

COMMITTEE ON EDUCATION

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2129

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-808, Arizona Revised Statutes, is amended to  
3 read:

4 15-808. Arizona online instruction; reports; definitions

5 A. Arizona online instruction shall be instituted to meet the needs of  
6 pupils in the information age. The state board of education shall select  
7 traditional public schools and the state board for charter schools shall  
8 sponsor charter schools to be online course providers or online schools. The  
9 state board of education and the state board for charter schools shall  
10 jointly develop standards for the approval of online course providers and  
11 online schools based on the following criteria:

12 1. The depth and breadth of curriculum choices.

13 2. The variety of educational methodologies employed by the school and  
14 the means of addressing the unique needs and learning styles of targeted  
15 pupil populations, including computer assisted learning systems, virtual  
16 classrooms, virtual laboratories, electronic field trips, electronic mail,  
17 virtual tutoring, online help desk, group chat sessions and noncomputer based  
18 activities performed under the direction of a certificated teacher.

19 3. The availability of an intranet or private network to safeguard  
20 pupils against predatory and pornographic elements of the internet.

21 4. The availability of filtered research access to the internet.

22 5. The availability of private individual electronic mail between  
23 pupils, teachers, administrators and parents in order to protect the  
24 confidentiality of pupil records and information.

25 6. The availability of faculty members who are experienced with  
26 computer networks, the internet and computer animation.

27 7. The extent to which the school intends to develop partnerships with  
28 universities, community colleges and private businesses.

1           8. The services offered to developmentally disabled populations.

2           9. The grade levels that will be served.

3           B. Each new school that provides online instruction shall provide  
4 online instruction on a probationary status. After a new school that  
5 provides online instruction has clearly demonstrated the academic integrity  
6 of its instruction through the actual improvement of the academic performance  
7 of its students, the school may apply to be removed from probationary status.  
8 The state board of education or the state board for charter schools shall  
9 remove from Arizona online instruction any probationary school that fails to  
10 clearly demonstrate improvement in academic performance within three years  
11 measured against goals in the approved application and the state's  
12 accountability system. The state board of education and the state board for  
13 charter schools shall review the effectiveness of each participating school  
14 and other information that is contained in the annual report prescribed in  
15 subsection C of this section. All pupils who participate in Arizona online  
16 instruction shall reside in this state. Pupils who participate in Arizona  
17 online instruction are subject to the testing requirements prescribed in  
18 chapter 7, article 3 of this title. Upon enrollment, the school shall notify  
19 the parents or guardians of the pupil of the state testing requirements. If  
20 a pupil fails to comply with the testing requirements and the school  
21 administers the tests pursuant to this subsection to less than ninety-five  
22 per cent of the pupils in Arizona online instruction, the pupil shall not be  
23 allowed to participate in Arizona online instruction.

24           C. Beginning July 1, 2010, the state board of education and the state  
25 board for charter schools shall develop annual reporting mechanisms for  
26 schools that participate in Arizona online instruction.

27           D. The department of education shall compile the information submitted  
28 in the annual reports by schools participating in the Arizona online  
29 instruction. The department of education shall submit the compiled report to  
30 the governor, the speaker of the house of representatives and the president  
31 of the senate by November 15 of each year.

1           E. Each school selected for Arizona online instruction shall ensure  
2 that a daily log is maintained for each pupil who participates in Arizona  
3 online instruction. The daily log shall describe the amount of time spent by  
4 each pupil participating in Arizona online instruction pursuant to this  
5 section on academic tasks. The daily log shall be used by the school  
6 district or charter school to qualify the pupils who participate in Arizona  
7 online instruction in the school's average daily attendance calculations  
8 pursuant to section 15-901.

9           F. If a pupil is enrolled in a school district or charter school and  
10 also participates in Arizona online instruction, the sum of the average daily  
11 membership, which includes enrollment as prescribed in section 15-901,  
12 subsection A, paragraph 2, subdivisions (a) and (b) and daily attendance as  
13 prescribed in section 15-901, subsection A, paragraph 6, for that pupil in  
14 the school district or charter school and in Arizona online instruction shall  
15 not exceed 1.0. If the pupil is enrolled in a school district or a charter  
16 school and also participates in Arizona online instruction and the sum of the  
17 daily membership or daily attendance for that pupil is greater than 1.0, the  
18 sum shall be reduced to 1.0 and shall be apportioned between the school  
19 district or charter school and Arizona online instruction based on the  
20 percentage of total time that the pupil is enrolled or in attendance in the  
21 school district or charter school and Arizona online instruction. The  
22 uniform system of financial records shall include guidelines for the  
23 apportionment of the pupil enrollment and attendance as provided in this  
24 subsection. Pupils in Arizona online instruction do not incur absences for  
25 purposes of section 15-901 and may generate an average daily attendance of  
26 1.0 for attendance hours during any hour of the day, during any day of the  
27 week and at any time between July 1 and June 30 of each fiscal year. For  
28 kindergarten programs and grades one through eight, average daily membership  
29 shall be calculated by dividing the instructional hours as reported in the  
30 daily log required in subsection E of this section by the applicable hourly  
31 requirements prescribed in section 15-901. For grades nine through twelve,  
32 average daily membership shall be calculated by dividing the instructional

1 hours as reported in the daily log required in subsection E of this section  
2 by nine hundred. The average daily membership of a pupil who participates in  
3 online instruction shall not exceed 1.0. Average daily membership shall not  
4 be calculated on the one hundredth day of instruction for the purposes of  
5 this section. Funding shall be determined as follows:

6 1. Pupils who are enrolled full-time in Arizona online instruction  
7 shall be funded for online instruction at ninety-five per cent of the base  
8 support level that would be calculated for that pupil if that pupil were  
9 enrolled as a full-time student in a school district or charter school that  
10 does not participate in Arizona online instruction. Additional assistance,  
11 capital outlay revenue limit and soft capital allocation limit shall be  
12 calculated in the same manner they would be calculated if the student were  
13 enrolled in a district or charter school that does not participate in Arizona  
14 online instruction. ~~A pupil enrolled in Arizona online instruction shall be  
15 considered full-time if the pupil's average instructional hours, as reported  
16 in the daily log required in subsection E of this section, exceed one hundred  
17 nineteen minutes for kindergarten programs, two hundred thirty eight minutes  
18 for grades one through three, two hundred ninety seven minutes for grades  
19 four through six, three hundred fifty six minutes for grades seven and eight  
20 and three hundred minutes for grades nine through twelve.~~

21 2. Pupils who are enrolled part-time in Arizona online instruction  
22 shall be funded for online instruction at eighty-five per cent of the base  
23 support level that would be calculated for that pupil if that pupil were  
24 enrolled as a part-time student in a school district or charter school that  
25 does not participate in Arizona online instruction. Additional assistance,  
26 capital outlay revenue limit and soft capital allocation limit shall be  
27 calculated in the same manner they would be calculated if the student were  
28 enrolled in a district or charter school that does not participate in Arizona  
29 online instruction. ~~A pupil enrolled in Arizona online instruction shall be  
30 considered part-time if the pupil's average instructional hours, as reported  
31 in the daily log required in subsection E of this section, are less than the~~

1 ~~hours required for a full-time pupil pursuant to paragraph 1 of this~~  
2 ~~subsection.~~

3 G. If the academic achievement of a pupil declines while the pupil is  
4 participating in Arizona online instruction, the pupil's parents, the pupil's  
5 teachers and the principal or head teacher of the school shall confer to  
6 evaluate whether the pupil should be allowed to continue to participate in  
7 Arizona online instruction.

8 H. To ensure the academic integrity of pupils who participate in  
9 online instruction, Arizona online instruction shall include multiple diverse  
10 assessment measures and the proctored administration of required state  
11 standardized tests.

12 I. For the purposes of this section:

13 1. "FULL-TIME STUDENT" MEANS:

14 (i) FOR STUDENTS ENROLLED IN ARIZONA ONLINE INSTRUCTION, A STUDENT WHO  
15 IS AT LEAST SIX YEARS OF AGE PRIOR TO JANUARY 1 OF A SCHOOL YEAR, WHO HAS NOT  
16 GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE SCHOOL AND WHO IS REGULARLY  
17 ENROLLED IN A COURSE OF STUDY REQUIRED BY THE STATE BOARD OF EDUCATION. THE  
18 PROGRAM SHALL MEET AT LEAST EIGHT HUNDRED NINETY HOURS. SEVENTH AND EIGHTH  
19 GRADE STUDENTS OR UNGRADED STUDENTS AT LEAST TWELVE, BUT UNDER FOURTEEN,  
20 YEARS OF AGE BY SEPTEMBER 1 MUST BE ENROLLED IN AN INSTRUCTIONAL PROGRAM THAT  
21 MEETS AT LEAST ONE THOUSAND SIXTY-EIGHT HOURS.

22 (ii) FOR HIGH SCHOOLS, EXCEPT AS PROVIDED IN SECTION 15-105, A STUDENT  
23 NOT GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE SCHOOL DISTRICT, OR AN  
24 UNGRADED STUDENT AT LEAST FOURTEEN YEARS OF AGE BY SEPTEMBER 1, AND ENROLLED  
25 IN AT LEAST A FULL-TIME INSTRUCTIONAL PROGRAM OF SUBJECTS THAT COUNT TOWARD  
26 GRADUATION AS DEFINED BY THE STATE BOARD OF EDUCATION IN A RECOGNIZED HIGH  
27 SCHOOL THAT MEETS AT LEAST NINE HUNDRED HOURS. A FULL-TIME STUDENT SHALL NOT  
28 BE COUNTED MORE THAN ONCE FOR COMPUTATION OF AVERAGE DAILY MEMBERSHIP.

29 ~~1.~~ 2. "Online course provider" means a school other than an online  
30 school that is selected by the state board of education or the state board  
31 for charter schools to participate in Arizona online instruction pursuant to

1 this section and that provides at least one online academic course that is  
2 approved by the state board of education.

3 ~~2.~~ 3. "Online school" means a school that provides at least four  
4 online academic courses or one or more online courses for the equivalent of  
5 at least five hours each day for one hundred eighty school days and that is a  
6 charter school that is sponsored by the state board for charter schools or a  
7 traditional public school that is selected by the state board of education to  
8 participate in Arizona online instruction.

9 4. "PART-TIME STUDENT" MEANS, FOR PURPOSES OF FUNDING IN THIS  
10 PARAGRAPH, ANY STUDENT WHO IS ENROLLED IN A PROGRAM THAT DOES NOT MEET THE  
11 DEFINITION IN PARAGRAPH 1 OF THIS SUBSECTION SHALL BE FUNDED AT EIGHTY-FIVE  
12 PER CENT OF THE BASE SUPPORT LEVEL THAT WOULD BE CALCULATED FOR THAT PUPIL IF  
13 THAT PUPIL WERE ENROLLED AS A PART-TIME STUDENT IN A SCHOOL DISTRICT OR  
14 CHARTER SCHOOL THAT DOES NOT PARTICIPATE IN ARIZONA ONLINE INSTRUCTION."

15 Amend title to conform

and, as so amended, it do pass

RICH CRANDALL  
Chairman

2129-se-ed  
2/8/10  
H:jmb