006 to schools or charter schools with a
10 student count in which at least eighty per cent of the pupils meet the
11 economic eligibility requirements established under the national school lunch
12 and child nutrition acts (42 United States Code sections 1751 through 1785.)

13 B. Of the monies appropriated pursuant to subsection A of this act,
14 the department of education may use up to \$150,000 for two additional
15 full-time equivalent positions within the department to carry out the
16 purposes of this act.

17 C. The appropriation made in subsection A of this section is exempt
18 from the provisions of section 35-190, Arizona Revised Statutes, relating to
19 lapsing of appropriations.