

REFERENCE TITLE: school day; additional hour

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2599

Introduced by
Representatives Miranda C: Gonzales, Goodale

AN ACT

AMENDING SECTION 15-901, ARIZONA REVISED STATUTES; RELATING TO SCHOOL FINANCE; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-901, Arizona Revised Statutes, is amended to
3 read:

4 15-901. Definitions

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

6 1. "Average daily membership" means the total enrollment of fractional
7 students and full-time students, minus withdrawals, who are enrolled on
8 September 15, November 15, January 15 and March 15, divided by four.
9 Withdrawals include students formally withdrawn from schools and students
10 absent for ten consecutive school days, except for excused absences
11 identified by the department of education. For the purposes of this section,
12 school districts and charter schools shall report student absence data to the
13 department of education at least once every sixty days in session. For
14 computation purposes, the effective date of withdrawal shall be retroactive
15 to the last day of actual attendance of the student or excused absence.

16 (a) "Fractional student" means:

17 (i) For common schools, a preschool child who is enrolled in a program
18 for preschool children with disabilities of at least three hundred sixty
19 minutes each week or a kindergarten student at least five years of age prior
20 to January 1 of the school year and enrolled in a school kindergarten program
21 that meets at least three hundred fifty-six hours for a one hundred eighty
22 day school year, or the instructional hours prescribed in this section.
23 Lunch periods and recess periods may not be included as part of the
24 instructional hours unless the child's individualized education program
25 requires instruction during those periods and the specific reasons for such
26 instruction are fully documented. In computing the average daily membership,
27 preschool children with disabilities and kindergarten students shall be
28 counted as one-half of a full-time student. For common schools, a part-time
29 student is a student enrolled for less than the total time for a full-time
30 student as defined in this section. A part-time common school student shall
31 be counted as one-fourth, one-half or three-fourths of a full-time student if
32 the student is enrolled in an instructional program that is at least
33 one-fourth, one-half or three-fourths of the time a full-time student is
34 enrolled as defined in subdivision (b) of this paragraph.

35 (ii) For high schools, a part-time student who is enrolled in less
36 than four subjects that count toward graduation as defined by the state board
37 of education in a recognized high school. The average daily membership of a
38 part-time high school student shall be 0.75 if the student is enrolled in an
39 instructional program of three subjects that meet at least five hundred
40 eighty hours for a one hundred eighty day school year, or the instructional
41 hours prescribed in this section. The average daily membership of a
42 part-time high school student shall be 0.5 if the student is enrolled in an
43 instructional program of two subjects that meet at least three hundred sixty
44 hours for a one hundred eighty day school year, or the instructional hours
45 prescribed in this section. The average daily membership of a part-time high

1 school student shall be 0.25 if the student is enrolled in an instructional
2 program of one subject that meets at least one hundred eighty hours for a one
3 hundred eighty day school year, or the instructional hours prescribed in this
4 section.

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

6 (i) For common schools, a student who is at least six years of age
7 prior to January 1 of a school year, who has not graduated from the highest
8 grade taught in the school district and who is regularly enrolled in a course
9 of study required by the state board of education. First, second and third
10 grade students, ungraded students at least six, but under nine, years of age
11 by September 1 or ungraded group B children with disabilities who are at
12 least five, but under six, years of age by September 1 must be enrolled in an
13 instructional program that meets for a total of at least ~~seven hundred twelve~~
14 **EIGHT HUNDRED NINETY-TWO** hours for a one hundred eighty day school year, or
15 the instructional hours prescribed in this section. Fourth, fifth and sixth
16 grade students or ungraded students at least nine, but under twelve, years of
17 age by September 1 must be enrolled in an instructional program that meets
18 for a total of at least ~~eight hundred ninety~~ **ONE THOUSAND SEVENTY** hours for a
19 one hundred eighty day school year, or the instructional hours prescribed in
20 this section. Seventh and eighth grade students or ungraded students at
21 least twelve, but under fourteen, years of age by September 1 must be
22 enrolled in an instructional program that meets for ~~a In fiscal years~~
23 ~~2005-2006 through 2009-2010, the program shall meet at least one thousand~~
24 ~~sixty-eight hours. In fiscal year 2010-2011 and each fiscal year thereafter,~~
25 ~~the program shall meet~~ at least ~~one thousand~~ **ONE THOUSAND ONE HUNDRED EIGHTY**
26 hours. Lunch periods and recess periods may not be included as part of the
27 instructional hours unless the student is a child with a disability and the
28 child's individualized education program requires instruction during those
29 periods and the specific reasons for such instruction are fully documented.

30 (ii) For high schools, except as provided in section 15-105, a student
31 not graduated from the highest grade taught in the school district, or an
32 ungraded student at least fourteen years of age by September 1, and enrolled
33 in at least an instructional program of four or more subjects that count
34 toward graduation as defined by the state board of education, that meets for
35 a total of at least ~~seven hundred twenty~~ **NINE HUNDRED** hours for a one hundred
36 eighty day school year, or the instructional hours prescribed in this section
37 in a recognized high school. A full-time student shall not be counted more
38 than once for computation of average daily membership. The average daily
39 membership of a full-time high school student shall be 1.0 if the student is
40 enrolled in at least four subjects that meet at least ~~seven hundred twenty~~
41 **NINE HUNDRED** hours for a one hundred eighty day school year, or the
42 equivalent instructional hours prescribed in this section.

43 (iii) Except as otherwise provided by law, for a full-time high school
44 student who is concurrently enrolled in two school districts or two charter
45 schools, the average daily membership shall not exceed 1.0.

1 (iv) Except as otherwise provided by law, for any student who is
2 concurrently enrolled in a school district and a charter school, the average
3 daily membership shall be apportioned between the school district and the
4 charter school and shall not exceed 1.0. The apportionment shall be based on
5 the percentage of total time that the student is enrolled in or in attendance
6 at the school district and the charter school.

7 (v) Except as otherwise provided by law, for any student who is
8 concurrently enrolled, pursuant to section 15-808, in a school district and
9 Arizona online instruction or a charter school and Arizona online
10 instruction, the average daily membership shall be apportioned between the
11 school district and Arizona online instruction or the charter school and
12 Arizona online instruction and shall not exceed 1.0. The apportionment shall
13 be based on the percentage of total time that the student is enrolled in or
14 in attendance at the school district and Arizona online instruction or the
15 charter school and Arizona online instruction.

16 (vi) For homebound or hospitalized, a student receiving at least four
17 hours of instruction per week.

18 2. "Budget year" means the fiscal year for which the school district
19 is budgeting and which immediately follows the current year.

20 3. "Common school district" means a political subdivision of this
21 state offering instruction to students in programs for preschool children
22 with disabilities and kindergarten programs and either:

23 (a) Grades one through eight.

24 (b) Grades one through nine pursuant to section 15-447.01.

25 4. "Current year" means the fiscal year in which a school district is
26 operating.

27 5. "Daily attendance" means:

28 (a) For common schools, days in which a pupil:

29 (i) Of a kindergarten program or ungraded, but not group B children
30 with disabilities, and at least five, but under six, years of age by
31 September 1 attends at least three-quarters of the instructional time
32 scheduled for the day. If the total instruction time scheduled for the year
33 is at least three hundred forty-six hours but is less than six hundred
34 ninety-two hours such attendance shall be counted as one-half day of
35 attendance. If the instructional time scheduled for the year is at least six
36 hundred ninety-two hours, "daily attendance" means days in which a pupil
37 attends at least one-half of the instructional time scheduled for the day.
38 Such attendance shall be counted as one-half day of attendance.

39 (ii) Of the first, second or third grades, ungraded and at least six,
40 but under nine, years of age by September 1 or ungraded group B children with
41 disabilities and at least five, but under six, years of age by September 1
42 attends more than three-quarters of the instructional time scheduled for the
43 day.

1 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
2 nine, but under twelve, years of age by September 1 attends more than
3 three-quarters of the instructional time scheduled for the day, except as
4 provided in section 15-797.

5 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
6 but under fourteen, years of age by September 1 attends more than
7 three-quarters of the instructional time scheduled for the day, except as
8 provided in section 15-797.

9 (b) For common schools, the attendance of a pupil at three-quarters or
10 less of the instructional time scheduled for the day shall be counted as
11 follows, except as provided in section 15-797 and except that attendance for
12 a fractional student shall not exceed the pupil's fractional membership:

13 (i) If attendance for all pupils in the school is based on quarter
14 days, the attendance of a pupil shall be counted as one-fourth of a day's
15 attendance for each one-fourth of full-time instructional time attended.

16 (ii) If attendance for all pupils in the school is based on half days,
17 the attendance of at least three-quarters of the instructional time scheduled
18 for the day shall be counted as a full day's attendance and attendance at a
19 minimum of one-half but less than three-quarters of the instructional time
20 scheduled for the day equals one-half day of attendance.

21 (c) For common schools, the attendance of a preschool child with
22 disabilities shall be counted as one-fourth day's attendance for each
23 thirty-six minutes of attendance not including lunch periods and recess
24 periods, except as provided in paragraph ~~2~~ 1, subdivision (a), item (i) of
25 this subsection for children with disabilities up to a maximum of three
26 hundred sixty minutes each week.

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

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

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

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

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

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

12 (b) The total number of miles driven daily on routes approved by the
13 superintendent of public instruction for which a private party, a political
14 subdivision or a common or a contract carrier is reimbursed for bringing an
15 eligible student from the place of his residence to a school transportation
16 pickup point or to the school of attendance and from the school
17 transportation scheduled return point or from the school of attendance to his
18 residence. Daily route mileage includes the total number of miles necessary
19 to drive to transport eligible students from and to their residence as
20 provided in this paragraph.

21 7. "District support level" means the base support level plus the
22 transportation support level.

23 8. "Eligible students" means:

24 (a) Students who are transported by or for a school district and who
25 qualify as full-time students or fractional students, except students for
26 whom transportation is paid by another school district or a county school
27 superintendent, and:

28 (i) For common school students, whose place of actual residence within
29 the school district is more than one mile from the school facility of
30 attendance or students who are admitted pursuant to section 15-816.01 and who
31 meet the economic eligibility requirements established under the national
32 school lunch and child nutrition acts (42 United States Code sections 1751
33 through 1785) for free or reduced price lunches and whose actual place of
34 residence outside the school district boundaries is more than one mile from
35 the school facility of attendance.

36 (ii) For high school students, whose place of actual residence within
37 the school district is more than one and one-half miles from the school
38 facility of attendance or students who are admitted pursuant to section
39 15-816.01 and who meet the economic eligibility requirements established
40 under the national school lunch and child nutrition acts (42 United States
41 Code sections 1751 through 1785) for free or reduced price lunches and whose
42 actual place of residence outside the school district boundaries is more than
43 one and one-half miles from the school facility of attendance.

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

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

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

13 9. "Enrolled" or "enrollment" means when a pupil is currently
14 registered in the school district.

15 10. "GDP price deflator" means the average of the four implicit price
16 deflators for the gross domestic product reported by the United States
17 department of commerce for the four quarters of the calendar year.

18 11. "High school district" means a political subdivision of this state
19 offering instruction to students for grades nine through twelve or that
20 portion of the budget of a common school district which is allocated to
21 teaching high school subjects with permission of the state board of
22 education.

23 12. "Revenue control limit" means the base revenue control limit plus
24 the transportation revenue control limit.

25 13. "Student count" means average daily membership as prescribed in
26 this subsection for the fiscal year prior to the current year, except that
27 for the purpose of budget preparation student count means average daily
28 membership as prescribed in this subsection for the current year.

29 14. "Submit electronically" means submitted in a format and in a manner
30 prescribed by the department of education.

31 15. "Total bus mileage" means the total number of miles driven by all
32 buses of a school district during the school year.

33 16. "Total students transported" means all eligible students
34 transported from their place of residence to a school transportation pickup
35 point or to the school of attendance and from the school of attendance or
36 from the school transportation scheduled return point to their place of
37 residence.

38 17. "Unified school district" means a political subdivision of the
39 state offering instruction to students in programs for preschool children
40 with disabilities and kindergarten programs and grades one through twelve.

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

42 1. "Base" means the revenue level per student count specified by the
43 legislature.

44 2. "Base level" means the following amounts plus the percentage
45 increases to the base level as provided in sections 15-902.02, 15-918.04,

1 15-919.04 and 15-952, except that if a school district or charter school is
2 eligible for an increase in the base level as provided in two or more of
3 these sections, the base level amount shall be calculated by compounding
4 rather than adding the sum of one plus the percentage of the increase from
5 those different sections:

6 (a) For fiscal year 2007-2008, three thousand two hundred twenty-six
7 dollars eighty-eight cents.

8 (b) For fiscal year 2008-2009, three thousand two hundred ninety-one
9 dollars forty-two cents.

10 (c) For fiscal years 2009-2010 and 2010-2011, three thousand two
11 hundred sixty-seven dollars seventy-two cents.

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

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

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

21 6. "DD" means programs for children with developmental delays who are
22 at least three years of age but under ten years of age. A preschool child
23 who is categorized under this paragraph is not eligible to receive funding
24 pursuant to section 15-943, paragraph 2, subdivision (b).

25 7. "ED, MIMR, SLD, SLI and OHI" means programs for children with
26 emotional disabilities, mild mental retardation, a specific learning
27 disability, a speech/language impairment and other health impairments. A
28 preschool child who is categorized as SLI under this paragraph is not
29 eligible to receive funding pursuant to section 15-943, paragraph 2,
30 subdivision (b).

31 8. "ED-P" means programs for children with emotional disabilities who
32 are enrolled in private special education programs as prescribed in section
33 15-765, subsection D, paragraph 1 or in an intensive school district program
34 as provided in section 15-765, subsection D, paragraph 2.

35 9. "ELL" means English learners who do not speak English or whose
36 native language is not English, who are not currently able to perform
37 ordinary classroom work in English and who are enrolled in an English
38 language education program pursuant to sections 15-751, 15-752 and 15-753.

39 10. "Full-time equivalent certified teacher" or "FTE certified teacher"
40 means for a certified teacher the following:

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

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

- 1 11. "Group A" means educational programs for career exploration, a
2 specific learning disability, an emotional disability, mild mental
3 retardation, remedial education, a speech/language impairment, developmental
4 delay, homebound, bilingual, other health impairments and gifted pupils.
- 5 12. "Group B" means educational improvements for pupils in kindergarten
6 programs and grades one through three, educational programs for autism, a
7 hearing impairment, moderate mental retardation, multiple disabilities,
8 multiple disabilities with severe sensory impairment, orthopedic impairments,
9 preschool severe delay, severe mental retardation and emotional disabilities
10 for school age pupils enrolled in private special education programs or in
11 school district programs for children with severe disabilities or visual
12 impairment and English learners enrolled in a program to promote English
13 language proficiency pursuant to section 15-752.
- 14 13. "HI" means programs for pupils with hearing impairment.
- 15 14. "Homebound" or "hospitalized" means a pupil who is capable of
16 profiting from academic instruction but is unable to attend school due to
17 illness, disease, accident or other health conditions, who has been examined
18 by a competent medical doctor and who is certified by that doctor as being
19 unable to attend regular classes for a period of not less than three school
20 months or a pupil who is capable of profiting from academic instruction but
21 is unable to attend school regularly due to chronic or acute health problems,
22 who has been examined by a competent medical doctor and who is certified by
23 that doctor as being unable to attend regular classes for intermittent
24 periods of time totaling three school months during a school year. The
25 medical certification shall state the general medical condition, such as
26 illness, disease or chronic health condition, that is the reason that the
27 pupil is unable to attend school. Homebound or hospitalized includes a
28 student who is unable to attend school for a period of less than three months
29 due to a pregnancy if a competent medical doctor, after an examination,
30 certifies that the student is unable to attend regular classes due to risk to
31 the pregnancy or to the student's health.
- 32 15. "K-3" means kindergarten programs and grades one through three.
- 33 16. "MD-R, A-R and SMR-R" means resource programs for pupils with
34 multiple disabilities, autism and severe mental retardation.
- 35 17. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
36 with multiple disabilities, autism and severe mental retardation.
- 37 18. "MDSSI" means a program for pupils with multiple disabilities with
38 severe sensory impairment.
- 39 19. "MOMR" means programs for pupils with moderate mental retardation.
- 40 20. "OI-R" means a resource program for pupils with orthopedic
41 impairments.
- 42 21. "OI-SC" means a self-contained program for pupils with orthopedic
43 impairments.
- 44 22. "PSD" means preschool programs for children with disabilities as
45 provided in section 15-771.

1 23. "P-SD" means programs for children who meet the definition of
2 preschool severe delay as provided in section 15-771.

3 24. "Qualifying tax rate" means the qualifying tax rate specified in
4 section 15-971 applied to the assessed valuation used for primary property
5 taxes.

6 25. "Small isolated school district" means a school district which
7 meets all of the following:

8 (a) Has a student count of fewer than six hundred in kindergarten
9 programs and grades one through eight or grades nine through twelve.

10 (b) Contains no school which is fewer than thirty miles by the most
11 reasonable route from another school, or, if road conditions and terrain make
12 the driving slow or hazardous, fifteen miles from another school which
13 teaches one or more of the same grades and is operated by another school
14 district in this state.

15 (c) Is designated as a small isolated school district by the
16 superintendent of public instruction.

17 26. "Small school district" means a school district which meets all of
18 the following:

19 (a) Has a student count of fewer than six hundred in kindergarten
20 programs and grades one through eight or grades nine through twelve.

21 (b) Contains at least one school which is fewer than thirty miles by
22 the most reasonable route from another school which teaches one or more of
23 the same grades and is operated by another school district in this state.

24 (c) Is designated as a small school district by the superintendent of
25 public instruction.

26 27. "Transportation revenue control limit" means the transportation
27 revenue control limit computed as prescribed in section 15-946.

28 28. "Transportation support level" means the support level for pupil
29 transportation operating expenses as provided in section 15-945.

30 29. "VI" means programs for pupils with visual impairments.

31 30. "Voc. Ed." means career and technical education and vocational
32 education programs, as defined in section 15-781.

33 Sec. 2. Conditional enactment

34 Because this act amends section 15-901, Arizona Revised Statutes, as
35 amended by ___ Bill ___ (reviser's technical corrections; 2011), this act
36 is effective only if ___ Bill ___, fiftieth legislature, first regular
37 session, relating to multiple, defective and conflicting legislative
38 dispositions of statutory text, is enacted into law.