

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1069

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-105; AMENDING SECTIONS 15-901 AND 15-1855, ARIZONA REVISED STATUTES; RELATING TO EDUCATION PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-105, to read:

4 15-105. Early graduation scholarship program; fund; program
5 termination; definition

6 A. EACH SCHOOL DISTRICT OR CHARTER SCHOOL THAT PROVIDES INSTRUCTION IN
7 GRADES NINE THROUGH TWELVE IN THIS STATE SHALL PARTICIPATE IN AND PROMOTE TO
8 STUDENTS AN EARLY GRADUATION SCHOLARSHIP PROGRAM.

9 B. THE COMMISSION FOR POSTSECONDARY EDUCATION SHALL DEVELOP
10 APPLICATION FORMS, PROCEDURES AND DEADLINES TO IMPLEMENT AND ADMINISTER THE
11 EARLY GRADUATION SCHOLARSHIP PROGRAM IN CONJUNCTION WITH THE DEPARTMENT OF
12 EDUCATION BY NOVEMBER 1, 2007 AND SHALL SELECT ELIGIBLE STUDENTS EACH YEAR
13 FOR PARTICIPATION IN THE EARLY GRADUATION SCHOLARSHIP PROGRAM. THE SCHOOL
14 DISTRICT OR CHARTER SCHOOL THAT THE STUDENT ATTENDS SHALL NOTIFY THE
15 DEPARTMENT OF EDUCATION AND THE COMMISSION FOR POSTSECONDARY EDUCATION IF THE
16 STUDENT GRADUATES AT LEAST ONE SEMESTER BEFORE THE STUDENT'S SCHEDULED
17 GRADUATION DATE.

18 C. PARTICIPATING FULL-TIME STUDENTS WHO GRADUATE:

19 1. AT LEAST ONE YEAR EARLY SHALL RECEIVE A SCHOLARSHIP GRANT IN AN
20 AMOUNT NOT TO EXCEED ONE THOUSAND TWO HUNDRED FIFTY DOLLARS OR THE ACTUAL
21 COST OF TUITION, BOOKS AND FEES, WHICHEVER IS LESS, IN THE FIRST ACADEMIC
22 YEAR OF POSTSECONDARY INSTRUCTION, AND AN AMOUNT NOT TO EXCEED SEVEN HUNDRED
23 FIFTY DOLLARS OR THE ACTUAL COST OF TUITION, BOOKS AND FEES, WHICHEVER IS
24 LESS, IN THE SECOND ACADEMIC YEAR OF POSTSECONDARY INSTRUCTION, TO BE USED TO
25 PAY ALL OR A PORTION OF THE TUITION, BOOKS AND FEES CHARGED AT A QUALIFYING
26 POSTSECONDARY INSTITUTION FOR A MAXIMUM OF TWO ACADEMIC YEARS, WHICH MUST BE
27 COMPLETED WITHIN THIRTY-SIX MONTHS AFTER THE STUDENT'S ACTUAL GRADUATION DATE
28 FROM HIGH SCHOOL. THE AMOUNT OF A SCHOLARSHIP GRANT AWARDED TO A
29 PARTICIPATING PART-TIME STUDENT ENROLLED IN AT LEAST SIX CREDIT HOURS SHALL
30 BE PRORATED IN ACCORDANCE WITH THE PART-TIME STATUS OF THE STUDENT.

31 2. ONE SEMESTER EARLY SHALL RECEIVE A SCHOLARSHIP GRANT IN AN AMOUNT
32 NOT TO EXCEED ONE THOUSAND DOLLARS OR THE ACTUAL COST OF TUITION, BOOKS AND
33 FEES, WHICHEVER IS LESS, IN THE FIRST ACADEMIC YEAR OF POSTSECONDARY
34 INSTRUCTION, AND AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS OR THE ACTUAL
35 COST OF TUITION, BOOKS AND FEES, WHICHEVER IS LESS, IN THE SECOND ACADEMIC
36 YEAR OF POSTSECONDARY INSTRUCTION, TO BE USED TO PAY ALL OR A PORTION OF THE
37 TUITION, BOOKS AND FEES CHARGED AT A QUALIFYING POSTSECONDARY INSTITUTION FOR
38 A MAXIMUM OF TWO ACADEMIC YEARS, WHICH MUST BE COMPLETED WITHIN THIRTY-SIX
39 MONTHS AFTER THE STUDENT'S ACTUAL GRADUATION DATE FROM HIGH SCHOOL. THE
40 AMOUNT OF A SCHOLARSHIP GRANT AWARDED TO A PARTICIPATING PART-TIME STUDENT
41 ENROLLED IN AT LEAST SIX CREDIT HOURS SHALL BE PRORATED IN ACCORDANCE WITH
42 THE PART-TIME STATUS OF THE STUDENT.

43 D. A STUDENT WHO PROVIDES SATISFACTORY PROOF TO THE COMMISSION FOR
44 POSTSECONDARY EDUCATION THAT THE STUDENT HAS MET ALL OF THE FOLLOWING

1 CRITERIA IS ELIGIBLE TO SUBMIT AN APPLICATION FOR CONSIDERATION FOR A
2 SCHOLARSHIP GRANT UNDER THE EARLY GRADUATION SCHOLARSHIP PROGRAM:

3 1. THE STUDENT HAS GRADUATED FROM A CHARTER SCHOOL OR A PUBLIC HIGH
4 SCHOOL THAT IS PART OF A SCHOOL DISTRICT IN THIS STATE AT LEAST ONE SEMESTER
5 EARLIER THAN THE STUDENT'S CLASS IS SCHEDULED TO GRADUATE.

6 2. THE STUDENT HAS ACHIEVED A PASSING SCORE ON EACH COMPONENT OF THE
7 ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST THAT IS REQUIRED FOR GRADUATION
8 FROM HIGH SCHOOL.

9 3. THE STUDENT IS CURRENTLY A RESIDENT OF THIS STATE AND HAS BEEN A
10 RESIDENT OF THIS STATE FOR AT LEAST THE PAST TWELVE MONTHS.

11 4. THE STUDENT SUBMITS A STATEMENT FROM THE QUALIFYING POSTSECONDARY
12 INSTITUTION THAT DETAILS THE COST OF TUITION, BOOKS AND FEES FOR THAT
13 STUDENT.

14 5. THE STUDENT HAS COMPLETED AND SUBMITTED A FREE APPLICATION FOR
15 FEDERAL STUDENT AID.

16 6. THE STUDENT OR THE STUDENT'S PARENT OR LEGAL GUARDIAN SIGNS A
17 PROMISSORY NOTE FOR REIMBURSEMENT PURSUANT TO SUBSECTION J OF THIS SECTION.

18 E. THE SCHOOL DISTRICT OR CHARTER SCHOOL FROM WHICH THE STUDENT
19 GRADUATED SHALL INCLUDE THE STUDENT WHO GRADUATES EARLY IN THE SCHOOL
20 DISTRICT'S OR CHARTER SCHOOL'S STUDENT COUNT UNTIL THE STUDENT'S CLASS IS
21 SCHEDULED TO GRADUATE AND SHALL CONTINUE TO RECEIVE PER PUPIL FUNDING MINUS
22 TWO THOUSAND TWO HUNDRED DOLLARS FOR A STUDENT WHO GRADUATES AT LEAST ONE
23 YEAR EARLY OR ONE THOUSAND SEVEN HUNDRED DOLLARS FOR A STUDENT WHO GRADUATES
24 ONE SEMESTER EARLY, WHICHEVER IS APPLICABLE, UNTIL THE STUDENT'S CLASS IS
25 SCHEDULED TO GRADUATE. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PLACE THE
26 PER PUPIL FUNDING RECEIVED IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
27 MAINTENANCE AND OPERATIONS FUND.

28 F. THE DEPARTMENT OF EDUCATION SHALL DEPOSIT TWO THOUSAND TWO HUNDRED
29 DOLLARS FOR A STUDENT WHO GRADUATES AT LEAST ONE YEAR EARLY OR ONE THOUSAND
30 SEVEN HUNDRED DOLLARS FOR A STUDENT WHO GRADUATES ONE SEMESTER EARLY,
31 WHICHEVER IS APPLICABLE, OF THE AMOUNT OF PER PUPIL FUNDING PROVIDED TO A
32 SCHOOL DISTRICT OR CHARTER SCHOOL FOR A STUDENT WHO GRADUATES AT LEAST ONE
33 SEMESTER EARLY IN THE EARLY GRADUATION SCHOLARSHIP FUND ESTABLISHED BY THIS
34 SECTION.

35 G. THE COMMISSION FOR POSTSECONDARY EDUCATION SHALL MAKE AWARDS FROM
36 THE EARLY GRADUATION SCHOLARSHIP FUND FOR PAYMENT OF TUITION, BOOKS AND FEES
37 AT QUALIFYING POSTSECONDARY INSTITUTIONS TO STUDENTS WHO ARE SELECTED TO
38 PARTICIPATE IN THE EARLY GRADUATION SCHOLARSHIP PROGRAM ON VERIFICATION OF
39 ADMISSION AND ENROLLMENT BY THE QUALIFYING POSTSECONDARY INSTITUTIONS.

40 H. IF THE AMOUNT OF MONIES AVAILABLE FOR SCHOLARSHIP GRANTS IN ANY
41 FISCAL YEAR IS INSUFFICIENT TO PROVIDE SCHOLARSHIP GRANTS TO ALL ELIGIBLE
42 APPLICANTS, THE COMMISSION FOR POSTSECONDARY EDUCATION SHALL AWARD
43 SCHOLARSHIP GRANTS TO ELIGIBLE STUDENTS IN THE ORDER IN WHICH THE
44 APPLICATIONS WERE RECEIVED BY THE COMMISSION, EXCEPT THAT PRIORITY SHALL BE
45 GIVEN TO ELIGIBLE STUDENTS WHO RECEIVED A SCHOLARSHIP GRANT IN THE PREVIOUS

1 FISCAL YEAR AND WHO ARE STILL IN GOOD ACADEMIC STANDING AT THE SAME
2 QUALIFYING POSTSECONDARY INSTITUTION OR WHO TRANSFERRED TO A DIFFERENT
3 QUALIFYING POSTSECONDARY INSTITUTION BUT REMAIN IN GOOD ACADEMIC STANDING AT
4 THE PREVIOUS QUALIFYING POSTSECONDARY INSTITUTION. THE COMMISSION FOR
5 POSTSECONDARY EDUCATION SHALL MAINTAIN A WAITING LIST FOR ALL OTHER
6 APPLICANTS.

7 I. A QUALIFYING POSTSECONDARY INSTITUTION SHALL NOTIFY THE COMMISSION
8 FOR POSTSECONDARY EDUCATION IF A STUDENT WHO HAS RECEIVED A SCHOLARSHIP GRANT
9 IS NO LONGER IN GOOD ACADEMIC STANDING AT THE QUALIFYING POSTSECONDARY
10 INSTITUTION OR IS NO LONGER ENROLLED AT THE QUALIFYING POSTSECONDARY
11 INSTITUTION.

12 J. NOT LATER THAN THIRTY-SIX MONTHS AFTER THE STUDENT'S ACTUAL
13 GRADUATION DATE FROM HIGH SCHOOL, THE STUDENT OR THE QUALIFYING POSTSECONDARY
14 INSTITUTION SHALL REIMBURSE THE EARLY GRADUATION SCHOLARSHIP FUND FOR ANY
15 SCHOLARSHIP GRANT RECEIVED PURSUANT TO SUBSECTION C OF THIS SECTION IF THE
16 STUDENT IS NO LONGER IN GOOD ACADEMIC STANDING AT THE QUALIFYING
17 POSTSECONDARY INSTITUTION OR IS NO LONGER ENROLLED AT THE QUALIFYING
18 POSTSECONDARY INSTITUTION. THE COMMISSION FOR POSTSECONDARY EDUCATION MAY
19 WAIVE THE REIMBURSEMENT REQUIREMENTS OF THIS SUBSECTION FOR GOOD CAUSE SHOWN.
20 A STUDENT SHALL PROVIDE PROOF THAT THE STUDENT COMPLETED THE FIRST YEAR IN
21 GOOD ACADEMIC STANDING FROM THE QUALIFYING POSTSECONDARY INSTITUTION TO THE
22 COMMISSION FOR POSTSECONDARY EDUCATION BEFORE RECEIVING MONIES FOR THE SECOND
23 YEAR FROM THE EARLY GRADUATION SCHOLARSHIP FUND.

24 K. A STUDENT WHO RECEIVES AN EARLY GRADUATION SCHOLARSHIP GRANT SHALL
25 BE ALLOWED, AT NO ADDITIONAL COST EXCEPT FOR FEES CHARGED TO ALL STUDENTS, TO
26 BOTH:

27 1. PARTICIPATE IN EXTRACURRICULAR ACTIVITIES UNTIL THE STUDENT'S HIGH
28 SCHOOL CLASS IS SCHEDULED TO GRADUATE.

29 2. PARTICIPATE IN THE STUDENT'S HIGH SCHOOL CLASS GRADUATION
30 CEREMONIES.

31 L. THE EARLY GRADUATION SCHOLARSHIP FUND IS ESTABLISHED CONSISTING OF
32 MONIES DEPOSITED PURSUANT TO SUBSECTION F OF THIS SECTION AND ALL REPAYMENTS
33 THAT ARE RECEIVED PURSUANT TO SUBSECTION J OF THIS SECTION. THE COMMISSION
34 FOR POSTSECONDARY EDUCATION SHALL ADMINISTER THE FUND. MONIES IN THE FUND
35 ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION
36 35-190 RELATING TO LAPSING OF APPROPRIATIONS. ON NOTICE FROM THE COMMISSION,
37 THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY
38 SECTION 35-313 AND MONIES EARNED FROM THE INVESTMENT SHALL BE CREDITED TO THE
39 FUND. THE COMMISSION MAY RETAIN UP TO FIVE PER CENT OF THE MONIES IN THE
40 FUND FOR ADMINISTRATIVE COSTS. THE COMMISSION MAY HIRE UP TO TWO FULL-TIME
41 EQUIVALENT POSITIONS FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE EARLY
42 GRADUATION SCHOLARSHIP PROGRAM.

43 M. THE COMMISSION FOR POSTSECONDARY EDUCATION SHALL SUBMIT AN ANNUAL
44 REPORT BY DECEMBER 1 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
45 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND A COPY OF THE REPORT SHALL BE

1 SUBMITTED TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE
2 LIBRARY, ARCHIVES AND PUBLIC RECORDS. THE REPORT SHALL CONTAIN AT LEAST THE
3 FOLLOWING:

4 1. THE NUMBER OF STUDENTS WHO GRADUATED AT LEAST ONE YEAR EARLY AND
5 THE NUMBER OF STUDENTS WHO GRADUATED AT LEAST ONE SEMESTER EARLY FOR EACH
6 YEAR OF IMPLEMENTATION OF THE PROGRAM BY EACH SCHOOL DISTRICT AND CHARTER
7 SCHOOL.

8 2. THE NUMBER OF SCHOLARSHIPS PROVIDED PURSUANT TO THIS SECTION.

9 3. THE AVERAGE AMOUNT PER SCHOLARSHIP PROVIDED PURSUANT TO THIS
10 SECTION.

11 4. THE BALANCE IN THE EARLY GRADUATION SCHOLARSHIP FUND.

12 5. THE NUMBER OF STUDENTS USING A SCHOLARSHIP TO ATTEND A REGIONALLY
13 OR NATIONALLY ACCREDITED PUBLIC OR PRIVATE POSTSECONDARY INSTITUTION AND THE
14 NUMBER OF STUDENTS USING A SCHOLARSHIP TO ATTEND A REGIONALLY OR NATIONALLY
15 ACCREDITED VOCATIONAL PROGRAM.

16 6. A DESCRIPTION OF HOW THE COMMISSION EXPENDED MONIES FOR
17 ADMINISTRATIVE COSTS OF THE PROGRAM PURSUANT TO SUBSECTION L OF THIS SECTION.

18 N. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2017
19 PURSUANT TO SECTION 41-3102.

20 O. FOR THE PURPOSES OF THIS SECTION, "QUALIFYING POSTSECONDARY
21 INSTITUTION" MEANS A REGIONALLY OR NATIONALLY ACCREDITED PUBLIC OR PRIVATE
22 POSTSECONDARY EDUCATIONAL INSTITUTION IN THIS STATE OR A REGIONALLY OR
23 NATIONALLY ACCREDITED VOCATIONAL PROGRAM IN THIS STATE.

24 Sec. 2. Section 15-901, Arizona Revised Statutes, is amended to read:

25 15-901. Definitions

26 A. In this title, unless the context otherwise requires:

27 1. "Average daily attendance" or "ADA" means actual average daily
28 attendance through the first one hundred days or two hundred days in session,
29 as applicable.

30 2. "Average daily membership" means the total enrollment of fractional
31 students and full-time students, minus withdrawals, of each school day
32 through the first one hundred days or two hundred days in session, as
33 applicable, for the current year. Withdrawals include students formally
34 withdrawn from schools and students absent for ten consecutive school days,
35 except for excused absences as identified by the department of education.
36 For computation purposes, the effective date of withdrawal shall be
37 retroactive to the last day of actual attendance of the student.

38 (a) "Fractional student" means:

39 (i) For common schools, until fiscal year 2001-2002, a preschool child
40 who is enrolled in a program for preschool children with disabilities of at
41 least three hundred sixty minutes each week or a kindergarten student at
42 least five years of age prior to January 1 of the school year and enrolled in
43 a school kindergarten program that meets at least three hundred forty-six
44 instructional hours during the minimum number of days required in a school
45 year as provided in section 15-341. In fiscal year 2001-2002, the

1 kindergarten program shall meet at least three hundred forty-eight hours. In
2 fiscal year 2002-2003, the kindergarten program shall meet at least three
3 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
4 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
5 the kindergarten program shall meet at least three hundred fifty-four hours.
6 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten
7 program shall meet at least three hundred fifty-six hours. Lunch periods and
8 recess periods may not be included as part of the instructional hours unless
9 the child's individualized education program requires instruction during
10 those periods and the specific reasons for such instruction are fully
11 documented. In computing the average daily membership, preschool children
12 with disabilities and kindergarten students shall be counted as one-half of a
13 full-time student. For common schools, a part-time student is a student
14 enrolled for less than the total time for a full-time student as defined in
15 this section. A part-time common school student shall be counted as
16 one-fourth, one-half or three-fourths of a full-time student if the student
17 is enrolled in an instructional program that is at least one-fourth, one-half
18 or three-fourths of the time a full-time student is enrolled as defined in
19 subdivision (b) of this paragraph.

20 (ii) For high schools, a part-time student who is enrolled in less
21 than four subjects that count toward graduation as defined by the state board
22 of education in a recognized high school and who is taught in less than
23 twenty instructional hours per week prorated for any week with fewer than
24 five school days. A part-time high school student shall be counted as
25 one-fourth, one-half or three-fourths of a full-time student if the student
26 is enrolled in an instructional program that is at least one-fourth, one-half
27 or three-fourths of a full-time instructional program as defined in
28 subdivision (c) of this paragraph.

29 (b) "Full-time student" means:

30 (i) For common schools, a student who is at least six years of age
31 prior to January 1 of a school year, who has not graduated from the highest
32 grade taught in the school district and who is regularly enrolled in a course
33 of study required by the state board of education. Until fiscal year
34 2001-2002, first, second and third grade students, ungraded students at least
35 six, but under nine, years of age by September 1 or ungraded group B children
36 with disabilities who are at least five, but under six, years of age by
37 September 1 must be enrolled in an instructional program that meets for a
38 total of at least six hundred ninety-two hours during the minimum number of
39 days required in a school year as provided in section 15-341. In fiscal year
40 2001-2002, the program shall meet at least six hundred ninety-six hours. In
41 fiscal year 2002-2003, the program shall meet at least seven hundred hours.
42 In fiscal year 2003-2004, the program shall meet at least seven hundred four
43 hours. In fiscal year 2004-2005, the program shall meet at least seven
44 hundred eight hours. In fiscal year 2005-2006 and in each fiscal year
45 thereafter, the program shall meet at least seven hundred twelve hours.

1 Until fiscal year 2001-2002, fourth, fifth and sixth grade students or
2 ungraded students at least nine, but under twelve, years of age by September
3 1 must be enrolled in an instructional program that meets for a total of at
4 least eight hundred sixty-five hours during the minimum number of school days
5 required in a school year as provided in section 15-341. In fiscal year
6 2001-2002, the program shall meet at least eight hundred seventy hours. In
7 fiscal year 2002-2003, the program shall meet at least eight hundred
8 seventy-five hours. In fiscal year 2003-2004, the program shall meet at
9 least eight hundred eighty hours. In fiscal year 2004-2005, the program
10 shall meet at least eight hundred eighty-five hours. In fiscal year
11 2005-2006 and each fiscal year thereafter, the program shall meet at least
12 eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth
13 grade students or ungraded students at least twelve, but under fourteen,
14 years of age by September 1 must be enrolled in an instructional program that
15 meets for a total of at least one thousand thirty-eight hours during the
16 minimum number of days required in a school year as provided in section
17 15-341. In fiscal year 2001-2002, the program shall meet at least one
18 thousand forty-four hours. In fiscal year 2002-2003, the program shall meet
19 at least one thousand fifty hours. In fiscal year 2003-2004, the program
20 shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005,
21 the program shall meet at least one thousand sixty-two hours. In fiscal year
22 2005-2006 and each fiscal year thereafter, the program shall meet at least
23 one thousand sixty-eight hours. Lunch periods and recess periods may not be
24 included as part of the instructional hours unless the student is a child
25 with a disability and the child's individualized education program requires
26 instruction during those periods and the specific reasons for such
27 instruction are fully documented.

28 (ii) For high schools, **EXCEPT AS PROVIDED IN SECTION 15-105**, a student
29 not graduated from the highest grade taught in the school district, or an
30 ungraded student at least fourteen years of age by September 1, and enrolled
31 in at least a full-time instructional program of subjects that count toward
32 graduation as defined by the state board of education in a recognized high
33 school. A full-time student shall not be counted more than once for
34 computation of average daily membership.

35 (iii) For homebound or hospitalized, a student receiving at least four
36 hours of instruction per week.

37 (c) "Full-time instructional program" means:

38 (i) Through fiscal year 2000-2001, at least four subjects, each of
39 which, if taught each school day for the minimum number of days required in a
40 school year, would meet a minimum of one hundred twenty hours a year, or the
41 equivalent, or one or more subjects taught in amounts of time totaling at
42 least twenty hours per week prorated for any week with fewer than five school
43 days.

1 (ii) For fiscal year 2001-2002, an instructional program that meets at
2 least a total of seven hundred four hours during the minimum number of days
3 required and includes at least four subjects each of which, if taught each
4 school day for the minimum number of days required in a school year, would
5 meet a minimum of one hundred twenty-two hours a year, or the equivalent, or
6 one or more subjects taught in amounts of time totaling at least twenty hours
7 per week prorated for any week with fewer than five school days.

8 (iii) For fiscal year 2002-2003, an instructional program that meets
9 at least a total of seven hundred eight hours during the minimum number of
10 days required and includes at least four subjects each of which, if taught
11 each school day for the minimum number of days required in a school year,
12 would meet a minimum of one hundred twenty-two hours a year, or the
13 equivalent, or one or more subjects taught in amounts of time totaling at
14 least twenty hours per week prorated for any week with fewer than five school
15 days.

16 (iv) For fiscal year 2003-2004, an instructional program that meets at
17 least a total of seven hundred twelve hours during the minimum number of days
18 required and includes at least four subjects each of which, if taught each
19 school day for the minimum number of days required in a school year, would
20 meet a minimum of one hundred twenty-three hours a year, or the equivalent,
21 or one or more subjects taught in amounts of time totaling at least twenty
22 hours per week prorated for any week with fewer than five school days.

23 (v) For fiscal year 2004-2005, an instructional program that meets at
24 least a total of seven hundred sixteen hours during the minimum number of
25 days required and includes at least four subjects each of which, if taught
26 each school day for the minimum number of days required in a school year,
27 would meet a minimum of one hundred twenty-three hours a year, or the
28 equivalent, or one or more subjects taught in amounts of time totaling at
29 least twenty hours per week prorated for any week with fewer than five school
30 days.

31 (vi) For fiscal year 2005-2006 and each fiscal year thereafter, an
32 instructional program that meets at least a total of seven hundred twenty
33 hours during the minimum number of days required and includes at least four
34 subjects each of which, if taught each school day for the minimum number of
35 days required in a school year, would meet a minimum of one hundred
36 twenty-three hours a year, or the equivalent, or one or more subjects taught
37 in amounts of time totaling at least twenty hours per week prorated for any
38 week with fewer than five school days.

39 3. "Budget year" means the fiscal year for which the school district
40 is budgeting and which immediately follows the current year.

41 4. "Common school district" means a political subdivision of this
42 state offering instruction to students in programs for preschool children
43 with disabilities and kindergarten programs and grades one through eight.

44 5. "Current year" means the fiscal year in which a school district is
45 operating.

1 6. "Daily attendance" means:
2 (a) For common schools, days in which a pupil:
3 (i) Of a kindergarten program or ungraded, but not group B children
4 with disabilities, and at least five, but under six, years of age by
5 September 1 attends at least three-quarters of the instructional time
6 scheduled for the day. If the total instruction time scheduled for the year
7 is at least three hundred forty-six hours but is less than six hundred
8 ninety-two hours such attendance shall be counted as one-half day of
9 attendance. If the instructional time scheduled for the year is at least six
10 hundred ninety-two hours, "daily attendance" means days in which a pupil
11 attends at least one-half of the instructional time scheduled for the day.
12 Such attendance shall be counted as one-half day of attendance.
13 (ii) Of the first, second or third grades, ungraded and at least six,
14 but under nine, years of age by September 1 or ungraded group B children with
15 disabilities and at least five, but under six, years of age by September 1
16 attends more than three-quarters of the instructional time scheduled for the
17 day.
18 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
19 nine, but under twelve, years of age by September 1 attends more than
20 three-quarters of the instructional time scheduled for the day, except as
21 provided in section 15-797.
22 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
23 but under fourteen, years of age by September 1 attends more than
24 three-quarters of the instructional time scheduled for the day, except as
25 provided in section 15-797.
26 (b) For common schools, the attendance of a pupil at three-quarters or
27 less of the instructional time scheduled for the day shall be counted as
28 follows, except as provided in section 15-797 and except that attendance for
29 a fractional student shall not exceed the pupil's fractional membership:
30 (i) If attendance for all pupils in the school is based on quarter
31 days, the attendance of a pupil shall be counted as one-fourth of a day's
32 attendance for each one-fourth of full-time instructional time attended.
33 (ii) If attendance for all pupils in the school is based on half days,
34 the attendance of at least three-quarters of the instructional time scheduled
35 for the day shall be counted as a full day's attendance and attendance at a
36 minimum of one-half but less than three-quarters of the instructional time
37 scheduled for the day equals one-half day of attendance.
38 (c) For common schools, the attendance of a preschool child with
39 disabilities shall be counted as one-fourth day's attendance for each
40 thirty-six minutes of attendance not including lunch periods and recess
41 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
42 subsection for children with disabilities up to a maximum of three hundred
43 sixty minutes each week.

1 (d) For high schools or ungraded schools in which the pupil is at
2 least fourteen years of age by September 1, the attendance of a pupil shall
3 not be counted as a full day unless the pupil is actually and physically in
4 attendance and enrolled in and carrying four subjects, each of which, if
5 taught each school day for the minimum number of days required in a school
6 year, would meet a minimum of one hundred twenty hours a year, or the
7 equivalent, that count toward graduation in a recognized high school except
8 as provided in section 15-797 and subdivision (e) of this paragraph.
9 Attendance of a pupil carrying less than the load prescribed shall be
10 prorated.

11 (e) For high schools or ungraded schools in which the pupil is at
12 least fourteen years of age by September 1, the attendance of a pupil may be
13 counted as one-fourth of a day's attendance for each sixty minutes of
14 instructional time in a subject that counts toward graduation, except that
15 attendance for a pupil shall not exceed the pupil's full or fractional
16 membership.

17 (f) For homebound or hospitalized, a full day of attendance may be
18 counted for each day during a week in which the student receives at least
19 four hours of instruction.

20 (g) For school districts which maintain school for an approved
21 year-round school year operation, attendance shall be based on a computation,
22 as prescribed by the superintendent of public instruction, of the one hundred
23 eighty days' equivalency or two hundred days' equivalency, as applicable, of
24 instructional time as approved by the superintendent of public instruction
25 during which each pupil is enrolled.

26 7. "Daily route mileage" means the sum of:

27 (a) The total number of miles driven daily by all buses of a school
28 district while transporting eligible students from their residence to the
29 school of attendance and from the school of attendance to their residence on
30 scheduled routes approved by the superintendent of public instruction.

31 (b) The total number of miles driven daily on routes approved by the
32 superintendent of public instruction for which a private party, a political
33 subdivision or a common or a contract carrier is reimbursed for bringing an
34 eligible student from the place of his residence to a school transportation
35 pickup point or to the school of attendance and from the school
36 transportation scheduled return point or from the school of attendance to his
37 residence. Daily route mileage includes the total number of miles necessary
38 to drive to transport eligible students from and to their residence as
39 provided in this paragraph.

40 8. "District support level" means the base support level plus the
41 transportation support level.

42 9. "Eligible students" means:

43 (a) Students who are transported by or for a school district and who
44 qualify as full-time students or fractional students, except students for

1 whom transportation is paid by another school district or a county school
2 superintendent, and:

3 (i) For common school students, whose place of actual residence within
4 the school district is more than one mile from the school facility of
5 attendance or students who are admitted pursuant to section 15-816.01 and who
6 meet the economic eligibility requirements established under the national
7 school lunch and child nutrition acts (42 United States Code sections 1751
8 through 1785) for free or reduced price lunches and whose actual place of
9 residence outside the school district boundaries is more than one mile from
10 the school facility of attendance.

11 (ii) For high school students, whose place of actual residence within
12 the school district is more than one and one-half miles from the school
13 facility of attendance or students who are admitted pursuant to section
14 15-816.01 and who meet the economic eligibility requirements established
15 under the national school lunch and child nutrition acts (42 United States
16 Code sections 1751 through 1785) for free or reduced price lunches and whose
17 actual place of residence outside the school district boundaries is more than
18 one and one-half miles from the school facility of attendance.

19 (b) Kindergarten students, for purposes of computing the number of
20 eligible students under subdivision (a), item (i) of this paragraph, shall be
21 counted as full-time students, notwithstanding any other provision of law.

22 (c) Children with disabilities, as defined by section 15-761, who are
23 transported by or for the school district or who are admitted pursuant to
24 chapter 8, article 1.1 of this title and who qualify as full-time students or
25 fractional students regardless of location or residence within the school
26 district or children with disabilities whose transportation is required by
27 the pupil's individualized education program.

28 (d) Students whose residence is outside the school district and who
29 are transported within the school district on the same basis as students who
30 reside in the school district.

31 10. "Enrolled" or "enrollment" means when a pupil is currently
32 registered in the school district.

33 11. "GDP price deflator" means the average of the four implicit price
34 deflators for the gross domestic product reported by the United States
35 department of commerce for the four quarters of the calendar year.

36 12. "High school district" means a political subdivision of this state
37 offering instruction to students for grades nine through twelve or that
38 portion of the budget of a common school district which is allocated to
39 teaching high school subjects with permission of the state board of
40 education.

41 13. "Revenue control limit" means the base revenue control limit plus
42 the transportation revenue control limit.

43 14. "Student count" means average daily membership as prescribed in
44 this subsection for the fiscal year prior to the current year, except that

1 for the purpose of budget preparation student count means average daily
2 membership as prescribed in this subsection for the current year.

3 15. "Submit electronically" means submitted in a format and in a manner
4 prescribed by the department of education.

5 16. "Total bus mileage" means the total number of miles driven by all
6 buses of a school district during the school year.

7 17. "Total students transported" means all eligible students
8 transported from their place of residence to a school transportation pickup
9 point or to the school of attendance and from the school of attendance or
10 from the school transportation scheduled return point to their place of
11 residence.

12 18. "Unified school district" means a political subdivision of the
13 state offering instruction to students in programs for preschool children
14 with disabilities and kindergarten programs and grades one through twelve.

15 B. In this title, unless the context otherwise requires:

16 1. "Base" means the revenue level per student count specified by the
17 legislature.

18 2. "Base level" means:

19 (a) For fiscal year 2004-2005, two thousand eight hundred ninety-three
20 dollars eighteen cents.

21 (b) For fiscal year 2005-2006, three thousand one dollars.

22 (c) For fiscal year 2006-2007, three thousand one hundred thirty-three
23 dollars fifty-three cents.

24 3. "Base revenue control limit" means the base revenue control limit
25 computed as provided in section 15-944.

26 4. "Base support level" means the base support level as provided in
27 section 15-943.

28 5. "Certified teacher" means a person who is certified as a teacher
29 pursuant to the rules adopted by the state board of education, who renders
30 direct and personal services to school children in the form of instruction
31 related to the school district's educational course of study and who is paid
32 from the maintenance and operation section of the budget.

33 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
34 emotional disabilities, mild mental retardation, a specific learning
35 disability, a speech/language impairment and other health impairments.

36 7. "ED-P" means programs for children with emotional disabilities who
37 are enrolled in private special education programs as prescribed in section
38 15-765, subsection D, paragraph 1 or in an intensive school district program
39 as provided in section 15-765, subsection D, paragraph 2.

40 8. "ELL" means English learners who do not speak English or whose
41 native language is not English, who are not currently able to perform
42 ordinary classroom work in English and who are enrolled in an English
43 language education program pursuant to sections 15-751, 15-752 and 15-753.

44 9. "Full-time equivalent certified teacher" or "FTE certified teacher"
45 means for a certified teacher the following:

1 (a) If employed full time as defined in section 15-501, 1.00.

2 (b) If employed less than full time, multiply 1.00 by the percentage
3 of a full school day, or its equivalent, or a full class load, or its
4 equivalent, for which the teacher is employed as determined by the governing
5 board.

6 10. "Group A" means educational programs for career exploration, a
7 specific learning disability, an emotional disability, mild mental
8 retardation, remedial education, a speech/language impairment, homebound,
9 bilingual, preschool moderate delay, preschool speech/language delay, other
10 health impairments and gifted pupils.

11 11. "Group B" means educational improvements for pupils in kindergarten
12 programs and grades one through three, educational programs for autism, a
13 hearing impairment, moderate mental retardation, multiple disabilities,
14 multiple disabilities with severe sensory impairment, orthopedic impairments,
15 preschool severe delay, severe mental retardation and emotional disabilities
16 for school age pupils enrolled in private special education programs or in
17 school district programs for children with severe disabilities or visual
18 impairment and English learners enrolled in a program to promote English
19 language proficiency pursuant to section 15-752.

20 12. "HI" means programs for pupils with hearing impairment.

21 13. "Homebound" or "hospitalized" means a pupil who is capable of
22 profiting from academic instruction but is unable to attend school due to
23 illness, disease, accident or other health conditions, who has been examined
24 by a competent medical doctor and who is certified by that doctor as being
25 unable to attend regular classes for a period of not less than three school
26 months or a pupil who is capable of profiting from academic instruction but
27 is unable to attend school regularly due to chronic or acute health problems,
28 who has been examined by a competent medical doctor and who is certified by
29 that doctor as being unable to attend regular classes for intermittent
30 periods of time totaling three school months during a school year. The
31 medical certification shall state the general medical condition, such as
32 illness, disease or chronic health condition, that is the reason that the
33 pupil is unable to attend school. Homebound or hospitalized includes a
34 student who is unable to attend school for a period of less than three months
35 due to a pregnancy if a competent medical doctor, after an examination,
36 certifies that the student is unable to attend regular classes due to risk to
37 the pregnancy or to the student's health.

38 14. "K" means kindergarten programs.

39 15. "K-3" means kindergarten programs and grades one through three.

40 16. "MD-R, A-R and SMR-R" means resource programs for pupils with
41 multiple disabilities, autism and severe mental retardation.

42 17. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
43 with multiple disabilities, autism and severe mental retardation.

44 18. "MDSSI" means a program for pupils with multiple disabilities with
45 severe sensory impairment.

1 students each year for participation in the postsecondary education grant
2 program. The commission may establish partnerships with qualifying schools
3 for the administration of the postsecondary education grant program.
4 Participating full-time students shall receive a grant in an amount of two
5 thousand dollars annually FOR A MAXIMUM OF FOUR CALENDAR YEARS to be used to
6 pay all or a portion of the FOLLOWING:

- 7 1. THE tuition CHARGED AT A QUALIFYING SCHOOL. ~~,-~~
- 8 2. THE COST OF books REQUIRED FOR CLASSES AT A QUALIFYING SCHOOL. and
- 9 3. THE fees charged at a qualifying school ~~for a maximum of four~~
10 ~~calendar years.~~

11 B. The amount of a grant awarded to a participating part-time student
12 enrolled in at least six credit hours shall be prorated in accordance with
13 the part-time status of the student.

14 C. EMPLOYEES OF PRIVATE POSTSECONDARY INSTITUTIONS AND FAMILY MEMBERS
15 OF EMPLOYEES OF PRIVATE POSTSECONDARY INSTITUTIONS ARE NOT ELIGIBLE TO
16 RECEIVE A POSTSECONDARY EDUCATION GRANT PURSUANT TO THIS SECTION IF THE
17 EMPLOYEE OR FAMILY MEMBER IS ELIGIBLE FOR TUITION REIMBURSEMENT OR A TUITION
18 WAIVER AS A BENEFIT OF EMPLOYMENT.

19 D. A student who has ~~obtained a sufficient number of academic credits~~
20 ~~to graduate with~~ a baccalaureate degree from the qualifying school is ~~no~~
21 ~~longer~~ NOT eligible to receive postsecondary education grant monies pursuant
22 to this section.

23 ~~B.~~ E. Students who provide satisfactory proof to the commission that
24 the student has met each of the following criteria are eligible to submit an
25 application for consideration by the commission for a grant under the
26 postsecondary education grant program:

- 27 1. The student MEETS AT LEAST ONE OF THE FOLLOWING CRITERIA:
 - 28 (a) Has graduated from a public or private high school in this
29 state. ~~,-~~
 - 30 (b) Has completed the equivalent of grade twelve in a home school
31 program. ~~or~~
 - 32 (c) Has obtained a general equivalency diploma in this state.
 - 33 (d) IS CURRENTLY A RESIDENT OF THIS STATE AND HAS BEEN A RESIDENT OF
34 THIS STATE FOR AT LEAST THE PAST TWELVE MONTHS.
 - 35 (e) IS A MEMBER OF THE MILITARY SERVICE OF THE UNITED STATES STATIONED
36 IN THIS STATE OR THE SPOUSE OR DEPENDENT OF A MEMBER OF THE MILITARY SERVICE
37 OF THE UNITED STATES STATIONED IN THIS STATE.

38 2. The student has met the qualifications adopted by the commission.
39 The commission shall adopt minimum qualifications that are comparable to the
40 admissions standards established by the Arizona board of regents for Arizona
41 public universities.

42 3. The student registers for enrollment as a student in a
43 baccalaureate program at a nationally or regionally accredited private
44 postsecondary educational institution in this state that awards four year
45 baccalaureate degrees.

1 ~~4. The student is currently a resident of this state and has been a~~
2 ~~resident of this state for at least the past five consecutive years.~~

3 4. THE STUDENT HAS PROVIDED HIGH SCHOOL TRANSCRIPTS AS PROOF OF
4 GRADUATION IF THE STUDENT HAS GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL.
5 IF HIGH SCHOOL RECORDS NO LONGER EXIST FOR A STUDENT OR AFTER EVERY
6 REASONABLE EFFORT HAS BEEN MADE TO OBTAIN OFFICIAL RECORDS, THE STUDENT MAY
7 SUBMIT A LETTER CERTIFIED BY THE HIGH SCHOOL FROM WHICH THE STUDENT GRADUATED
8 OR THE ORIGINAL HIGH SCHOOL DIPLOMA.

9 5. The student has completed and submitted a free application for
10 federal student aid.

11 6. The student is a citizen or legal resident of the United States,~~—~~
12 or is otherwise lawfully present in the United States.

13 ~~E.~~ F. The postsecondary education grant fund is established
14 consisting of legislative appropriations. The commission shall administer
15 the fund. Monies in the fund are continuously appropriated and are exempt
16 from the provisions of section 35-190 relating to lapsing of appropriations.
17 The commission shall make awards for payment of tuition at qualifying schools
18 to students who are selected to participate in the postsecondary education
19 grant program pursuant to subsection A of this section.

20 ~~D.~~ G. If the amount of monies available for postsecondary education
21 grants in any fiscal year is insufficient to provide grants to all eligible
22 applicants, the commission shall award grants to eligible students in the
23 order in which the applications were received by the commission, except that
24 priority shall be given to qualifying students who received a grant in the
25 previous fiscal year and who are still in good academic standing at the same
26 qualifying school. The commission shall maintain a waiting list for all
27 other applicants.

28 ~~E.~~ H. A student who fails to receive a baccalaureate degree within a
29 five year period of receipt of the program award shall reimburse the
30 postsecondary education grant fund for all awards received pursuant to
31 subsection A of this section.

32 ~~F.~~ I. The commission shall submit an annual report to the governor,
33 the president of the senate, the speaker of the house of representatives and
34 the joint legislative budget committee that includes a detailed description
35 of the amount of monies distributed under the postsecondary education grant
36 program during the previous fiscal year and that includes the total number of
37 qualified applicants for grants, the total number of grants awarded, the
38 qualifying schools attended by grant recipients and the total number of
39 qualified applicants who were placed on the waiting list. The commission
40 shall provide a copy of this report to the secretary of state and the
41 director of the Arizona state library, archives and public records.

42 ~~G.~~ J. If the commission is notified by a qualifying school that a
43 student who has received a postsecondary education grant is no longer in good
44 academic standing at the qualifying school, the commission shall immediately
45 discontinue the grant and the student shall reimburse the postsecondary

1 education grant fund for any unused portion or any unlawfully used portion of
2 a grant received pursuant to subsection A of this section.

3 ~~H.~~ K. The commission shall develop a marketing strategy that is
4 designed to provide information about the postsecondary education grant
5 program to all high school students in this state.

6 ~~I.~~ L. The program established by this section ends on July 1, 2016
7 pursuant to section 41-3102.

8 ~~J.~~ M. For the purposes of this section, "qualifying school" means a
9 nationally or regionally accredited private postsecondary educational
10 institution in this state that offers four year baccalaureate degrees.