

REFERENCE TITLE: school bus routes; distance limitations

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2006

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-185, 15-816.01 AND 15-901, ARIZONA REVISED STATUTES;
RELATING TO OPEN SCHOOL ENROLLMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-185, Arizona Revised Statutes, is amended to
3 read:

4 15-185. Charter schools; financing; civil penalty;
5 transportation; definitions

6 A. Financial provisions for a charter school that is sponsored by a
7 school district governing board are as follows:

8 1. The charter school shall be included in the district's budget and
9 financial assistance calculations pursuant to paragraph 3 of this subsection
10 and chapter 9 of this title, except for chapter 9, article 4 of this title.
11 The charter of the charter school shall include a description of the methods
12 of funding the charter school by the school district. The school district
13 shall send a copy of the charter and application, including a description of
14 how the school district plans to fund the school, to the state board of
15 education before the start of the first fiscal year of operation of the
16 charter school. The charter or application shall include an estimate of the
17 student count for the charter school for its first fiscal year of operation.
18 This estimate shall be computed pursuant to the requirements of paragraph 3
19 of this subsection.

20 2. A school district is not financially responsible for any charter
21 school that is sponsored by the state board of education, the state board for
22 charter schools, a university under the jurisdiction of the Arizona board of
23 regents, a community college district or a group of community college
24 districts.

25 3. A school district that sponsors a charter school may:

26 (a) Increase its student count as provided in subsection B, paragraph
27 2 of this section during the first year of the charter school's operation to
28 include those charter school pupils who were not previously enrolled in the
29 school district. A charter school sponsored by a school district governing
30 board is eligible for the assistance prescribed in subsection B, paragraph 4
31 of this section. The soft capital allocation as provided in section 15-962
32 for the school district sponsoring the charter school shall be increased by
33 the amount of the additional assistance. The school district shall include
34 the full amount of the additional assistance in the funding provided to the
35 charter school.

36 (b) Compute separate weighted student counts pursuant to section
37 15-943, paragraph 2, subdivision (a) for its noncharter school versus charter
38 school pupils in order to maintain eligibility for small school district
39 support level weights authorized in section 15-943, paragraph 1 for its
40 noncharter school pupils only. The portion of a district's student count
41 that is attributable to charter school pupils is not eligible for small
42 school district support level weights.

43 4. If a school district uses the provisions of paragraph 3 of this
44 subsection, the school district is not eligible to include those pupils in

1 its student count for the purposes of computing an increase in its revenue
2 control limit and district support level as provided in section 15-948.

3 5. A school district that sponsors a charter school is not eligible to
4 include the charter school pupils in its student count for the purpose of
5 computing an increase in its capital outlay revenue limit as provided in
6 section 15-961, subsection C, except that if the charter school was
7 previously a school in the district, the district may include in its student
8 count any charter school pupils who were enrolled in the school district in
9 the prior year.

10 6. A school district that sponsors a charter school is not eligible to
11 include the charter school pupils in its student count for the purpose of
12 computing the revenue control limit which is used to determine the maximum
13 budget increase as provided in chapter 4, article 4 of this title unless the
14 charter school is located within the boundaries of the school district.

15 7. If a school district converts one or more of its district public
16 schools to a charter school and receives assistance as prescribed in
17 subsection B, paragraph 4 of this section, and subsequently converts the
18 charter school back to a district public school, the school district shall
19 repay the state the total additional assistance received for the charter
20 school for all years that the charter school was in operation. The repayment
21 shall be in one lump sum and shall be reduced from the school district's
22 current year equalization assistance. The school district's general budget
23 limit shall be reduced by the same lump sum amount in the current year.

24 B. Financial provisions for a charter school that is sponsored by the
25 state board of education, the state board for charter schools, a university,
26 a community college district or a group of community college districts are as
27 follows:

28 1. The charter school shall calculate a base support level as
29 prescribed in section 15-943, except that section 15-941 does not apply to
30 these charter schools.

31 2. Notwithstanding paragraph 1 of this subsection, the student count
32 shall be determined initially using an estimated student count based on
33 actual registration of pupils before the beginning of the school year. After
34 the first one hundred days or two hundred days in session, as applicable, the
35 charter school shall revise the student count to be equal to the actual
36 average daily membership, as defined in section 15-901, of the charter
37 school. Before the one hundredth day or two hundredth day in session, as
38 applicable, the state board of education, the state board for charter
39 schools, the sponsoring university, the sponsoring community college district
40 or the sponsoring group of community college districts may require a charter
41 school to report periodically regarding pupil enrollment and attendance, and
42 the department of education may revise its computation of equalization
43 assistance based on the report. A charter school shall revise its student
44 count, base support level and additional assistance before May 15. A charter
45 school that overestimated its student count shall revise its budget before

1 May 15. A charter school that underestimated its student count may revise
2 its budget before May 15.

3 3. A charter school may utilize section 15-855 for the purposes of
4 this section. The charter school and the department of education shall
5 prescribe procedures for determining average daily membership.

6 4. Equalization assistance for the charter school shall be determined
7 by adding the amount of the base support level and additional assistance.
8 The amount of the additional assistance is one thousand six hundred
9 twenty-one dollars ninety-seven cents per student count in kindergarten
10 programs and grades one through eight and one thousand eight hundred ninety
11 dollars thirty-eight cents per student count in grades nine through twelve.

12 5. The state board of education shall apportion state aid from the
13 appropriations made for such purposes to the state treasurer for disbursement
14 to the charter schools in each county in an amount as determined by this
15 paragraph. The apportionments shall be made as prescribed in section 15-973,
16 subsection B.

17 6. The charter school shall not charge tuition for pupils who reside
18 in this state, levy taxes or issue bonds. A charter school may admit pupils
19 who are not residents of this state and shall charge tuition for those pupils
20 in the same manner prescribed in section 15-823.

21 7. Not later than noon on the day preceding each apportionment date
22 established by paragraph 5 of this subsection, the superintendent of public
23 instruction shall furnish to the state treasurer an abstract of the
24 apportionment and shall certify the apportionment to the department of
25 administration, which shall draw its warrant in favor of the charter schools
26 for the amount apportioned.

27 C. If a pupil is enrolled in both a charter school and a public school
28 that is not a charter school, the sum of the daily membership, which includes
29 enrollment as prescribed in section 15-901, subsection A, paragraph 1,
30 subdivisions (a) and (b) and daily attendance as prescribed in section
31 15-901, subsection A, paragraph 5, for that pupil in the school district and
32 the charter school shall not exceed 1.0, except that if the pupil is enrolled
33 in both a charter school and a joint technical education district and resides
34 within the boundaries of a school district participating in the joint
35 technical education district, the sum of the average daily membership for
36 that pupil in the charter school and the joint technical education district
37 shall not exceed 1.25. If a pupil is enrolled in both a charter school and a
38 public school that is not a charter school, the department of education shall
39 direct the average daily membership to the school with the most recent
40 enrollment date. Upon validation of actual enrollment in both a charter
41 school and a public school that is not a charter school and if the sum of the
42 daily membership or daily attendance for that pupil is greater than 1.0, the
43 sum shall be reduced to 1.0 and shall be apportioned between the public
44 school and the charter school based on the percentage of total time that the
45 pupil is enrolled or in attendance in the public school and the charter

1 school, except that if the pupil is enrolled in both a charter school and a
2 joint technical education district and resides within the boundaries of a
3 school district participating in the joint technical education district, the
4 sum of the average daily membership for that pupil in the charter school and
5 the joint technical education district shall be reduced to 1.25 and shall be
6 apportioned between the charter school and the joint technical education
7 district based on the percentage of total time that the pupil is enrolled or
8 in attendance in the charter school and the joint technical education
9 district. The uniform system of financial records shall include guidelines
10 for the apportionment of the pupil enrollment and attendance as provided in
11 this section.

12 D. Charter schools are allowed to accept grants and gifts to
13 supplement their state funding, but it is not the intent of the charter
14 school law to require taxpayers to pay twice to educate the same pupils. The
15 base support level for a charter school or for a school district sponsoring a
16 charter school shall be reduced by an amount equal to the total amount of
17 monies received by a charter school from a federal or state agency if the
18 federal or state monies are intended for the basic maintenance and operations
19 of the school. The superintendent of public instruction shall estimate the
20 amount of the reduction for the budget year and shall revise the reduction to
21 reflect the actual amount before May 15 of the current year. If the
22 reduction results in a negative amount, the negative amount shall be used in
23 computing all budget limits and equalization assistance, except that:

24 1. Equalization assistance shall not be less than zero.

25 2. For a charter school sponsored by the state board of education, the
26 state board for charter schools, a university, a community college district
27 or a group of community college districts, the total of the base support
28 level and the additional assistance shall not be less than zero.

29 3. For a charter school sponsored by a school district, the base
30 support level for the school district shall not be reduced by more than the
31 amount that the charter school increased the district's base support level,
32 capital outlay revenue limit and soft capital allocation.

33 E. If a charter school was a district public school in the prior year
34 and is now being operated for or by the same school district and sponsored by
35 the state board of education, the state board for charter schools, a
36 university, a community college district, a group of community college
37 districts or a school district governing board, the reduction in subsection D
38 of this section applies. The reduction to the base support level of the
39 charter school or the sponsoring district of the charter school shall equal
40 the sum of the base support level and the additional assistance received in
41 the current year for those pupils who were enrolled in the traditional public
42 school in the prior year and are now enrolled in the charter school in the
43 current year.

1 F. Equalization assistance for charter schools shall be provided as a
2 single amount based on average daily membership without categorical
3 distinctions between maintenance and operations or capital.

4 G. At the request of a charter school, the county school
5 superintendent of the county where the charter school is located may provide
6 the same educational services to the charter school as prescribed in section
7 15-308, subsection A. The county school superintendent may charge a fee to
8 recover costs for providing educational services to charter schools.

9 H. If the sponsor of the charter school determines at a public meeting
10 that the charter school is not in compliance with federal law, with the laws
11 of this state or with its charter, the sponsor of a charter school may submit
12 a request to the department of education to withhold up to ten per cent of
13 the monthly apportionment of state aid that would otherwise be due the
14 charter school. The department of education shall adjust the charter
15 school's apportionment accordingly. The sponsor shall provide written notice
16 to the charter school at least seventy-two hours before the meeting and shall
17 allow the charter school to respond to the allegations of noncompliance at
18 the meeting before the sponsor makes a final determination to notify the
19 department of education of noncompliance. The charter school shall submit a
20 corrective action plan to the sponsor on a date specified by the sponsor at
21 the meeting. The corrective action plan shall be designed to correct
22 deficiencies at the charter school and to ensure that the charter school
23 promptly returns to compliance. When the sponsor determines that the charter
24 school is in compliance, the department of education shall restore the full
25 amount of state aid payments to the charter school.

26 I. In addition to the withholding of state aid payments pursuant to
27 subsection H of this section, the sponsor of a charter school may impose a
28 civil penalty of one thousand dollars per occurrence if a charter school
29 fails to comply with the fingerprinting requirements prescribed in section
30 15-183, subsection C or section 15-512. The sponsor of a charter school
31 shall not impose a civil penalty if it is the first time that a charter
32 school is out of compliance with the fingerprinting requirements and if the
33 charter school provides proof within forty-eight hours of written
34 notification that an application for the appropriate fingerprint check has
35 been received by the department of public safety. The sponsor of the charter
36 school shall obtain proof that the charter school has been notified, and the
37 notification shall identify the date of the deadline and shall be signed by
38 both parties. The sponsor of a charter school shall automatically impose a
39 civil penalty of one thousand dollars per occurrence if the sponsor
40 determines that the charter school subsequently violates the fingerprinting
41 requirements. Civil penalties pursuant to this subsection shall be assessed
42 by requesting the department of education to reduce the amount of state aid
43 that the charter school would otherwise receive by an amount equal to the
44 civil penalty. The amount of state aid withheld shall revert to the state
45 general fund at the end of the fiscal year.

1 J. A charter school may receive and spend monies distributed by the
2 department of education pursuant to section 42-5029, subsection E and section
3 37-521, subsection B.

4 K. IF A CHARTER SCHOOL PROVIDES PUPIL TRANSPORTATION SERVICES TO
5 PUPILS, THE TRANSPORTATION SHALL BE LIMITED TO NO MORE THAN FIFTEEN MILES
6 EACH WAY TO AND FROM THE CHARTER SCHOOL. If a school district transports or
7 contracts to transport pupils to the Arizona state schools for the deaf and
8 the blind during any fiscal year, the school district may transport or
9 contract with a charter school to transport sensory impaired pupils during
10 that same fiscal year to a charter school if requested by the parent of the
11 pupil and if the distance from the pupil's place of actual residence within
12 the school district to the charter school is less than FIFTEEN MILES AND LESS
13 THAN the distance from the pupil's place of actual residence within the
14 school district to the campus of the Arizona state schools for the deaf and
15 the blind.

16 L. Notwithstanding any other law, a university under the jurisdiction
17 of the Arizona board of regents, a community college district or a group of
18 community college districts shall not include any student in the student
19 count of the university, community college district or group of community
20 college districts for state funding purposes if that student is enrolled in
21 and attending a charter school sponsored by the university, community college
22 district or group of community college districts.

23 M. The governing body of a charter school shall transmit a copy of its
24 proposed budget or the summary of the proposed budget and a notice of the
25 public hearing to the department of education for posting on the department
26 of education's website no later than ten days before the hearing and meeting.
27 If the charter school maintains a website, the charter school governing body
28 shall post on its website a copy of its proposed budget or the summary of the
29 proposed budget and a notice of the public hearing.

30 N. The governing body of a charter school shall collaborate with the
31 private organization that is approved by the state board of education
32 pursuant to section 15-792.02 to provide approved board examination systems
33 for the charter school.

34 O. If permitted by federal law, a charter school may opt out of
35 federal grant opportunities if the charter holder or the appropriate
36 governing body of the charter school determines that the federal requirements
37 impose unduly burdensome reporting requirements.

38 P. For the purposes of this section:

39 1. "Monies intended for the basic maintenance and operations of the
40 school" means monies intended to provide support for the educational program
41 of the school, except that it does not include supplemental assistance for a
42 specific purpose or title VIII of the elementary and secondary education act
43 of 1965 monies. The auditor general shall determine which federal or state
44 monies meet the definition in this paragraph.

1 2. "Operated for or by the same school district" means the charter
2 school is either governed by the same district governing board or operated by
3 the district in the same manner as other traditional schools in the district
4 or is operated by an independent party that has a contract with the school
5 district. The auditor general and the department of education shall
6 determine which charter schools meet the definition in this subsection.

7 Sec. 2. Section 15-816.01, Arizona Revised Statutes, is amended to
8 read:

9 15-816.01. Enrollment policies

10 A. School district governing boards shall establish policies and shall
11 implement an open enrollment policy without charging tuition. Tuition may be
12 charged to nonresident pupils only if the tuition is authorized under section
13 15-764, subsection C, section 15-797, subsection C, section 15-823,
14 subsection A, section 15-824, subsection A or section 15-825 or if two school
15 districts have entered into a voluntary agreement for the payment of tuition
16 for certain pupils. These policies shall include admission criteria,
17 application procedures and transportation provisions. A school district may
18 give enrollment preference to and reserve capacity for pupils who are
19 children of persons who are employed by or at a school in the school
20 district. A copy of the district policies for open enrollment shall be
21 posted on the district's website and shall be available to the public on
22 request.

23 ~~B. The governing board of the district educating the pupil may provide
24 transportation limited to no more than twenty miles each way to and from the
25 school of attendance or to and from a pickup point on a regular
26 transportation route or for the total miles traveled each day to an adjacent
27 district for eligible nonresident pupils who meet the economic eligibility
28 requirements established under the national school lunch and child nutrition
29 acts (42 United States Code sections 1751 through 1785) for free or reduced
30 price lunches.~~

31 ~~C.~~ B. The governing board of the district educating the pupil shall
32 provide transportation limited to no more than twenty miles each way to and
33 from the school of attendance or to and from a pickup point on a regular
34 transportation route or for the total miles traveled each day to an adjacent
35 district for nonresident pupils with disabilities whose individualized
36 education program specifies that transportation is necessary for fulfillment
37 of the program.

38 Sec. 3. Section 15-901, Arizona Revised Statutes, is amended to read:

39 15-901. Definitions

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

41 1. "Average daily membership" means the total enrollment of fractional
42 students and full-time students, minus withdrawals, who are enrolled on
43 September 15, November 15, January 15 and March 15, divided by four.
44 Withdrawals include students formally withdrawn from schools and students
45 absent for ten consecutive school days, except for excused absences

1 identified by the department of education. For the purposes of this section,
2 school districts and charter schools shall report student absence data to the
3 department of education at least once every sixty days in session. For
4 computation purposes, the effective date of withdrawal shall be retroactive
5 to the last day of actual attendance of the student or excused absence.

6 (a) "Fractional student" means:

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

25 (ii) For high schools, a part-time student who is enrolled in less
26 than four subjects that count toward graduation as defined by the state board
27 of education in a recognized high school. The average daily membership of a
28 part-time high school student shall be 0.75 if the student is enrolled in an
29 instructional program of three subjects that meet at least five hundred forty
30 hours for a one hundred eighty day school year, or the instructional hours
31 prescribed in this section. The average daily membership of a part-time high
32 school student shall be 0.5 if the student is enrolled in an instructional
33 program of two subjects that meet at least three hundred sixty hours for a
34 one hundred eighty day school year, or the instructional hours prescribed in
35 this section. The average daily membership of a part-time high school
36 student shall be 0.25 if the student is enrolled in an instructional program
37 of one subject that meets at least one hundred eighty hours for a one hundred
38 eighty day school year, or the instructional hours prescribed in this
39 section.

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

41 (i) For common schools, a student who is at least six years of age
42 before January 1 of a school year, who has not graduated from the highest
43 grade taught in the school district and who is regularly enrolled in a course
44 of study required by the state board of education. First, second and third
45 grade students, ungraded students at least six, but under nine, years of age

1 by September 1 or ungraded group B children with disabilities who are at
2 least five, but under six, years of age by September 1 must be enrolled in an
3 instructional program that meets for a total of at least seven hundred twelve
4 hours for a one hundred eighty day school year, or the instructional hours
5 prescribed in this section. Fourth, fifth and sixth grade students or
6 ungraded students at least nine, but under twelve, years of age by September
7 1 must be enrolled in an instructional program that meets for a total of at
8 least eight hundred ninety hours for a one hundred eighty day school year, or
9 the instructional hours prescribed in this section. Seventh and eighth grade
10 students or ungraded students at least twelve, but under fourteen, years of
11 age by September 1 must be enrolled in an instructional program that meets
12 for at least one thousand hours. Lunch periods and recess periods may not be
13 included as part of the instructional hours unless the student is a child
14 with a disability and the child's individualized education program requires
15 instruction during those periods and the specific reasons for such
16 instruction are fully documented.

17 (ii) For high schools, except as provided in section 15-105, a student
18 not graduated from the highest grade taught in the school district, or an
19 ungraded student at least fourteen years of age by September 1, and enrolled
20 in at least an instructional program of four or more subjects that count
21 toward graduation as defined by the state board of education, that meets for
22 a total of at least seven hundred twenty hours for a one hundred eighty day
23 school year, or the instructional hours prescribed in this section in a
24 recognized high school. A full-time student shall not be counted more than
25 once for computation of average daily membership. The average daily
26 membership of a full-time high school student shall be 1.0 if the student is
27 enrolled in at least four subjects that meet at least seven hundred twenty
28 hours for a one hundred eighty day school year, or the equivalent
29 instructional hours prescribed in this section.

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

33 (iv) Except as otherwise provided by law, for any student who is
34 concurrently enrolled in a school district and a charter school, the average
35 daily membership shall be apportioned between the school district and the
36 charter school and shall not exceed 1.0. The apportionment shall be based on
37 the percentage of total time that the student is enrolled in or in attendance
38 at the school district and the charter school.

39 (v) Except as otherwise provided by law, for any student who is
40 concurrently enrolled, pursuant to section 15-808, in a school district and
41 Arizona online instruction or a charter school and Arizona online
42 instruction, the average daily membership shall be apportioned between the
43 school district and Arizona online instruction or the charter school and
44 Arizona online instruction and shall not exceed 1.0. The apportionment shall
45 be based on the percentage of total time that the student is enrolled in or

1 in attendance at the school district and Arizona online instruction or the
2 charter school and Arizona online instruction.

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

5 2. "Budget year" means the fiscal year for which the school district
6 is budgeting and that immediately follows the current year.

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

10 (a) Grades one through eight.

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

12 4. "Current year" means the fiscal year in which a school district is
13 operating.

14 5. "Daily attendance" means:

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

16 (i) Of a kindergarten program or ungraded, but not group B children
17 with disabilities, and at least five, but under six, years of age by
18 September 1 attends at least three-quarters of the instructional time
19 scheduled for the day. If the total instruction time scheduled for the year
20 is at least three hundred forty-six hours but is less than six hundred
21 ninety-two hours, such attendance shall be counted as one-half day of
22 attendance. If the instructional time scheduled for the year is at least six
23 hundred ninety-two hours, "daily attendance" means days in which a pupil
24 attends at least one-half of the instructional time scheduled for the day.
25 Such attendance shall be counted as one-half day of attendance.

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

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

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

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

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

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

6 (c) For common schools, the attendance of a preschool child with
7 disabilities shall be counted as one-fourth day's attendance for each
8 thirty-six minutes of attendance not including lunch periods and recess
9 periods, except as provided in paragraph 1, subdivision (a), item (i) of this
10 subsection for children with disabilities up to a maximum of three hundred
11 sixty minutes each week.

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

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

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

31 (g) For school districts that maintain school for an approved
32 year-round school year operation, attendance shall be based on a computation,
33 as prescribed by the superintendent of public instruction, of the one hundred
34 eighty days' equivalency or two hundred days' equivalency, as applicable, of
35 instructional time as approved by the superintendent of public instruction
36 during which each pupil is enrolled.

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

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

42 (b) The total number of miles driven daily on routes approved by the
43 superintendent of public instruction for which a private party, a political
44 subdivision or a common or a contract carrier is reimbursed for bringing an
45 eligible student from the place of his residence to a school transportation

1 pickup point or to the school of attendance and from the school
2 transportation scheduled return point or from the school of attendance to his
3 residence. Daily route mileage includes the total number of miles necessary
4 to drive to transport eligible students from and to their residence as
5 provided in this paragraph.

6 7. "District support level" means the base support level plus the
7 transportation support level.

8 8. "Eligible students" means:

9 (a) Students who are transported by or for a school district and who
10 qualify as full-time students or fractional students, except students for
11 whom transportation is paid by another school district or a county school
12 superintendent, and:

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

21 (ii) For high school students, whose place of actual residence within
22 the school district is more than one and one-half miles from the school
23 facility of attendance ~~or students who are admitted pursuant to section~~
24 ~~15-816.01 and who meet the economic eligibility requirements established~~
25 ~~under the national school lunch and child nutrition acts (42 United States~~
26 ~~Code sections 1751 through 1785) for free or reduced price lunches and whose~~
27 ~~actual place of residence outside the school district boundaries is more than~~
28 ~~one and one half miles from the school facility of attendance.~~

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

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

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

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

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

1 11. "High school district" means a political subdivision of this state
2 offering instruction to students for grades nine through twelve or that
3 portion of the budget of a common school district that is allocated to
4 teaching high school subjects with permission of the state board of
5 education.

6 12. "Revenue control limit" means the base revenue control limit plus
7 the transportation revenue control limit.

8 13. "Student count" means average daily membership as prescribed in
9 this subsection for the fiscal year before the current year, except that for
10 the purpose of budget preparation student count means average daily
11 membership as prescribed in this subsection for the current year.

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

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

16 16. "Total students transported" means all eligible students
17 transported from their place of residence to a school transportation pickup
18 point or to the school of attendance and from the school of attendance or
19 from the school transportation scheduled return point to their place of
20 residence.

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

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

25 1. "Base" means the revenue level per student count specified by the
26 legislature.

27 2. "Base level" means the following amounts plus the percentage
28 increases to the base level as provided in sections 15-902.02, 15-918.04,
29 15-919.04 and 15-952, except that if a school district or charter school is
30 eligible for an increase in the base level as provided in two or more of
31 these sections, the base level amount shall be calculated by compounding
32 rather than adding the sum of one plus the percentage of the increase from
33 those different sections:

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

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

38 (c) For fiscal years 2009-2010, 2010-2011 and 2011-2012, three
39 thousand two hundred sixty-seven dollars seventy-two cents.

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

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

44 5. "Certified teacher" means a person who is certified as a teacher
45 pursuant to the rules adopted by the state board of education, who renders

1 direct and personal services to school children in the form of instruction
2 related to the school district's educational course of study and who is paid
3 from the maintenance and operation section of the budget.

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

8 7. "ED, MIID, SLD, SLI and OHI" means programs for children with
9 emotional disabilities, mild intellectual disabilities, a specific learning
10 disability, a speech/language impairment and other health impairments. A
11 preschool child who is categorized as SLI under this paragraph is not
12 eligible to receive funding pursuant to section 15-943, paragraph 2,
13 subdivision (b).

14 8. "ED-P" means programs for children with emotional disabilities who
15 are enrolled in private special education programs as prescribed in section
16 15-765, subsection D, paragraph 1 or in an intensive school district program
17 as provided in section 15-765, subsection D, paragraph 2.

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

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

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

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

29 11. "Group A" means educational programs for career exploration, a
30 specific learning disability, an emotional disability, a mild intellectual
31 disability, remedial education, a speech/language impairment, developmental
32 delay, homebound, bilingual, other health impairments and gifted pupils.

33 12. "Group B" means educational improvements for pupils in kindergarten
34 programs and grades one through three, educational programs for autism, a
35 hearing impairment, a moderate intellectual disability, multiple
36 disabilities, multiple disabilities with severe sensory impairment,
37 orthopedic impairments, preschool severe delay, a severe intellectual
38 disability and emotional disabilities for school age pupils enrolled in
39 private special education programs or in school district programs for
40 children with severe disabilities or visual impairment and English learners
41 enrolled in a program to promote English language proficiency pursuant to
42 section 15-752.

43 13. "HI" means programs for pupils with hearing impairment.

44 14. "Homebound" or "hospitalized" means a pupil who is capable of
45 profiting from academic instruction but is unable to attend school due to

1 illness, disease, accident or other health conditions, who has been examined
2 by a competent medical doctor and who is certified by that doctor as being
3 unable to attend regular classes for a period of not less than three school
4 months or a pupil who is capable of profiting from academic instruction but
5 is unable to attend school regularly due to chronic or acute health problems,
6 who has been examined by a competent medical doctor and who is certified by
7 that doctor as being unable to attend regular classes for intermittent
8 periods of time totaling three school months during a school year. The
9 medical certification shall state the general medical condition, such as
10 illness, disease or chronic health condition, that is the reason that the
11 pupil is unable to attend school. Homebound or hospitalized includes a
12 student who is unable to attend school for a period of less than three months
13 due to a pregnancy if a competent medical doctor, after an examination,
14 certifies that the student is unable to attend regular classes due to risk to
15 the pregnancy or to the student's health.

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

17 16. "MD-R, A-R and SID-R" means resource programs for pupils with
18 multiple disabilities, autism and severe intellectual disability.

19 17. "MD-SC, A-SC and SID-SC" means self-contained programs for pupils
20 with multiple disabilities, autism and severe intellectual disability.

21 18. "MD-SSI" means a program for pupils with multiple disabilities with
22 severe sensory impairment.

23 19. "MOID" means programs for pupils with moderate intellectual
24 disability.

25 20. "OI-R" means a resource program for pupils with orthopedic
26 impairments.

27 21. "OI-SC" means a self-contained program for pupils with orthopedic
28 impairments.

29 22. "PSD" means preschool programs for children with disabilities as
30 provided in section 15-771.

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

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

36 25. "Small isolated school district" means a school district that meets
37 all of the following:

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

40 (b) Contains no school that is fewer than thirty miles by the most
41 reasonable route from another school, or, if road conditions and terrain make
42 the driving slow or hazardous, fifteen miles from another school that teaches
43 one or more of the same grades and is operated by another school district in
44 this state.

- 1 (c) Is designated as a small isolated school district by the
2 superintendent of public instruction.
- 3 26. "Small school district" means a school district that meets all of
4 the following:
- 5 (a) Has a student count of fewer than six hundred in kindergarten
6 programs and grades one through eight or grades nine through twelve.
- 7 (b) Contains at least one school that is fewer than thirty miles by
8 the most reasonable route from another school that teaches one or more of the
9 same grades and is operated by another school district in this state.
- 10 (c) Is designated as a small school district by the superintendent of
11 public instruction.
- 12 27. "Transportation revenue control limit" means the transportation
13 revenue control limit computed as prescribed in section 15-946.
- 14 28. "Transportation support level" means the support level for pupil
15 transportation operating expenses as provided in section 15-945.
- 16 29. "VI" means programs for pupils with visual impairments.
- 17 30. "Voc. Ed." means career and technical education and vocational
18 education programs, as defined in section 15-781.