

REFERENCE TITLE: school finance; average daily attendance

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

HB 2147

Introduced by
Representatives Seel: Harper

AN ACT

AMENDING SECTIONS 15-185, 15-239, 15-248.01, 15-349, 15-393, 15-431, 15-448, 15-746, 15-771, 15-792.03, 15-808, 15-824, 15-901, 15-901.06, 15-902.03, 15-910.01, 15-913.01, 15-914, 15-915, 15-948, 15-954, 15-991, 15-1042, 15-1251, 15-1371, 15-1372, 15-2011 AND 16-531, ARIZONA REVISED STATUTES; RELATING TO SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-185, 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~~ ATTENDANCE, as defined in section 15-901, of the
37 charter school. Before the one hundredth day or two hundredth day in
38 session, as applicable, the state board of education, the state board for
39 charter schools, the sponsoring university, the sponsoring community college
40 district or the sponsoring group of community college districts may require a
41 charter school to report periodically regarding pupil enrollment and
42 attendance, and the department of education may revise its computation of
43 equalization assistance based on the report. A charter school shall revise
44 its student count, base support level and additional assistance before
45 May 15. A charter school that overestimated its student count shall revise

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

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

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

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

- 25 1. Equalization assistance shall not be less than zero.
- 26 2. For a charter school sponsored by the state board of education, the
27 state board for charter schools, a university, a community college district
28 or a group of community college districts, the total of the base support
29 level and the additional assistance shall not be less than zero.
- 30 3. For a charter school sponsored by a school district, the base
31 support level for the school district shall not be reduced by more than the
32 amount that the charter school increased the district's base support level,
33 capital outlay revenue limit and soft capital allocation.

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

1 F. Equalization assistance for charter schools shall be provided as a
2 single amount based on average daily ~~membership~~ ATTENDANCE without
3 categorical 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 school district transports or contracts to transport pupils to
5 the Arizona state schools for the deaf and the blind during any fiscal year,
6 the school district may transport or contract with a charter school to
7 transport sensory impaired pupils during that same fiscal year to a charter
8 school if requested by the parent of the pupil and if the distance from the
9 pupil's place of actual residence within the school district to the charter
10 school is less than the distance from the pupil's place of actual residence
11 within the school district to the campus of the Arizona state schools for the
12 deaf and the blind.

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

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

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

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

35 P. For the purposes of this section:

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

42 2. "Operated for or by the same school district" means the charter
43 school is either governed by the same district governing board or operated by
44 the district in the same manner as other traditional schools in the district
45 or is operated by an independent party that has a contract with the school

1 district. The auditor general and the department of education shall
2 determine which charter schools meet the definition in this subsection.

3 Sec. 2. Section 15-239, Arizona Revised Statutes, is amended to read:

4 15-239. School compliance and recognition; accreditation;
5 audits

6 A. The department of education may:

7 1. Monitor school districts to ascertain that laws applying to the
8 school districts are implemented as prescribed by law.

9 2. Adopt a system of recognition for school districts that meet or
10 exceed the requirements of the law that apply to the school districts.

11 3. Establish standards and procedures for the accreditation of all
12 schools requesting state accreditation.

13 B. The department of education may adopt guidelines necessary to
14 implement this section.

15 C. The department of education may conduct financial, compliance or
16 average daily ~~membership~~ ATTENDANCE audits of school districts and charter
17 schools. Beginning in fiscal year 2011-2012 and in each fiscal year
18 thereafter, the department of education shall include at least a ten per cent
19 sample of daily attendance records as part of the average daily ~~membership~~
20 ATTENDANCE audits.

21 D. The auditor general may conduct financial, program, compliance or
22 average daily ~~membership~~ ATTENDANCE audits of school districts and charter
23 schools. Beginning in fiscal year 2011-2012 and in each fiscal year
24 thereafter, the auditor general shall include at least a ten per cent sample
25 of daily attendance records as part of the average daily ~~membership~~
26 ATTENDANCE audits.

27 Sec. 3. Section 15-248.01, Arizona Revised Statutes, is amended to
28 read:

29 15-248.01. Task force on K-3 accountability and assessments

30 A. The task force on K-3 accountability and assessments is established
31 in the department of education consisting of the superintendent of public
32 instruction or the superintendent's designee and the following members, each
33 of whom shall be appointed by the superintendent of public instruction:

34 1. Three persons, each of whom is employed by a different school
35 district in this state that provides instruction in kindergarten programs and
36 grades one through three and that has an average daily ~~membership~~ ATTENDANCE
37 of at least thirty-five thousand.

38 2. Three persons, each of whom is employed by a different school
39 district in this state that provides instruction in kindergarten programs and
40 grades one through three and that has an average daily ~~membership~~ ATTENDANCE
41 of at least one thousand five hundred but not more than thirty-five thousand.

42 3. Three persons, each of whom is employed by a different school
43 district in this state that provides instruction in kindergarten programs and
44 grades one through three and that has an average daily ~~membership~~ ATTENDANCE
45 of not more than one thousand five hundred.

1 4. Three persons, each of whom is employed by a different charter
2 school in this state that provides instruction in kindergarten programs and
3 grades one through three.

4 B. The task force shall elect a new chairperson from among its members
5 each calendar year. A quorum shall consist of a majority of the members.
6 The task force shall meet at least once each calendar quarter.

7 C. The appointed members of the task force serve at the pleasure of
8 the superintendent of public instruction.

9 D. The department of education shall provide staff support, assistance
10 and resources to the task force.

11 E. Task force members are eligible to receive compensation pursuant to
12 section 38-611.

13 F. The task force shall:

14 1. Examine and evaluate best practices in accountability and
15 assessment measures and measures of academic gains for schools that provide
16 instruction in kindergarten programs and grades one through three.

17 2. Conduct trial examinations of pupils in kindergarten programs and
18 grades one through three.

19 3. Solicit and accept funding from any lawful public and private
20 source to carry out the task force's activities. The superintendent of
21 public instruction shall maintain monies collected pursuant to this paragraph
22 in a separate account on the books of the department of education.

23 4. Submit an annual report on or before December 1 regarding the task
24 force's findings to the governor, the speaker of the house of representatives
25 and the president of the senate. Copies of this report shall be provided to
26 the secretary of state.

27 G. School districts and charter schools may voluntarily participate in
28 the measurement of academic gains developed by the task force pursuant to
29 this section.

30 H. The department of education shall develop mechanisms to allow a
31 school district or charter school that voluntarily participates in the
32 measurement of academic gains developed by the task force pursuant to this
33 section to improve its school classification designated pursuant to section
34 15-241 if the school district's or charter school's academic gains meet the
35 criteria developed by the department of education and approved by the state
36 board of education. The state board of education shall review and approve
37 the mechanisms developed by the department of education.

38 I. The department of education shall establish procedures to maintain
39 the integrity of the testing process that will be used to measure academic
40 gains developed by the task force pursuant to this section, including
41 procedures for testing and scoring validity and reliability. The state board
42 of education shall review and approve the testing process developed by the
43 task force.

1 Sec. 5. Section 15-393, Arizona Revised Statutes, is amended to read:
2 15-393. Joint technical education district governing board:
3 report; definition

4 A. The management and control of the joint district are vested in the
5 joint technical education district governing board, including the content and
6 quality of the courses offered by the district, the quality of teachers who
7 provide instruction on behalf of the district, the salaries of teachers who
8 provide instruction on behalf of the district and the reimbursement of other
9 entities for the facilities used by the district. Unless the governing
10 boards of the school districts participating in the formation of the joint
11 district vote to implement an alternative election system as provided in
12 subsection B of this section, the joint board shall consist of five members
13 elected from five single member districts formed within the joint district.
14 The single member district election system shall be submitted as part of the
15 plan for the joint district pursuant to section 15-392 and shall be
16 established in the plan as follows:

17 1. The governing boards of the school districts participating in the
18 formation of the joint district shall define the boundaries of the single
19 member districts so that the single member districts are as nearly equal in
20 population as is practicable, except that if the joint district lies in part
21 in each of two or more counties, at least one single member district may be
22 entirely within each of the counties comprising the joint district if this
23 district design is consistent with the obligation to equalize the population
24 among single member districts.

25 2. The boundaries of each single member district shall follow election
26 precinct boundary lines, as far as practicable, in order to avoid further
27 segmentation of the precincts.

28 3. A person who is a registered voter of this state and who is a
29 resident of the single member district is eligible for election to the office
30 of joint board member from the single member district. The terms of office
31 of the members of the joint board shall be as prescribed in section 15-427,
32 subsection B. An employee of a joint technical education district or the
33 spouse of an employee shall not hold membership on a governing board of a
34 joint technical education district by which the employee is employed. A
35 member of one school district governing board or joint technical education
36 district governing board is ineligible to be a candidate for nomination or
37 election to or serve simultaneously as a member of any other governing board,
38 except that a member of a governing board may be a candidate for nomination
39 or election for any other governing board if the member is serving in the
40 last year of a term of office. A member of a governing board shall resign
41 the member's seat on the governing board before becoming a candidate for
42 nomination or election to the governing board of any other school district or
43 joint technical education district, unless the member of the governing board
44 is serving in the last year of a term of office.

1 4. Nominating petitions shall be signed by the number of qualified
2 electors of the single member district as provided in section 16-322.

3 B. The governing boards of the school districts participating in the
4 formation of the joint district may vote to implement any other alternative
5 election system for the election of joint district board members. If an
6 alternative election system is selected, it shall be submitted as part of the
7 plan for the joint district pursuant to section 15-392, and the
8 implementation of the system shall be as approved by the United States
9 justice department.

10 C. The joint technical education district shall be subject to the
11 following provisions of this title:

12 1. Chapter 1, articles 1 through 6.

13 2. Sections 15-208, 15-210, 15-213 and 15-234.

14 3. Articles 2, 3 and 5 of this chapter.

15 4. Section 15-361.

16 5. Chapter 4, articles 1, 2 and 5.

17 6. Chapter 5, articles 1, 2 and 3.

18 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729
19 and 15-730.

20 8. Chapter 7, article 5.

21 9. Chapter 8, articles 1, 3 and 4.

22 10. Sections 15-828 and 15-829.

23 11. Chapter 9, article 1, article 6, except for section 15-995, and
24 article 7.

25 12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.

26 13. Sections 15-1101 and 15-1104.

27 14. Chapter 10, articles 2, 3, 4 and 8.

28 D. Notwithstanding subsection C of this section, the following apply
29 to a joint technical education district:

30 1. A joint district may issue bonds for the purposes specified in
31 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
32 aggregate, including the existing indebtedness, not exceeding one per cent of
33 the taxable property used for secondary tax purposes, as determined pursuant
34 to title 42, chapter 15, article 1, within the joint technical education
35 district as ascertained by the last property tax assessment previous to
36 issuing the bonds.

37 2. The number of governing board members for a joint district shall be
38 as prescribed in subsection A of this section.

39 3. If a career and technical education course or program provided
40 pursuant to this article is provided in a facility owned or operated by a
41 school district in which a pupil is enrolled, including satellite courses,
42 the sum of the average daily ~~membership~~ ATTENDANCE, as provided in section
43 15-901, subsection A, paragraph 1, for that pupil in both the school district
44 and joint technical education district shall not exceed 1.25. The sum of the
45 average daily ~~membership~~ ATTENDANCE, as provided in section 15-901,

1 subsection A, paragraph 1, shall not exceed 1.25 for the courses taken in the
2 school district and the facility, including satellite courses. The school
3 district and the joint district shall determine the apportionment of the
4 average daily ~~membership~~ ATTENDANCE for that pupil between the school
5 district and the joint district.

6 4. The student count for the first year of operation of a joint
7 technical education district as provided in this article shall be determined
8 as follows:

9 (a) Determine the estimated student count for joint district classes
10 that will operate in the first year of operation. This estimate shall be
11 based on actual registration of pupils as of March 30 scheduled to attend
12 classes that will be operated by the joint district. The student count for
13 the district of residence of the pupils registered at the joint district
14 shall be adjusted. The adjustment shall cause the district of residence to
15 reduce the student count for the pupil to reflect the courses to be taken at
16 the joint district. The district of residence shall review and approve the
17 adjustment of its own student count as provided in this subdivision before
18 the pupils from the school district can be added to the student count of the
19 joint district.

20 (b) The student count for the new joint district shall be the student
21 count as determined in subdivision (a) of this paragraph.

22 (c) For the first year of operation, the joint district shall revise
23 the student count to the actual average daily ~~membership~~ ATTENDANCE as
24 prescribed in section 15-901, subsection A, paragraph 1 for students
25 attending classes in the joint district. A joint district shall revise its
26 student count, the base support level as provided in section 15-943.02, the
27 revenue control limit as provided in section 15-944.01, the capital outlay
28 revenue limit and the soft capital allocation as provided in section
29 15-962.01 prior to May 15. A joint district that overestimated its student
30 count shall revise its budget prior to May 15. A joint district that
31 underestimated its student count may revise its budget prior to May 15.

32 (d) After March 15 of the first year of operation, the district of
33 residence shall adjust its student count by reducing it to reflect the
34 courses actually taken at the joint district. The district of residence
35 shall revise its student count, the base support level as provided in section
36 15-943, the revenue control limit as provided in section 15-944, the capital
37 outlay revenue limit as provided in section 15-961 and the soft capital
38 allocation as provided in section 15-962 prior to May 15. A district that
39 underestimated the student count for students attending the joint district
40 shall revise its budget prior to May 15. A district that overestimated the
41 student count for students attending the joint district may revise its budget
42 prior to May 15.

43 (e) A joint district for the first year of operation shall not be
44 eligible for adjustment pursuant to section 15-948.

1 (f) The procedures for implementing this paragraph shall be as
2 prescribed in the uniform system of financial records.

3 (g) Pupils in an approved joint technical education district
4 centralized program may generate an average daily ~~membership~~ ATTENDANCE of
5 1.0 during any day of the week and at any time between July 1 and June 30 of
6 each fiscal year.

7 For the purposes of this paragraph, "district of residence" means the
8 district that included the pupil in its average daily ~~membership~~ ATTENDANCE
9 for the year before the first year of operation of the joint district and
10 that would have included the pupil in its student count for the purposes of
11 computing its base support level for the fiscal year of the first year of
12 operation of the joint district if the pupil had not enrolled in the joint
13 district.

14 5. A student includes any person enrolled in the joint district
15 without regard to the person's age or high school graduation status, except
16 that:

17 (a) A student in a kindergarten program or in grades one through nine
18 who enrolls in courses offered by the joint technical education district
19 shall not be included in the joint district's student count or average daily
20 ~~membership~~ ATTENDANCE.

21 (b) A student in a kindergarten program or in grades one through nine
22 who is enrolled in career and technical education courses shall not be funded
23 in whole or in part with monies provided by a joint technical education
24 district, except that a pupil in grade nine may be funded with monies
25 generated by the five cent qualifying tax rate authorized in subsection F of
26 this section.

27 (c) A student who is over twenty-two years of age shall not be
28 included in the student count of the joint district for the purposes of
29 chapter 9, articles 3, 4 and 5 of this title.

30 6. A joint district may operate for more than one hundred seventy-five
31 days per year, with expanded hours of service.

32 7. A joint district may use the excess utility costs provisions of
33 section 15-910 in the same manner as a school district for fiscal years
34 1999-2000 and 2000-2001, except that the base year shall be the first full
35 fiscal year of operations.

36 8. A joint district may use the carryforward provisions of section
37 15-943.01 retroactively to July 1, 1993.

38 9. A school district that is part of a joint district shall use any
39 monies received pursuant to this article to supplement and not supplant base
40 year career and technical education courses, and directly related equipment
41 and facilities, except that a school district that is part of a joint
42 technical education district and that has used monies received pursuant to
43 this article to supplant career and technical education courses that were
44 offered before the first year that the school district participated in the
45 joint district or the first year that the school district used monies

1 received pursuant to this article or that used the monies for purposes other
2 than for career and technical education courses shall use one hundred per
3 cent of the monies received pursuant to this article to supplement and not
4 supplant base year career and technical education courses.

5 10. A joint technical education district shall use any monies received
6 pursuant to this article to enhance and not supplant career and technical
7 education courses and directly related equipment and facilities.

8 11. A joint technical education district or a school district that is
9 part of a joint district shall only include pupils in grades ten through
10 twelve in the calculation of student count or average daily ~~membership~~
11 ATTENDANCE if the pupils are enrolled in courses that are approved jointly by
12 the governing board of the joint technical education district and each
13 participating school district for satellite courses taught within the
14 participating school district, or approved solely by the joint technical
15 education district for centrally located courses. Student count and average
16 daily ~~membership~~ ATTENDANCE from courses that are not part of an approved
17 program for career and technical education shall not be included in student
18 count and average daily ~~membership~~ ATTENDANCE of a joint technical education
19 district.

20 E. The joint board shall appoint a superintendent as the executive
21 officer of the joint district.

22 F. Taxes may be levied for the support of the joint district as
23 prescribed in chapter 9, article 6 of this title, except that a joint
24 technical education district shall not levy a property tax pursuant to law
25 that exceeds five cents per one hundred dollars assessed valuation except for
26 bond monies pursuant to subsection D, paragraph 1 of this section. Except
27 for the taxes levied pursuant to section 15-994, such taxes shall be obtained
28 from a levy of taxes on the taxable property used for secondary tax purposes.

29 G. The schools in the joint district are available to all persons who
30 reside in the joint district and to pupils whose district of residence is
31 paying tuition on behalf of the pupils to a district of attendance that is a
32 member of the joint technical education district, subject to the rules for
33 admission prescribed by the joint board.

34 H. The joint board may collect tuition for adult students and the
35 attendance of pupils who are residents of school districts that are not
36 participating in the joint district pursuant to arrangements made between the
37 governing board of the district and the joint board.

38 I. The joint board may accept gifts, grants, federal monies, tuition
39 and other allocations of monies to erect, repair and equip buildings and for
40 the cost of operation of the schools of the joint district.

41 J. One member of the joint board shall be selected chairman. The
42 chairman shall be selected annually on a rotation basis from among the
43 participating school districts. The chairman of the joint board shall be a
44 voting member.

1 K. A joint board and a community college district may enter into
2 agreements for the provision of administrative, operational and educational
3 services and facilities.

4 L. Any agreement between the governing board of a joint technical
5 education district and another joint technical education district, a school
6 district, a charter school or a community college district shall be in the
7 form of an intergovernmental agreement or other written contract. The
8 auditor general shall modify the uniform system of financial records and
9 budget forms in accordance with this subsection. The intergovernmental
10 agreement or other written contract shall completely and accurately specify
11 each of the following:

12 1. The financial provisions of the intergovernmental agreement or
13 other written contract and the format for the billing of all services.

14 2. The accountability provisions of the intergovernmental agreement or
15 other written contract.

16 3. The responsibilities of each joint technical education district,
17 each school district, each charter school and each community college district
18 that is a party to the intergovernmental agreement or other written contract.

19 4. The type of instruction that will be provided under the
20 intergovernmental agreement or other written contract, including
21 individualized education programs pursuant to section 15-763.

22 5. The quality of the instruction that will be provided under the
23 intergovernmental agreement or other written contract.

24 6. The transportation services that will be provided under the
25 intergovernmental agreement or other written contract and the manner in which
26 transportation costs will be paid.

27 7. The amount that the joint technical education district will
28 contribute to a course and the amount of support required by the school
29 district or the community college.

30 8. That the services provided by the joint technical education
31 district, the school district, the charter school or the community college
32 district be proportionally calculated in the cost of delivering the service.

33 9. That the payment for services shall not exceed the cost of the
34 services provided.

35 M. On or before December 31 of each year, each joint technical
36 education district shall submit a detailed report to the career and technical
37 education division of the department of education. The career and technical
38 education division of the department of education shall collect, summarize
39 and analyze the data submitted by the joint districts, shall submit an annual
40 report that summarizes the data submitted by the joint districts to the
41 governor, the speaker of the house of representatives, the president of the
42 senate and the state board of education and shall submit a copy of this
43 report to the secretary of state. The data submitted by each joint technical
44 education district shall include the following:

- 1 1. The average daily ~~membership~~ ATTENDANCE of the joint district.
- 2 2. The program listings and program descriptions of programs offered
- 3 by the joint district, including the course sequences for each program.
- 4 3. The costs associated with each program offered by the joint
- 5 district.
- 6 4. The completion rate for each program offered by the joint district.
- 7 For the purposes of this paragraph, "completion rate" means the completion
- 8 rate for students who are designated as concentrators in that program by the
- 9 department of education under the career and technology approved plan.
- 10 5. The graduation rate from the school district of residence of
- 11 students who have completed a program in the joint district.
- 12 6. A detailed description of the career opportunities available to
- 13 students after completion of the program offered by the joint district.
- 14 7. A detailed description of the career placement of students who have
- 15 completed the program offered by the joint district.
- 16 8. Any other data deemed necessary by the department of education to
- 17 carry out its duties under this subsection.
- 18 N. If the career and technical education division of the department of
- 19 education determines that a course does not meet the criteria for approval as
- 20 a joint technical education course, the governing board of the joint
- 21 technical education district may appeal this decision to the state board of
- 22 education acting as the state board of vocational education.
- 23 O. Notwithstanding any other law, the average daily ~~membership~~
- 24 ATTENDANCE of a pupil in grade ten, eleven or twelve who is enrolled in a
- 25 course that meets for at least one hundred fifty minutes per class period at
- 26 a centralized campus owned and operated by a joint technical education
- 27 district shall be 0.75. The sum of the average daily ~~membership~~ ATTENDANCE,
- 28 as provided in section 15-901, subsection A, paragraph 1, of a pupil who is
- 29 enrolled in both the member school district and joint technical education
- 30 district courses provided at a community college pursuant to subsection K of
- 31 this section or at a facility owned and operated by a joint technical
- 32 education district that is not located on a site of a member district shall
- 33 not exceed 1.75. The member school district and the joint district shall
- 34 determine the apportionment of the average daily ~~membership~~ ATTENDANCE and
- 35 student enrollment for that pupil between the member school district and the
- 36 joint district, except the amount apportioned shall not exceed 1.0 for either
- 37 entity.
- 38 P. Notwithstanding any other law, the average daily ~~membership~~
- 39 ATTENDANCE for a pupil who is enrolled in a joint technical education course
- 40 ~~approved pursuant to~~ DEFINED IN section 15-391 and who does not meet the
- 41 criteria specified in subsection O of this section shall be 0.25 for each
- 42 course, except the sum of the average daily ~~membership~~ ATTENDANCE shall not
- 43 exceed the limits prescribed by subsection D or O OF THIS SECTION, as
- 44 applicable.

1 Q. Notwithstanding any other law, beginning in fiscal year 2011-2012,
2 the student count for a joint technical education district shall be
3 equivalent to the joint technical education district's average daily
4 ~~membership~~ ATTENDANCE.

5 R. For the purposes of this section, "base year" means the complete
6 school year in which voters of a school district elected to join a joint
7 technical education district.

8 Sec. 6. Section 15-431, Arizona Revised Statutes, is amended to read:
9 15-431. Alternative election procedure of governing board
10 members

11 A. If, for the prior school year, a school district had an average
12 daily ~~membership~~ ATTENDANCE of at least one thousand and the total minority
13 enrollment in the district, as reported to the department of education, was
14 at least twenty-five per cent of the total enrollment of the district, the
15 governing board may vote to implement an alternative election system for the
16 election of governing board members. The alternative election system
17 implemented by the board may include a vote by the board to divide the school
18 district into as many single member districts as there are governing board
19 members or a vote by the board to implement any other election method that is
20 consistent with section 2 of the voting rights act of 1965 (42 United States
21 Code section 1973), as amended. A school district that has implemented an
22 alternative election system for the election of governing board members as
23 provided by this subsection may continue to elect governing board members
24 using the alternative election system even if the average daily ~~membership~~
25 ATTENDANCE of the school district or percentage of minority pupils enrolled
26 in the district falls below the levels prescribed in this subsection. If the
27 average daily ~~membership~~ ATTENDANCE of the school district or percentage of
28 minority pupils enrolled in the district falls below the levels prescribed in
29 this subsection, the governing board may vote to elect governing board
30 members using the at large election method as prescribed in section 15-429.

31 B. If the governing board of a school district has implemented a
32 single member district election system as provided in subsection A of this
33 section, the system shall be implemented as follows:

34 1. The governing board shall define the boundaries of the single
35 member district so that the single member districts are as nearly equal in
36 population as is practicable, except that if the school district lies in part
37 in each of two or more counties, at least one single member district may be
38 entirely within each of the counties comprising the school district if this
39 district design is consistent with the obligation to equalize the population
40 among single member districts.

41 2. The boundaries of the single member district shall follow election
42 precinct boundary lines, as far as practicable, in order to avoid further
43 segmentation of the precincts.

1 2. An owner occupied residence whose assessed valuation is one-half of
2 the assessed valuation of the residence in paragraph 1 of this subsection.

3 3. An owner occupied residence whose assessed valuation is twice the
4 assessed valuation of the residence in paragraph 1 of this subsection.

5 4. A business whose assessed valuation is the average of the assessed
6 valuation of property classified as class one, as prescribed by section
7 42-12001, paragraphs 12 and 13 for the current year in the school district.

8 C. The boundaries of the unified school district shall be the
9 boundaries of the former common school district or districts that unify. The
10 boundaries of the common school district or districts that are not unifying
11 remain unchanged. The county school superintendent, immediately ~~upon~~ ON
12 receipt of the approved resolutions prescribed by subsection B of this
13 section, shall file with the board of supervisors, the county assessor and
14 the superintendent of public instruction a transcript of the boundaries of
15 the unified school district. The boundaries shown in the transcript shall
16 become the legal boundaries of the school districts on July 1 of the next
17 fiscal year.

18 D. On formation of the unified school district, the governing board
19 consists of the members of the former school district governing boards and
20 the members shall hold office until January 1 following the first general
21 election after formation of the district.

22 E. Beginning on January 1 following the first general election after
23 formation of the unified school district, the governing board shall have five
24 members. At the first general election after the formation of the district,
25 members shall be elected in the following manner:

26 1. The three candidates receiving the highest, the second highest and
27 the third highest number of votes shall be elected to four year terms.

28 2. The two candidates receiving the fourth and fifth highest number of
29 votes shall be elected to two year terms. Thereafter all offices shall have
30 four year terms.

31 F. The new unified school district may appoint a resident of the
32 remaining common school district to serve as a nonvoting member of the
33 governing board to represent the interests of the high school pupils who
34 reside in the remaining common school district and who attend school in the
35 unified school district.

36 G. For the first year of operation, the unified school district
37 governing board shall prepare a consolidated budget based on the student
38 counts from the school districts comprising the unified school district,
39 except that for purposes of determining budget amounts and equalization
40 assistance, the student count for the former high school district shall not
41 include the prior year average daily ~~membership~~ ATTENDANCE attributable to
42 high school pupils from a common school district that was part of the former
43 high school district but is not part of the unified school district. The
44 unified school district shall charge the remaining common school district
45 tuition for these pupils as provided in subsection J of this section. The

1 unified school district may budget for unification assistance pursuant to
2 section 15-912.01.

3 H. The governing board of the unified school district shall prepare
4 policies, curricula and budgets for the district. These policies shall
5 require that:

6 1. The base compensation of each certificated teacher for the first
7 year of operation of the new unified school district shall not be lower than
8 the certificated teacher's base compensation for the prior year in the
9 previously existing school districts.

10 2. The certificated teacher's years of employment in the previously
11 existing school districts shall be included in determining the teacher's
12 certificated years of employment in the new unified school district.

13 I. ~~Upon~~ ON formation of a unified school district, any existing
14 override authorization of the former high school district and the former
15 common school district or districts shall continue until expiration based on
16 the revenue control limit of the school district or districts that had
17 override authorization prior to unification. The unified school district may
18 request new override authorization for the budget year as provided in section
19 15-481 based on the combined revenue control limit of the new district after
20 unification. If the unified school district's request for override
21 authorization is approved, it will replace any existing override for the
22 budget year.

23 J. The unified school district shall admit high school pupils who
24 reside in a common school district that was located within the boundaries of
25 the former high school district. Tuition shall be paid to the unified school
26 district by the common school district in which such pupils reside. Such
27 tuition amount shall be calculated in accordance with section 15-824, subject
28 to the following modifications:

29 1. If the former high school district had outstanding bonded
30 indebtedness at the time of unification, the combined tuition for the group
31 of high school pupils who reside in each common school district shall include
32 a debt service amount for the former high school district's outstanding
33 bonded indebtedness that is determined as follows:

34 (a) Divide the total secondary assessed valuation of the common school
35 district in which the group of pupils resides by the total secondary assessed
36 valuation of the former high school district. For the purposes of this
37 subdivision, "secondary assessed valuation" means secondary assessed
38 valuation for the tax year prior to the year when the unification occurs and
39 includes the values used to determine voluntary contributions collected
40 pursuant to title 9, chapter 4, article 3 and title 48, chapter 1, article 8.

41 (b) Multiply the quotient obtained in subdivision (a) by the unified
42 school district's annual debt service expenditure.

43 2. The debt service portion of such tuition payments calculated
44 pursuant to paragraph 1 of this subsection shall be used exclusively for debt
45 service of the outstanding bonded indebtedness of the former high school

1 district. When such indebtedness is fully extinguished, the debt service
2 portion of a pupil's tuition shall be determined in accordance with paragraph
3 3 of this subsection.

4 3. If the former high school district had no outstanding bonded
5 indebtedness at the time of unification, the tuition calculation shall
6 include the actual school district expenditures for the portion of any debt
7 service of the unified school district that pertains to any construction or
8 renovation of high school facilities divided by the school district's student
9 count for the high school portion of the school district.

10 4. The unified school district shall not include in the tuition
11 calculation any debt service that pertains to any construction or renovation
12 of school facilities for preschool through grade eight.

13 5. Notwithstanding section 15-951, subsection G, the revenue control
14 limit of the common school district shall include the full amount of the debt
15 service portion of the tuition calculated pursuant to this subsection.

16 K. All assets and liabilities of the unifying school districts shall
17 be transferred and assumed by the new unified school district. Any existing
18 bonded indebtedness of a common school district or a high school district
19 unifying pursuant to this section shall be assumed by the new unified school
20 district and shall be regarded as an indebtedness of the new unified school
21 district for the purpose of determining the debt incurring authority of the
22 district. Taxes for the payment of such bonded indebtedness shall be levied
23 on all taxable property in the new unified school district, but ~~nothing in~~
24 this subsection shall NOT be construed to relieve from liability to taxation
25 for the payment of all taxable property of the former high school district if
26 necessary to prevent a default in the payment of any bonded indebtedness of
27 the former high school district. The residents of a common school district
28 that does not unify shall not vote in bond or override elections of the
29 unified school district and shall not be assessed taxes as a result of a bond
30 or override election of the unified school district.

31 L. If the remaining common school district had authorization for an
32 override as provided in section 15-481 or 15-482, the override authorization
33 continues for the remaining common school district or districts in the same
34 manner as before the formation of the unified school district.

35 M. The bonding authorization and bonding limitations continue for the
36 remaining common school district or districts in the same manner as before
37 the formation of the unified school district.

38 N. Nothing in this section shall be construed to relieve a school
39 district formed pursuant to section 15-457 or 15-458 of its liability for any
40 outstanding bonded indebtedness.

41 O. For school districts that become unified after July 1, 2004 and
42 where all of the common schools were eligible for the small school district
43 weight pursuant to section 15-943, paragraph 1, subdivision (a) when
44 computing their base support level and base revenue control limit before

1 unification, the unified school district may continue to use the small school
2 district weight as follows:

3 1. Annually determine the common school student count and the weighted
4 student count pursuant to section 15-943, paragraph 1, subdivision (a) for
5 each common school district before unification.

6 2. Calculate the sum of the common school districts' student counts
7 and weighted student counts determined in paragraph 1 of this subsection.

8 3. Divide the sum of the weighted student counts by the sum of the
9 student counts determined in paragraph 2 of this subsection.

10 4. The amount determined in paragraph 3 of this subsection shall be
11 the weight for the common schools in the unified school district.

12 P. A unified school district may calculate its revenue control limit
13 and district support level by using subsection 0 of this section as follows:

14 1. Determine the number of individual school districts that existed
15 before unification into a single school district.

16 2. Multiply the amount determined in paragraph 1 of this subsection by
17 six hundred.

18 3. Multiply the amount determined in paragraph 2 of this subsection by
19 0.80.

20 4. If the amount determined in paragraph 3 of this subsection exceeds
21 the student count of the unified school district, the unified school district
22 is eligible to use subsection 0 of this section.

23 Q. Subsections 0 and P of this section shall remain in effect until
24 the aggregate student count of the common school districts before unification
25 exceeds the aggregate number of students of the common school districts
26 before unification authorized to utilize section 15-943, paragraph 1,
27 subdivision (a).

28 Sec. 8. Section 15-746, Arizona Revised Statutes, is amended to read:
29 15-746. School report cards

30 A. Each school shall distribute an annual report card that contains at
31 least the following information:

32 1. A description of the school's regular, magnet and special
33 instructional programs.

34 2. A description of the current academic goals of the school.

35 3. A summary of the results achieved by pupils enrolled at the school
36 during the prior three school years as measured by the Arizona instrument to
37 measure standards test and the nationally standardized norm-referenced
38 achievement test as designated by the state board and as reported in the
39 annual report prescribed by section 15-743, a summary of the pupil progress
40 on an ongoing and annual basis, showing the trends in gain or loss in pupil
41 achievement over time in reading, language arts and mathematics for all years
42 in which pupils are enrolled in the school district for an entire school year
43 and for which this information is available and a summary of the pupil
44 progress for pupils not enrolled in a district for an entire school year.

1 4. The school's current expenditures per pupil for classroom supplies,
2 classroom instruction excluding classroom supplies, administration, support
3 services-students, and all other support services and operations. The
4 current expenditures per pupil by school shall include allocation of the
5 district-wide expenditures to each school, as provided by the district. The
6 report shall include a comparison of the school to the state amount for a
7 similar type of district as calculated in section 15-255. The method of
8 calculating these per pupil amounts and the allocation of expenditures shall
9 be as prescribed in the uniform system of financial records.

10 5. The attendance rate of pupils enrolled at the school as reflected
11 in the school's average daily ~~membership~~ ATTENDANCE as defined in section
12 15-901.

13 6. The total number of incidents that occurred on the school grounds,
14 at school bus stops, on school buses and at school sponsored events and that
15 required the contact of a local, county, tribal, state or federal law
16 enforcement officer pursuant to section 13-3411, subsection F, section
17 13-3620, section 15-341, subsection A, paragraph 31 or section 15-515. The
18 total number of incidents reported shall only include reports that law
19 enforcement officers report to the school are supported by probable cause.
20 For the purposes of this paragraph, a certified peace officer who serves as a
21 school resource officer is a law enforcement officer. A school may provide
22 clarifying information if the school has a school resource officer on campus.

23 7. The percentage of pupils who have either graduated to the next
24 grade level or graduated from high school.

25 8. A description of the social services available at the school site.

26 9. The school calendar, including the length of the school day and
27 hours of operations.

28 10. The total number of pupils enrolled at the school during the
29 previous school year.

30 11. The transportation services available.

31 ~~12. Beginning in the 2000-2001 school year and until July 1, 2006, the~~
32 ~~reading instruction programs used by the school for kindergarten programs and~~
33 ~~grades one, two and three, pursuant to section 15-704. The report card shall~~
34 ~~include a district comparison of test scores among the different programs of~~
35 ~~reading instruction and shall identify the program of reading instruction~~
36 ~~used in each classroom.~~

37 ~~13.~~ 12. A description of the responsibilities of parents of children
38 enrolled at the school.

39 ~~14.~~ 13. A description of the responsibilities of the school to the
40 parents of the children enrolled at the school, including dates the report
41 cards are delivered to the home.

42 ~~15.~~ 14. A description of the composition and duties of the school
43 council as prescribed in section 15-351 if such a school council exists.

44 ~~16.~~ 15. For the most recent year available, the average current
45 expenditure per pupil for administrative functions compared to the predicted

1 average current expenditure per pupil for administrative functions according
2 to an analysis of administrative cost data by the joint legislative budget
3 committee staff.

4 ~~17-~~ 16. If the school provides instruction to pupils in kindergarten
5 programs and grades one through three, the ratio of pupils to teachers in
6 each classroom where instruction is provided in kindergarten programs and
7 grades one through three.

8 ~~18-~~ 17. The average class size per grade level for all grade levels,
9 kindergarten programs and grades one through eight. For the purposes of this
10 paragraph, "average class size" means the weighted average of each class.

11 B. The department of education shall develop a standardized report
12 card format that meets the requirements of subsection A of this section. The
13 department shall modify the standardized report card as necessary on an
14 annual basis. The department shall distribute to each school in this state a
15 copy of the standardized report card that includes the required test scores
16 for each school. Additional copies of the standardized report card shall be
17 available on request.

18 C. After each school has completed the report card distributed to it
19 by the department of education, the school, in addition to distributing the
20 report card as prescribed in subsection A of this section, shall send a copy
21 of the report card to the department. The department shall prepare an annual
22 report that contains the report card from each school in this state.

23 D. The school shall distribute report cards to parents of pupils
24 enrolled at the school, no later than the last day of school of each fiscal
25 year, and shall present a summary of the contents of the report cards at an
26 annual public meeting held at the school. The school shall give notice at
27 least two weeks before the public meeting that clearly states the purposes,
28 time and place of the meeting.

29 Sec. 9. Section 15-771, Arizona Revised Statutes, is amended to read:

30 15-771. ~~Preschool programs for children with disabilities:~~
31 definition

32 A. Each school district shall make available an educational program
33 for preschool children with disabilities who reside in the school district
34 and who are not already receiving services that have been provided through
35 the department of education. The state board of education shall prescribe
36 rules for use by school districts in the provision of educational programs
37 for preschool children with disabilities. School districts are required to
38 make available educational programs for and, for the purposes of calculating
39 average daily ~~membership~~ ATTENDANCE, may count only those preschool children
40 who meet the definition of one of the following conditions:

- 41 1. Hearing impairment.
- 42 2. Visual impairment.
- 43 3. Developmental delay.
- 44 4. Preschool severe delay.
- 45 5. Speech/language impairment.

1 B. The state board of education shall annually distribute to school
2 districts at least ten per cent of the monies it receives under 20 United
3 States Code section 1411(c)(2) for preschool programs for children with
4 disabilities. The state board shall prescribe rules for the distribution of
5 the monies to school districts.

6 C. The governing board of a school district may submit a proposal to
7 the state board of education as prescribed by the state board to receive
8 monies for preschool programs for children with disabilities as provided in
9 this section. A school district ~~which~~ THAT receives monies as provided in
10 this section shall include the monies in the special projects section of the
11 budget as provided in section 15-903, subsection F.

12 D. All school districts shall cooperate, if appropriate, with
13 community organizations that provide services to preschool children with
14 disabilities in the provision of the district's preschool program for
15 children with disabilities.

16 E. A school district may not admit a child to a preschool program for
17 children with disabilities unless the child is evaluated and recommended for
18 placement as provided in sections 15-766 and 15-767.

19 F. For the purpose of allocating monies pursuant to 20 United States
20 Code section 1419(g)(1)(B)(i), "jurisdiction" includes high school pupils
21 whose parents reside within the boundaries of a common school district. The
22 common school district shall ensure such high school pupils are not counted
23 by any other school district.

24 G. For the purposes of this section, "preschool child" means a child
25 who is at least three years of age but who has not reached the age required
26 for kindergarten. A preschool child is three years of age as of the date of
27 the child's third birthday. The governing board of a school district may
28 admit otherwise eligible children who are within ninety days of their third
29 birthday, if it is determined to be in the best interest of the individual
30 child. Children who are admitted to programs for preschool children ~~prior to~~
31 BEFORE their third birthday are entitled to the same provision of services as
32 if they were three years of age.

33 Sec. 10. Section 15-792.03, Arizona Revised Statutes, is amended to
34 read:

35 15-792.03. Grand Canyon diploma

36 A. The private organization selected pursuant to section 15-792.02
37 shall develop the Grand Canyon diploma to be approved and adopted by the
38 state board of education. School districts and charter schools in this state
39 may choose to offer a Grand Canyon diploma beginning in the 2012-2013 school
40 year. A high school student who is enrolled in a school district or charter
41 school that offers a Grand Canyon diploma may choose to pursue a Grand Canyon
42 diploma.

43 B. Students are eligible for the Grand Canyon diploma and may be
44 awarded the Grand Canyon diploma at the end of grade ten or during or at the
45 end of grade eleven or twelve if the students meet the criteria. Students

1 who elect to pursue a Grand Canyon diploma shall participate in a board
2 examination system that consists of internationally benchmarked instructional
3 programs of study chosen by an interstate compact on board examination
4 systems.

5 C. Students who are eligible for a Grand Canyon diploma shall have
6 multiple pathways available to them and may:

7 1. Enroll the following fall semester in a community college under the
8 jurisdiction of a community college district in this state. Community
9 colleges under the jurisdiction of a community college district in this state
10 shall admit students who obtain a Grand Canyon diploma and who otherwise meet
11 the qualifications for admission. The school district or charter school from
12 which the student earned the Grand Canyon diploma shall include that student
13 in the school district's or charter school's student count and shall continue
14 to receive per pupil funding for a student who earns a Grand Canyon diploma
15 until that student would otherwise have graduated at the end of grade twelve,
16 as long as that student is enrolled as a full-time student in a community
17 college under the jurisdiction of a community college district in this state.
18 The school district or charter school shall subtract twenty per cent of its
19 average daily ~~membership~~ ATTENDANCE amount and reimburse the community
20 college if the student has earned a Grand Canyon diploma and is attending a
21 community college as a full-time student. If the student attends community
22 college on a community college campus, the school district or charter school
23 shall reimburse the community college district for the amount of operating
24 and capital outlay full-time student equivalency monies. For the purposes of
25 this paragraph, the amount of operating full-time student equivalency monies
26 shall be equivalent to the average appropriation per full-time student
27 equivalent for all community college districts as calculated pursuant to
28 section 15-1466, subsection C, paragraph 2. Fifty per cent of the remaining
29 balance of the per pupil funding shall be used for teacher and pupil
30 incentives, including scholarship programs, to offset the costs of board
31 examinations and to provide customized programs of assistance for students
32 who do not pass the board examinations. The other fifty per cent shall be
33 used for maintenance and operations, including capital. Under this
34 paragraph, a student who earns a Grand Canyon diploma is responsible for
35 tuition. A student who earns a Grand Canyon diploma may enroll in community
36 college courses offered on a community college campus or a high school
37 campus, or both. Notwithstanding any other law, community college districts
38 shall not classify a student who remains in high school pursuant to this
39 paragraph as a full-time equivalent student. Students who take courses on
40 high school campuses pursuant to this paragraph shall be eligible to
41 participate in extracurricular activities, including interscholastic sports,
42 through the end of grade twelve. The expenditure by community college
43 districts of payments from the school district or charter school to the
44 community colleges under this section shall not be included under the
45 district expenditure limitation prescribed pursuant to article IX, section

1 21, Constitution of Arizona. If the instruction provided under this
2 paragraph is offered on a community college campus, the funding and
3 implementation mechanics between the school district or charter school and
4 the community college shall be determined by agreement between the school
5 district or charter school and the community college.

6 2. Remain in high school and enroll in additional advanced preparation
7 board examination programs that are designed to prepare those students for
8 admission to selective postsecondary institutions that offer baccalaureate
9 degree programs. These board examination programs shall be selected from a
10 list approved by an interstate compact for board examination systems. The
11 school district or charter school from which the student became eligible for
12 the Grand Canyon diploma shall include that student in the school district's
13 or charter school's student count and shall continue to receive per pupil
14 funding for a student who is eligible for a Grand Canyon diploma until that
15 student would otherwise have graduated at the end of grade twelve, as long as
16 that student is enrolled in approved advanced preparation board examination
17 programs at that school district or charter school. Students who elect to
18 remain in high school pursuant to this paragraph shall not be prevented from
19 enrolling at a high school after the pupil becomes eligible for a Grand
20 Canyon diploma and shall be eligible to participate in extracurricular
21 activities, including interscholastic sports, through the end of grade
22 twelve.

23 3. Enroll in a full-time career and technical education program
24 offered on a high school campus or a joint technical education district
25 campus, or any combination of these campuses. Students who elect to remain
26 in high school pursuant to this paragraph shall not be prevented from
27 enrolling at a high school after the pupil becomes eligible for a Grand
28 Canyon diploma and shall be eligible to participate in extracurricular
29 activities, including interscholastic sports, through the end of grade
30 twelve. The school district or charter school from which the student became
31 eligible for the Grand Canyon diploma shall include that student in the
32 school district's or charter school's student count and shall continue to
33 receive per pupil funding for a student who is eligible for a Grand Canyon
34 diploma until that student would otherwise have graduated at the end of grade
35 twelve, as long as that student is enrolled in an approved full-time career
36 and technical education program. Notwithstanding any other law, if the
37 instruction provided under this paragraph is provided by a joint technical
38 education district in a full-time career and technical education program that
39 is designed to lead to a certificate that is awarded by an industry or
40 recognized as meeting industry standards, the sum of the average daily
41 ~~membership~~ ATTENDANCE for that pupil shall not exceed 1.25, and the average
42 daily ~~membership~~ ATTENDANCE shall be apportioned at 1.0 for the joint
43 technical education district and 0.25 for the school district.

44 4. Remain in high school without completing the next level of board
45 examination systems and participate in programs of study available to the

1 students through the school district or charter school. The school district
 2 or charter school will continue to include the students in the school
 3 district's or charter school's count and shall continue to receive per pupil
 4 funding for the students until those students would have otherwise graduated
 5 at the end of grade twelve, as long as those students are enrolled in
 6 approved programs of study at that school district or charter school.
 7 Students who elect to remain in high school pursuant to this paragraph shall
 8 be eligible to participate in extracurricular activities, including
 9 interscholastic sports.

10 D. Students who pursue but do not meet the eligibility requirements
 11 for a Grand Canyon diploma at the end of grade ten or eleven shall receive a
 12 customized program of assistance during the next school year that addresses
 13 areas in which the student demonstrated deficiencies in the approved board
 14 examinations. These students may retake the board examinations at the next
 15 available examination administration. Students may choose to return to a
 16 traditional academic program without completing the board examination system
 17 curriculum.

18 E. The private organization selected pursuant to section 15-792.02
 19 shall develop detailed requirements for students to become eligible for the
 20 Grand Canyon diploma, as approved and adopted by the state board of
 21 education, that include at least the following:

22 1. Demonstrated skills and knowledge in English and mathematical
 23 literacy to be successful in college level courses offered by the community
 24 colleges in this state that count toward a degree or certificate without
 25 taking remedial or developmental coursework as determined by an interstate
 26 compact on board examination systems.

27 2. Satisfactory grades on approved board examinations in subjects
 28 determined to be necessary to prepare a student to enter community college
 29 without remedial or developmental coursework and that do not include
 30 coursework required exclusively for entry into an institution that awards
 31 baccalaureate degrees.

32 F. A student who obtains a Grand Canyon diploma pursuant to this
 33 section is not eligible to participate in the early graduation scholarship
 34 program established by section 15-105 if the student elects to pursue one of
 35 the pathways prescribed in subsection C, paragraph 1, 2 or 3 of this section.
 36 The department of education shall not transmit any monies to the commission
 37 for postsecondary education pursuant to section 15-105, subsection F on
 38 behalf of any student who obtains a Grand Canyon diploma pursuant to this
 39 section if the student elects to pursue one of the pathways prescribed in
 40 subsection C, paragraph 1, 2 or 3 of this section.

41 Sec. 11. Section 15-808, Arizona Revised Statutes, is amended to read:
 42 15-808. Arizona online instruction; reports; definitions

43 A. Arizona online instruction shall be instituted to meet the needs of
 44 pupils in the information age. The state board of education shall select
 45 traditional public schools and the state board for charter schools shall

1 sponsor charter schools to be online course providers or online schools. The
2 state board of education and the state board for charter schools shall
3 jointly develop standards for the approval of online course providers and
4 online schools based on the following criteria:

- 5 1. The depth and breadth of curriculum choices.
- 6 2. The variety of educational methodologies employed by the school and
7 the means of addressing the unique needs and learning styles of targeted
8 pupil populations, including computer assisted learning systems, virtual
9 classrooms, virtual laboratories, electronic field trips, electronic mail,
10 virtual tutoring, online help desk, group chat sessions and noncomputer based
11 activities performed under the direction of a certificated teacher.
- 12 3. The availability of an intranet or private network to safeguard
13 pupils against predatory and pornographic elements of the internet.
- 14 4. The availability of filtered research access to the internet.
- 15 5. The availability of private individual electronic mail between
16 pupils, teachers, administrators and parents in order to protect the
17 confidentiality of pupil records and information.
- 18 6. The availability of faculty members who are experienced with
19 computer networks, the internet and computer animation.
- 20 7. The extent to which the school intends to develop partnerships with
21 universities, community colleges and private businesses.
- 22 8. The services offered to developmentally disabled populations.
- 23 9. The grade levels that will be served.

24 B. Each new school that provides online instruction shall provide
25 online instruction on a probationary status. After a new school that
26 provides online instruction has clearly demonstrated the academic integrity
27 of its instruction through the actual improvement of the academic performance
28 of its students, the school may apply to be removed from probationary status.
29 The state board of education or the state board for charter schools shall
30 remove from Arizona online instruction any probationary school that fails to
31 clearly demonstrate improvement in academic performance within three years
32 measured against goals in the approved application and the state's
33 accountability system. The state board of education and the state board for
34 charter schools shall review the effectiveness of each participating school
35 and other information that is contained in the annual report prescribed in
36 subsection D of this section. All pupils who participate in Arizona online
37 instruction shall reside in this state. Pupils who participate in Arizona
38 online instruction are subject to the testing requirements prescribed in
39 chapter 7, article 3 of this title. ~~Upon~~ **ON** enrollment, the school shall
40 notify the parents or guardians of the pupil of the state testing
41 requirements. If a pupil fails to comply with the testing requirements and
42 the school administers the tests pursuant to this subsection to less than
43 ninety-five per cent of the pupils in Arizona online instruction, the pupil
44 shall not be allowed to participate in Arizona online instruction.

1 C. ~~Beginning July 1, 2010,~~ The state board of education and the state
2 board for charter schools shall develop annual reporting mechanisms for
3 schools that participate in Arizona online instruction.

4 D. The department of education shall compile the information submitted
5 in the annual reports by schools participating in Arizona online instruction.
6 The department of education shall submit the compiled report to the governor,
7 the speaker of the house of representatives and the president of the senate
8 by November 15 of each year.

9 E. Each school selected for Arizona online instruction shall ensure
10 that a daily log is maintained for each pupil who participates in Arizona
11 online instruction. The daily log shall describe the amount of time spent by
12 each pupil participating in Arizona online instruction pursuant to this
13 section on academic tasks. The daily log shall be used by the school
14 district or charter school to qualify the pupils who participate in Arizona
15 online instruction in the school's average daily attendance calculations
16 pursuant to subsection F of this section.

17 F. If a pupil is enrolled in a school district or charter school and
18 also participates in Arizona online instruction, the sum of the average daily
19 ~~membership~~ ATTENDANCE, which includes enrollment as prescribed in section
20 15-901, subsection A, paragraph 1, subdivisions (a) and (b) and daily
21 attendance as prescribed in section 15-901, subsection A, paragraph 5, for
22 that pupil in the school district or charter school and in Arizona online
23 instruction shall not exceed 1.0. If the pupil is enrolled in a school
24 district or a charter school and also participates in Arizona online
25 instruction and the sum of the ~~daily membership or~~ daily attendance for that
26 pupil is greater than 1.0, the sum shall be reduced to 1.0 and shall be
27 apportioned between the school district, unless the school district is a
28 joint technical education district subject to the apportionment requirements
29 of section 15-393, or charter school and Arizona online instruction based on
30 the percentage of total time that the pupil is enrolled or in attendance in
31 the school district or charter school and Arizona online instruction. The
32 uniform system of financial records shall include guidelines for the
33 apportionment of the pupil enrollment and attendance as provided in this
34 subsection. Pupils in Arizona online instruction do not incur absences for
35 purposes of this subsection and may generate an average daily attendance of
36 1.0 for attendance hours during any hour of the day, during any day of the
37 week and at any time between July 1 and June 30 of each fiscal year. For
38 kindergarten programs and grades one through eight, average daily ~~membership~~
39 ATTENDANCE shall be calculated by dividing the instructional hours as
40 reported in the daily log required in subsection E of this section by the
41 applicable hourly requirements prescribed in section 15-901. For grades nine
42 through twelve, average daily ~~membership~~ ATTENDANCE shall be calculated by
43 dividing the instructional hours as reported in the daily log required in
44 subsection E of this section by nine hundred. The average daily ~~membership~~
45 ATTENDANCE of a pupil who participates in online instruction shall not

1 exceed 1.0. Average daily ~~membership~~ ATTENDANCE shall not be calculated on
2 the one hundredth day of instruction for the purposes of this section.
3 Funding shall be determined as follows:

4 1. A pupil who is enrolled full-time in Arizona online instruction
5 shall be funded for online instruction at ninety-five per cent of the base
6 support level that would be calculated for that pupil if that pupil were
7 enrolled as a full-time student in a school district or charter school that
8 does not participate in Arizona online instruction. Additional assistance,
9 capital outlay revenue limit and soft capital allocation limit shall be
10 calculated in the same manner they would be calculated if the student were
11 enrolled in a district or charter school that does not participate in Arizona
12 online instruction.

13 2. A pupil who is enrolled part-time in Arizona online instruction
14 shall be funded for online instruction at eighty-five per cent of the base
15 support level that would be calculated for that pupil if that pupil were
16 enrolled as a part-time student in a school district or charter school that
17 does not participate in Arizona online instruction. Additional assistance,
18 capital outlay revenue limit and soft capital allocation limit shall be
19 calculated in the same manner they would be calculated if the student were
20 enrolled in a district or charter school that does not participate in Arizona
21 online instruction.

22 G. If the academic achievement of a pupil declines while the pupil is
23 participating in Arizona online instruction, the pupil's parents, the pupil's
24 teachers and the principal or head teacher of the school shall confer to
25 evaluate whether the pupil should be allowed to continue to participate in
26 Arizona online instruction.

27 H. To ensure the academic integrity of pupils who participate in
28 online instruction, Arizona online instruction shall include multiple diverse
29 assessment measures and the proctored administration of required state
30 standardized tests.

31 I. For the purposes of this section:

32 1. "Full-time student" means:

33 (a) A student who is at least five years of age before September 1 of
34 a school year and who is enrolled in a school kindergarten program that meets
35 at least three hundred forty-six hours during the school year.

36 (b) A student who is at least six years of age before September 1 of a
37 school year, who has not graduated from the highest grade taught in the
38 school and who is regularly enrolled in a course of study required by the
39 state board of education. For first, second and third grade students, the
40 instructional program shall meet at least seven hundred twelve hours. For
41 fourth, fifth and sixth grade students, the instructional program shall meet
42 at least eight hundred ninety hours during the school year.

43 (c) Seventh and eighth grade students or ungraded students who are at
44 least twelve, but under fourteen, years of age on or before September 1 and

1 who are enrolled in an instructional program of courses that meets at least
2 one thousand sixty-eight hours during the school year.

3 (d) For high schools, except as provided in section 15-105, a student
4 not graduated from the highest grade taught in the school district, or an
5 ungraded student at least fourteen years of age on or before September 1, and
6 who is enrolled in at least four courses throughout the year that meet at
7 least nine hundred hours during the school year. A full-time student shall
8 not be counted more than once for computation of average daily ~~membership~~
9 ATTENDANCE.

10 2. "Online course provider" means a school other than an online school
11 that is selected by the state board of education or the state board for
12 charter schools to participate in Arizona online instruction pursuant to this
13 section and that provides at least one online academic course that is
14 approved by the state board of education.

15 3. "Online school" means a school that provides at least four online
16 academic courses or one or more online courses for the equivalent of at least
17 five hours each day for one hundred eighty school days and that is a charter
18 school that is sponsored by the state board for charter schools or a
19 traditional public school that is selected by the state board of education to
20 participate in Arizona online instruction.

21 4. "Part-time student" means:

22 (a) Any student who is enrolled in a program that does not meet the
23 definition in paragraph 1 of this subsection shall be funded at eighty-five
24 per cent of the base support level that would be calculated for that pupil if
25 that pupil were enrolled as a part-time student in a school district or
26 charter school that does not participate in Arizona online instruction.

27 (b) A part-time student of seventy-five per cent average daily
28 ~~membership~~ ATTENDANCE shall be enrolled in at least three subjects throughout
29 the year that offer for first, second and third grade students at least five
30 hundred thirty-four instructional hours in a school year and for fourth,
31 fifth and sixth grade students at least six hundred sixty-eight instructional
32 hours in a school year. A part-time student of fifty per cent average daily
33 ~~membership~~ ATTENDANCE shall be enrolled in at least two subjects throughout
34 the year that offer for first, second and third grade students at least three
35 hundred fifty-six instructional hours in a school year and for fourth, fifth
36 and sixth grade students at least four hundred forty-five instructional hours
37 in a school year. A part-time student of twenty-five per cent average daily
38 ~~membership~~ ATTENDANCE shall be enrolled in at least one subject throughout
39 the year that offers for first, second and third grade students at least one
40 hundred seventy-eight instructional hours in a school year and for fourth,
41 fifth and sixth grade students at least two hundred twenty-three
42 instructional hours in a school year.

43 (c) For seventh and eighth grade students, a part-time student of
44 seventy-five per cent average daily ~~membership~~ ATTENDANCE shall be enrolled
45 in at least three subjects throughout the year that offer at least eight

1 hundred one instructional hours in a school year. A part-time student of
2 fifty per cent average daily ~~membership~~ ATTENDANCE shall be enrolled in at
3 least two subjects throughout the year that offer at least five hundred
4 thirty-four instructional hours in a school year. A part-time student of
5 twenty-five per cent average daily ~~membership~~ ATTENDANCE shall be enrolled in
6 at least one subject throughout the year that offers at least two hundred
7 sixty-seven instructional hours in a school year.

8 (d) For high school students, a part-time student of seventy-five per
9 cent average daily ~~membership~~ ATTENDANCE shall be enrolled in at least three
10 subjects throughout the year that offer at least six hundred seventy-five
11 instructional hours in a school year. A part-time student of fifty per cent
12 average daily ~~membership~~ ATTENDANCE shall be enrolled in at least two
13 subjects throughout the year that offer at least four hundred fifty
14 instructional hours in a school year. A part-time student of twenty-five per
15 cent average daily ~~membership~~ ATTENDANCE shall be enrolled in at least one
16 subject throughout the year that offers at least two hundred twenty-five
17 instructional hours in a school year.

18 Sec. 12. Section 15-824, Arizona Revised Statutes, is amended to read:

19 15-824. Admission of pupils of other school districts; homeless
20 children; tuition charges; definitions

21 A. The governing board of a school district shall admit pupils from
22 another school district or area as follows:

23 1. ~~Upon~~ ON the presentation of a certificate of educational
24 convenience issued by the county school superintendent pursuant to section
25 15-825.

26 2. For three hundred fifty or fewer pupils, to a high school without
27 the presentation of such certificate, if the pupil is a resident of a common
28 school district within this state that is not within a high school district
29 and that does not offer instruction in the pupil's grade. The three hundred
30 fifty or fewer pupil limitation prescribed in this paragraph does not apply
31 to a small isolated school district as defined in section 15-901. Tuition
32 shall be charged as prescribed in subsection E of this section for each pupil
33 admitted pursuant to this paragraph, each pupil from a school district that
34 provides only financing for pupils who are instructed by another school
35 district and each pupil from a unified district that does not offer
36 instruction in the pupil's grade. The school ~~membership~~ ATTENDANCE of such
37 pupils is deemed, for the purpose of determining student count and for
38 apportionment of state aid, to be enrollment in the school district of the
39 pupil's residence.

40 B. The residence of the person having legal custody of the pupil is
41 considered the residence of the pupil, except as provided in subsection C of
42 this section and in section 15-825, subsection B.

43 C. The current residence of a homeless pupil who does not reside with
44 the person having legal custody of the pupil is considered to be the
45 residence of the homeless pupil if the person having legal custody of the

1 pupil is a resident of the United States. For the purposes of this
2 subsection, "homeless pupil" means a pupil who has a primary residence that
3 is:

4 1. A supervised publicly or privately operated shelter designed to
5 provide temporary living accommodations.

6 2. An institution that provides a temporary residence for individuals
7 intended to be institutionalized.

8 3. A public or private place not designed for, or ordinarily used as,
9 a regular sleeping accommodation for human beings.

10 D. The school enrollment of a pupil who is a resident of this state or
11 who is admitted to a school district under section 15-823, subsection B, C or
12 E is deemed, for the purpose of determining student count and for
13 apportionment of state aid, to be enrollment in the school district of actual
14 attendance, except as provided in section 15-825, subsection A, paragraph 1
15 and subsection A, paragraph 2 of this section and except for pupils for whom
16 the superintendent of public instruction is charged tuition pursuant to
17 section 15-825, subsections B and D and section 15-976 or for whom another
18 school district is charged tuition as provided in subsections E and G of this
19 section.

20 E. If tuition is required to be charged for pupils attending school in
21 a school district other than that of their residence, the tuition shall be
22 determined and paid in the following manner:

23 1. The number of high school pupils for which tuition may be charged
24 to a common school district that is not within a high school district is
25 equal to the average daily ~~membership~~ ATTENDANCE in the district of
26 attendance from the common school district for the prior fiscal year, except
27 that for the first year in which a common school district not within a high
28 school district stops teaching high school subjects, the district of
29 attendance may charge tuition for the number of pupils ~~which~~ THAT is equal to
30 the average daily ~~membership~~ ATTENDANCE for high school pupils in the common
31 school district for the prior fiscal year. This number may be adjusted if
32 the common school district increases its revenue control limit and district
33 support level or recomputes its revenue control limit as provided in section
34 15-948.

35 2. The tuition for pupils attending school in a school district other
36 than that of their residence, except pupils provided for by section 15-825,
37 subsections B and D and any pupils included in the definition of child with a
38 disability in section 15-761, shall not exceed the cost per student count of
39 the school district attended, as determined for the current school year.
40 Tuition for pupils included in the definition of child with a disability in
41 section 15-761 shall not exceed the actual cost of the school attended for
42 each pupil as determined for the current year. The school district of
43 attendance shall not include in the cost per student count a charge for
44 transportation if no transportation is provided, and the charge for
45 transportation shall not exceed the actual costs of providing transportation

1 for the pupils served, as prescribed in the uniform system of financial
2 records. The school district of attendance shall provide the school district
3 of residence with the final tuition charge for the current year and with an
4 estimate of the budget year's tuition charge by May 1 of the current year.
5 The school district of residence shall pay at least one-fourth of the total
6 amount of the estimated tuition by September 30, December 31 and March 31,
7 and it shall pay the remaining amount it owes after adjustments are made by
8 June 30.

9 3. Notwithstanding paragraph 2 of this subsection and subsection G of
10 this section, if two school districts enter into a voluntary agreement for
11 the payment of tuition, the agreement shall specify the method for computing
12 the tuition amount and the timing of the payments. The agreement shall not
13 be longer than five consecutive years. If two school districts enter into an
14 agreement and choose to renew the agreement, each renewal shall not be longer
15 than five consecutive years. The agreement shall specify that a parent or
16 legal guardian of a pupil affected by a tuition agreement entered pursuant to
17 this section or section 15-816.01 may choose not to send the pupil or pupils
18 to a school district or school that is a party to the agreement.

19 4. Tuition of pupils as provided in section 15-825, subsection D shall
20 not exceed the excess costs for group B children with disabilities minus the
21 amount generated by the equalization base as determined in section 15-971,
22 subsection A for these pupils. A school district may submit to the
23 superintendent of public instruction a record of actual excess costs to
24 educate a group B child with a disability if the costs are higher than the
25 calculated excess costs or if a pupil has been placed in a private school for
26 special education services. The superintendent shall determine if the
27 additional costs will be paid, and if the costs are paid, whether the
28 additional costs will be paid by the state or the resident district.

29 5. The amount received representing contributions to capital outlay as
30 provided in subsection G, paragraph 1, subdivision (b) of this section shall
31 be applied to the capital outlay fund or the debt service fund of the school
32 district.

33 6. The amount received representing contributions to debt service as
34 provided in subsection G, paragraph 1, subdivisions (c) and (d) of this
35 section shall be applied to the debt service fund of the school district if
36 there is one. Otherwise such amount shall be credited to the capital outlay
37 fund of the school district.

38 F. A school district may submit to the superintendent of public
39 instruction a record of actual costs paid by the school district to educate a
40 pupil who qualifies for a certificate of educational convenience under
41 section 15-825, subsection B. If the actual costs for that pupil exceed the
42 costs per student count computed pursuant to subsection G of this section,
43 the superintendent of public instruction shall reimburse the school district
44 for these additional costs subject to legislative appropriation.

1 G. For the purposes of this section:

2 1. "Costs per student count" means the sum of the following for the
3 common or high school portion of the school district attended, whichever is
4 applicable to the pupil involved, as prescribed in the uniform system of
5 financial records:

6 (a) The actual school district expenditures for the regular education
7 program subsection of the maintenance and operation section of the budget
8 divided by the school district's student count for the common or high school
9 portion of the school district, whichever is applicable.

10 (b) The actual school district expenditures for the capital outlay
11 section of the budget as provided in sections 15-903 and 15-905 excluding
12 expenditures for transportation equipment and buildings if no transportation
13 is provided and expenditures for the acquisition of building sites, divided
14 by the school district's student count for the common or high school portion
15 of the school district, whichever is applicable.

16 (c) The actual school district expenditures for debt service divided
17 by the school district's student count for the common or high school portion
18 of the school district, whichever is applicable.

19 (d) The result obtained in subdivision (c) of this paragraph shall not
20 exceed:

21 (i) Seven hundred fifty dollars if the pupil's school district of
22 residence pays tuition for seven hundred fifty or fewer pupils to other
23 school districts or one hundred fifty dollars if the state pays tuition for
24 seven hundred fifty or fewer pupils to a school district pursuant to section
25 15-825, subsection D or section 15-976.

26 (ii) Eight hundred dollars if the pupil's school district of residence
27 pays tuition for one thousand or fewer, but more than seven hundred fifty,
28 pupils to other school districts or two hundred dollars if the state pays
29 tuition for one thousand or fewer, but more than seven hundred fifty, pupils
30 to a school district pursuant to section 15-825, subsection D or section
31 15-976.

32 (iii) The actual cost per student count if either the pupil's school
33 district of residence or the state pays tuition for more than one thousand
34 pupils to other school districts.

35 2. "Legal custody" means:

36 (a) Custody exercised by the natural or adoptive parents with whom a
37 pupil resides.

38 (b) Custody granted by order of a court of competent jurisdiction to a
39 person or persons with whom a pupil resides unless the primary purpose for
40 which custody was requested was to circumvent the payment of tuition as
41 provided in this section.

42 Sec. 13. Section 15-901, Arizona Revised Statutes, is amended to read:
43 15-901. Definitions

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

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

11 1. "AVERAGE DAILY ATTENDANCE" MEANS ACTUAL AVERAGE DAILY ATTENDANCE OF
12 FRACTIONAL STUDENTS AND FULL-TIME STUDENTS THROUGH THE FIRST ONE HUNDRED
13 EIGHTY-FIVE DAYS IN SESSION. FOR HIGH SCHOOL PUPILS, DAILY ATTENDANCE IS
14 CALCULATED FOR A FULL-TIME STUDENT BY DIVIDING THE NUMBER OF HOURS ATTENDED
15 BY THE NUMBER OF HOURS SCHEDULED FOR A FULL-TIME INSTRUCTIONAL PROGRAM. THIS
16 AMOUNT SHALL BE REDUCED BY ONE-FOURTH, ONE-HALF OR THREE-FOURTHS FOR
17 PART-TIME STUDENTS, AS APPLICABLE.

18 (a) "Fractional student" means:

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

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

1 hundred sixty hours for a one hundred eighty day school year, or the
2 instructional hours prescribed in this section. The average daily ~~membership~~
3 ATTENDANCE of a part-time high school student shall be 0.25 if the student is
4 enrolled in an instructional program of one subject that meets at least one
5 hundred eighty hours for a one hundred eighty day school year, or the
6 instructional hours prescribed in this section.

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

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

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

42 (iii) Except as otherwise provided by law, for a full-time high school
43 student who is concurrently enrolled in two school districts or two charter
44 schools, the average daily ~~membership~~ ATTENDANCE 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~~ ATTENDANCE shall be apportioned between the school district
4 and the charter school and shall not exceed 1.0. The apportionment shall be
5 based on the percentage of total time that the student is enrolled in or in
6 attendance 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~~ ATTENDANCE shall be apportioned
11 between the school district and Arizona online instruction or the charter
12 school and Arizona online instruction and shall not exceed 1.0. The
13 apportionment shall be based on the percentage of total time that the student
14 is enrolled in or in attendance at the school district and Arizona online
15 instruction or the 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 that 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.

44 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
45 nine, but under twelve, years of age by September 1 attends more than

1 three-quarters of the instructional time scheduled for the day, except as
2 provided in section 15-797.

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

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

11 ATTENDANCE:

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

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

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

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

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

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

1 (g) For school districts that 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 that 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~~ ATTENDANCE as
26 prescribed in this subsection for the fiscal year before the current year,
27 except that for the purpose of budget preparation student count means average
28 daily ~~membership~~ ATTENDANCE as prescribed in this subsection for the current
29 year.

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

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

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

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

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

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

1 2. "Base level" means the following amounts plus the percentage
2 increases to the base level as provided in sections 15-902.02, 15-918.04,
3 15-919.04 and 15-952, except that if a school district or charter school is
4 eligible for an increase in the base level as provided in two or more of
5 these sections, the base level amount shall be calculated by compounding
6 rather than adding the sum of one plus the percentage of the increase from
7 those different sections:

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

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

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

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

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

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

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

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

33 8. "ED-P" means programs for children with emotional disabilities who
34 are enrolled in private special education programs as prescribed in section
35 15-765, subsection D, paragraph 1 or in an intensive school district program
36 as provided in section 15-765, subsection D, paragraph 2.

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

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

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

44 (b) If employed less than full time, multiply 1.00 by the percentage
45 of a full school day, or its equivalent, or a full class load, or its

1 equivalent, for which the teacher is employed as determined by the governing
2 board.

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

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

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

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

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

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

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

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

42 19. "MOID" means programs for pupils with moderate intellectual
43 disability.

44 20. "OI-R" means a resource program for pupils with orthopedic
45 impairments.

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

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

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

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

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

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

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

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

21 26. "Small school district" means a school district that meets all of
22 the following:

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

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

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

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

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

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

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

37 Sec. 14. Section 15-901.06, Arizona Revised Statutes, is amended to
38 read:

39 15-901.06. Dropout recovery programs; written learning plan;
40 requirements; definition

41 A. Each school district and charter school that provides instruction
42 to high school pupils, including schools that provide Arizona online
43 instruction, may offer a dropout recovery program for eligible pupils.

44 B. The state board of education shall prescribe standards and
45 achievement testing requirements for dropout recovery programs that attempt

1 to ensure that the programs are compatible with public school education goals
2 and requirements. The standards shall require dropout recovery programs to
3 do all of the following:

4 1. Provide curriculum aligned to the academic standards adopted by the
5 state board of education. The curriculum may be delivered online.

6 2. Provide standardized tests required by federal and state law.

7 3. Make available appropriate and sufficient supports for pupils,
8 including tutoring, career counseling and college counseling.

9 4. Comply with federal and state laws governing pupils with
10 disabilities.

11 5. Meet state requirements for high school graduation.

12 C. Each eligible pupil enrolled in a dropout recovery program shall
13 have a written learning plan developed by the pupil's assigned mentor. The
14 written learning plan shall include the following elements:

15 1. The start date and anticipated end date of the plan.

16 2. Courses to be completed by the pupil during the academic year.

17 3. Whether courses will be taken sequentially or concurrently.

18 4. State competency exams to be taken, as necessary.

19 5. Expectations for satisfactory monthly progress.

20 6. Expectations for contact with the pupil's assigned mentor.

21 D. The monthly participation in a dropout recovery program shall be
22 reported on or before the tenth school day of each month. Monthly
23 participation calculations shall include:

24 1. Newly enrolled pupils who have a written learning plan on file on
25 or before the first school day of the previous month.

26 2. Pupils who met the expectations for satisfactory monthly progress
27 in the previous month.

28 3. Pupils who did not meet the expectations for satisfactory monthly
29 progress in the previous month but did meet the expectations in the month
30 before the previous month.

31 4. Pupils who met expectations for program reentry in the revised
32 written learning plan in the previous month.

33 E. Because dropout recovery pupils are not expected to regularly
34 attend classes at the district facilities, standard procedures for recording
35 pupil attendance cannot be effectively applied to those students. For pupils
36 participating in a dropout recovery program, an eligible pupil shall be
37 counted as being in attendance in the school's average daily attendance
38 calculations pursuant to subsection F of this section if the pupil meets one
39 of the following conditions:

40 1. ~~A pupil~~ Is in ~~their~~ THE first month of enrollment in the program
41 and completes the program orientation during that month.

42 2. ~~A pupil~~ Is enrolled in teacher-facilitated courses and meets the
43 expectations for satisfactory monthly progress for the current or previous
44 month. A pupil who does not meet expectations for monthly progress for two

1 or more consecutive months shall not be reported as being in attendance until
2 the pupil meets the expectations for program reentry.

3 3. ~~A pupil~~ Meets the expectations for program reentry in the revised
4 written learning plan.

5 F. If a pupil is enrolled in a school district or charter school and
6 also participates in a dropout recovery program in the same fiscal year, the
7 sum of the average daily ~~membership~~ ATTENDANCE as prescribed in section
8 15-901, subsection A, paragraph 1, subdivisions (a) and (b), and ~~average~~
9 daily attendance as prescribed in section 15-901, subsection A, paragraph 5,
10 for that pupil in the school district or charter school and in a dropout
11 recovery program shall not exceed 1.0. If the pupil is enrolled in both a
12 school district or charter school and a dropout recovery program in the same
13 fiscal year and the sum of the average daily ~~membership~~ ATTENDANCE and
14 average daily attendance for that pupil is greater than 1.0, the sum shall be
15 reduced to 1.0 and shall be apportioned between the school district or
16 charter school and the dropout recovery program based on the proportionate
17 shares of average daily ~~membership~~ ATTENDANCE in the school district or
18 charter school and the average daily attendance in the dropout recovery
19 program. The uniform system of financial records shall include guidelines
20 for the apportionment of pupil enrollment and attendance as provided in this
21 subsection. Pupils in a dropout recovery program do not incur absences for
22 purposes of this subsection and may generate average daily attendance for
23 attendance during any hour of the day, during any day of the week and at any
24 time between July 1 and June 30 of each fiscal year. The average daily
25 attendance of a pupil who participates in a dropout recovery program shall
26 not exceed 1.0 and shall be calculated by fulfilling the requirements of
27 subsection E of this section. Average daily ~~membership~~ ATTENDANCE shall not
28 be calculated on the one hundredth day of instruction for the purposes of
29 this section.

30 G. Notwithstanding section 15-901, subsection A, paragraph 1, the
31 average daily ~~membership~~ ATTENDANCE for pupils enrolled in a dropout recovery
32 program shall equal the average daily attendance of the pupils.

33 H. School districts and charter schools shall be responsible for
34 tuition charges and fees related to pupil participation in a dropout recovery
35 program, including course materials and access to technology for use with
36 online courses.

37 I. School districts and charter schools may contract with an
38 educational management organization to provide a dropout recovery program.
39 If contracting with an educational management organization, the school
40 district or charter school shall ensure that all of the following
41 requirements are met:

42 1. The educational management organization is accredited by a regional
43 accrediting body.

44 2. Teachers provided by the educational management organization hold a
45 current teaching license from any state and a valid Arizona fingerprint

1 clearance card pursuant to section 15-534, and teachers of core subjects are
2 highly qualified in the subjects to which they are assigned.

3 J. Attendance, graduation and test scores from pupils in a dropout
4 recovery program shall be exempt from the requirements related to annual
5 achievement profiles pursuant to section 15-241 and school report cards
6 pursuant to section 15-746.

7 K. For the purposes of this section, "eligible pupil" means a pupil
8 who is not currently enrolled in a school district or charter school and who
9 has been withdrawn from a school district or charter school for at least
10 thirty days.

11 Sec. 15. Section 15-902.03, Arizona Revised Statutes, is amended to
12 read:

13 15-902.03. Procedures for determining average daily attendance

14 A. The department of education shall compute and aggregate average
15 daily ~~membership~~ ATTENDANCE for the current year no later than April 15, and
16 shall not further aggregate student data after April 15 for the current year.
17 The department shall inform school districts and charter schools of their
18 final average daily ~~membership~~ ATTENDANCE counts no later than April 22 of
19 the current year. School districts shall use these student counts to
20 determine the average daily ~~membership~~ ATTENDANCE for the budget year. Any
21 future adjustments in student counts, if discovered by the school district or
22 charter school after April 15, shall be made pursuant to section 15-915.
23 This subsection does not apply to Arizona online instruction.

24 B. Notwithstanding subsection A of this section, school districts may
25 continue to make budget adjustments pursuant to section 15-905, make
26 corrections pursuant to section 15-915 and use the adjustment for growth in
27 student count pursuant to section 15-948.

28 Sec. 16. Section 15-910.01, Arizona Revised Statutes, is amended to
29 read:

30 15-910.01. School district budgets; career and technical
31 education and vocational education center expenses

32 A. The governing board of a school district ~~which~~ THAT has entered
33 into an intergovernmental agreement or other written contract to establish a
34 jointly owned and operated career and technical education and vocational
35 education center as provided in section 15-789 may budget for vocational
36 maintenance and operation expenses ~~which~~ THAT are specifically exempt in
37 whole or part from the revenue control limit for a period of not to exceed
38 three years beginning the first year that the career and technical education
39 and vocational education center is operating and serving students. The
40 governing board shall notify the state board of education before adopting a
41 budget as provided in this section for the first year of operation of the
42 career and technical education and vocational education center to demonstrate
43 that the center is ready to begin operations.

44 B. For each year that a school district is authorized to budget for a
45 joint career and technical education and vocational education center as

1 provided in this section, the district shall determine the budget amount as
2 follows:

3 1. Estimate the average daily ~~membership~~ ATTENDANCE or adjusted
4 average daily ~~membership~~ ATTENDANCE for the budget year of students to be
5 enrolled in courses held at the joint career and technical education and
6 vocational education center pursuant to section 15-901.

7 2. Multiply 0.142 by the base level and multiply this product by the
8 average daily ~~membership~~ ATTENDANCE or adjusted average daily ~~membership~~
9 ATTENDANCE as determined in paragraph 1 of this subsection.

10 C. Before May 15, school districts ~~which~~ THAT overestimate the average
11 daily ~~membership~~ ATTENDANCE as provided in subsection B, paragraph 1 of this
12 section shall adjust the general budget limit and expenditures based on the
13 actual average daily ~~membership~~ ATTENDANCE during the current fiscal year.
14 School districts ~~which~~ THAT underestimate the average daily ~~membership~~
15 ATTENDANCE may adjust their budgets before May 15 based on the actual average
16 daily ~~membership~~ ATTENDANCE during the current fiscal year. Procedures for
17 completing adjustments shall be prescribed in the uniform system of financial
18 records. Not later than May 18, the budget as revised shall be submitted
19 electronically to the superintendent of public instruction.

20 D. A governing board ~~which~~ THAT budgets for career and technical
21 education and vocational education center expenses pursuant to this section
22 shall:

23 1. Prepare and employ a separate maintenance and operation budget for
24 the career and technical education and vocational education center on a form
25 prescribed by the superintendent of public instruction in conjunction with
26 the auditor general. The budget format shall be designed to allow a school
27 district to plan and provide in detail for expenditures to be incurred solely
28 for the maintenance and operation of the career and technical education and
29 vocational education center.

30 2. Prepare as a part of the annual financial report a detailed report
31 of expenditures incurred solely for the maintenance and operation of the
32 career and technical education and vocational education center.

33 E. The part of the primary tax rate set to fund the vocational
34 maintenance and operations expenses as provided in this section shall not be
35 included in the computation of additional state aid for education as
36 prescribed in section 15-972.

37 Sec. 17. Section 15-913.01, Arizona Revised Statutes, is amended to
38 read:

39 15-913.01. Education program; county jails

40 A. Each county that operates a county jail shall offer an education
41 program to serve all prisoners who are under eighteen years of age and
42 prisoners with disabilities who are age twenty-one or younger and who are
43 confined in the county jail. The county school superintendent and the
44 sheriff in each county shall agree on the method of delivery of the education
45 program.

1 B. The county school superintendent shall develop policies and
2 procedures for the transfer of educational records of any prisoner confined
3 in a county jail who has been transferred from a juvenile detention center or
4 from any other public agency that has provided educational services to that
5 prisoner.

6 C. A county may operate its county jail education program through an
7 accommodation school that provides alternative education services pursuant to
8 section 15-308, except that each pupil enrolled in the accommodation school
9 county jail education program shall be funded at an amount equal to
10 seventy-two per cent of the amount for that pupil if that pupil were enrolled
11 in another accommodation school program.

12 D. If a county chooses not to operate its county jail education
13 program through an accommodation school, the county school superintendent may
14 establish a county jail education fund to provide financial support to the
15 program. The county jail education fund for each program shall consist of a
16 base amount plus a variable amount. For fiscal year 1999-2000 the base
17 amount is fourteen thousand four hundred dollars and the variable amount
18 shall be determined pursuant to subsection E of this section. The base
19 amount and variable amount for each county or counties served shall be funded
20 with state general fund monies, subject to appropriation. The county school
21 superintendent must submit claims for payments to the state superintendent of
22 public instruction. The county school superintendent shall deposit the
23 payments into the county jail education fund.

24 E. The variable amount shall be determined as follows:

25 1. Determine the number of days in the prior fiscal year that each
26 pupil who is a prisoner and who had been in the county jail for more than
27 forty-eight hours received an instructional program of at least two hundred
28 forty minutes. No school district may count a pupil as being in attendance
29 in that school district on a day that the pupil is counted as a prisoner for
30 the purposes of this paragraph.

31 2. Multiply the number of days determined under paragraph 1 of this
32 subsection by the following amount:

33 (a) For fiscal year 1999-2000, ten dollars eighty cents.

34 (b) For fiscal year 2000-2001 and each year thereafter, the amount for
35 the prior year adjusted by any growth rate prescribed by law, subject to
36 legislative appropriation.

37 3. For each pupil who is a child with a disability as defined in
38 section 15-761, who is a prisoner and who had been in the county jail for
39 more than forty-eight hours:

40 (a) Determine the amount prescribed in section 15-1204, subsection E,
41 paragraph 1 or 2, multiply the amount by .72 and add seventy-two dollars for
42 capital outlay costs.

43 (b) Divide the sum determined under subdivision (a) of this paragraph
44 by one hundred seventy-five.

1 (c) Subtract the amount prescribed in paragraph 2 of this subsection
2 from the quotient determined in subdivision (b) of this paragraph.

3 (d) Determine the number of days in the prior fiscal year that the
4 pupil received an instructional program of at least two hundred forty
5 minutes.

6 (e) Multiply the amount determined in subdivision (d) of this
7 paragraph by the difference determined in subdivision (c) of this paragraph.

8 4. Add the amounts determined in paragraph 3 of this subsection for
9 all pupils with disabilities who are prisoners.

10 5. Add the sum determined in paragraph 4 of this subsection to the
11 product determined in paragraph 2 of this subsection. This sum is the
12 variable amount.

13 F. If a county jail education program serves more than one county, the
14 county school superintendents and the sheriffs of the counties being served
15 shall agree on a county of jurisdiction. The county school superintendent
16 shall deposit into the county jail education fund of the county of
17 jurisdiction monies that are received from the superintendent of public
18 instruction pursuant to this section for all counties served by the county of
19 jurisdiction.

20 G. If a county operated a county jail education program through an
21 accommodation school in the year before it begins to operate its county jail
22 education program as provided in subsection D of this section, for the first
23 year of operation as provided in subsection D of this section, the student
24 count of the accommodation school shall be reduced by the average daily
25 ~~membership~~ ATTENDANCE attributable to the accommodation school's county jail
26 program in its last fiscal year of operation.

27 Sec. 18. Section 15-914, Arizona Revised Statutes, is amended to read:
28 15-914. Financial and compliance audits

29 A. The governing board of a school district that is required to comply
30 with the single audit act amendments of 1996 (P.L. 104-156; 110 Stat. 1396;
31 United States Code sections 7501 through 7507) shall contract for at least
32 annual financial and compliance audits of financial transactions and accounts
33 subject to the single audit act amendments of 1996 and kept by or for the
34 school district. The governing board of a school district that is not
35 required to comply with the single audit act and that has adopted an
36 expenditure budget of two million dollars or more for the maintenance and
37 operation fund pursuant to section 15-905 shall contract for an annual
38 financial statement audit. The governing board of a school district that is
39 not required to comply with the single audit act and that has adopted an
40 expenditure budget of less than two million dollars but more than seven
41 hundred thousand dollars for the maintenance and operation fund pursuant to
42 section 15-905 shall contract for a biennial financial statement audit. An
43 independent certified public accountant shall conduct the audit in accordance
44 with generally accepted governmental auditing standards. To the extent
45 permitted by federal law, a school district that is required to participate

1 in an annual audit pursuant to this subsection may convert to a biennial
2 audit schedule if the previous annual audit did not contain any significant
3 negative findings. If a biennial audit of a school district conducted
4 pursuant to this subsection contains any significant negative findings, the
5 school district shall convert back to an annual audit schedule. If a school
6 district is required to convert back to an annual audit schedule pursuant to
7 this subsection because of significant negative findings, the school district
8 may subsequently convert to a biennial audit schedule if the previous two
9 annual audits did not contain any significant negative findings. For the
10 purposes of this subsection, "significant negative finding" means a finding
11 that results in the issuance of a letter of noncompliance from the auditor
12 general.

13 B. The governing board of a charter school that is required to comply
14 with the single audit act amendments of 1996 shall contract for an annual
15 financial and compliance audit of financial transactions and accounts subject
16 to the single audit act amendments of 1996 and kept by or for the charter
17 school. A charter school shall contract with a different auditor at least
18 once every six years.

19 C. A charter school that is not subject to the single audit act
20 amendments of 1996 shall contract for at least an annual financial statement
21 audit conducted in accordance with generally accepted governmental auditing
22 standards. An independent certified public accountant shall conduct the
23 audit. A charter school shall contract with a different auditor at least
24 once every six years.

25 D. For all audits referred to in subsections A, B and C of this
26 section, the independent certified public accountant shall submit a uniform
27 system of financial records compliance questionnaire to the auditor general
28 with the applicable audit reports.

29 E. Contracts for all financial and compliance audits and financial
30 statement audits and the completed audits shall be approved by the auditor
31 general as provided in section 41-1279.21. Contracts for all financial and
32 compliance audits and financial statement audits shall comply with the rules
33 for competitive sealed proposals as prescribed by the state board of
34 education in section 15-213.

35 F. If the school district or charter school will incur costs of
36 financial and compliance audits for the budget year, the governing board of a
37 school district or the governing body of the charter school may increase its
38 base support level for the budget year by an amount equal to the amount
39 expended for the district's or charter school's financial and compliance
40 audits in the year before the current year, increased by the growth rate as
41 prescribed by law, subject to appropriation. In determining the amount
42 expended for the district's or charter school's financial and compliance
43 audits, the school district or charter school shall include only the portion
44 of the audit that must be paid from monies other than federal monies. The
45 department of education and the auditor general shall prescribe a method for

1 determining the increase in the base support level and shall include in the
2 maintenance and operation section of the budget format, as provided in
3 section 15-903, a separate line for financial and compliance audits
4 expenditures.

5 G. Every audit contract shall include a systematic review of average
6 daily ~~membership~~ ATTENDANCE, as defined in section 15-901, using methodology
7 that is consistent with guidelines established by the auditor general. The
8 auditor general shall consider cost when establishing guidelines pursuant to
9 this subsection and, to the extent possible, shall attempt to minimize the
10 cost of the review. The purpose of the review is to determine whether the
11 average daily ~~membership~~ ATTENDANCE reported by the charter school or school
12 district is in compliance with the laws of this state and the uniform systems
13 of financial records for charter schools and school districts.

14 Sec. 19. Section 15-915, Arizona Revised Statutes, is amended to read:
15 15-915. Correction of state aid or budget limit errors;
16 definition

17 A. If the superintendent of public instruction determines that the
18 calculation of state aid for a school district or charter school or the
19 calculation of the school district's or charter school's budget limits within
20 the previous year did not conform with statutory requirements, the
21 superintendent shall require correction of the errors as follows:

22 1. Corrections may be made in the current year or in the budget year,
23 except that in case of hardship to the school district, the superintendent
24 may approve corrections partly in one year and partly in the year after that
25 year.

26 2. Errors in the calculation of state aid shall be corrected by
27 increasing or decreasing the state aid to the school district or charter
28 school in the year or years in which the correction is made.

29 3. Errors in the calculation of the school district's or charter
30 school's budget limits shall be corrected at a public hearing by requiring
31 the governing board to reduce or by allowing it to increase its budget by the
32 amount of the correction to be made that year. Overbudgeting errors
33 corrected as provided in this paragraph are exempt from section 15-905,
34 subsections L and M. Not later than three days after the hearing and
35 correction, the budget as revised shall be submitted electronically to the
36 superintendent of public instruction. ~~Nothing in~~ This paragraph shall NOT be
37 construed to require a decrease in state aid not otherwise required by
38 paragraph 2 of this subsection.

39 B. Subject to the review by the joint legislative budget committee,
40 the superintendent of public instruction shall adjust state aid for a school
41 district in the current year if the governing board of a school district
42 requests the recalculation of state aid for a prior year due to a change in
43 assessed valuation that occurred as the result of a judgment in accordance
44 with section 42-16213.

1 C. Notwithstanding subsection A of this section, a school district or
2 charter school may not make upward revisions to its average daily ~~membership~~
3 ~~ATTENDANCE~~ counts for a particular school year after June 30 of the
4 subsequent school year.

5 D. For the purposes of this section, "state aid":

6 1. For school districts means state aid as determined in section
7 15-971 and additional state aid as determined in section 15-972.

8 2. For charter schools means state aid as determined in section
9 15-185.

10 Sec. 20. Section 15-948, Arizona Revised Statutes, is amended to read:
11 15-948. Adjustment for growth in student count

12 A. Any school district, after the first one hundred days or two
13 hundred days in session, as applicable, of the current year, may determine if
14 it is eligible to increase its revenue control limit and district support
15 level for the current year due to growth in the student population as
16 follows:

17 1. Determine the student count used for calculating the base support
18 level for the current year.

19 2. Determine the average daily ~~membership~~ ~~ATTENDANCE~~ ~~or adjusted~~
20 ~~average daily membership, whichever is applicable, through the first one~~
21 ~~hundred days or two hundred days in session, as applicable,~~ of the current
22 year.

23 3. Subtract the amount determined in paragraph 1 of this subsection
24 from the amount determined in paragraph 2 of this subsection.

25 4. If the amount determined in paragraph 2 of this subsection is
26 greater than the amount determined in paragraph 1 of this subsection, the
27 governing board of the school district may compute an increase to its revenue
28 control limit and district support level for the current year.

29 B. A school district, after the first one hundred days or two hundred
30 days in session, as applicable, of the current year, may determine if it is
31 eligible to compute an increase to its revenue control limit for the current
32 year due to growth in the number of pupils in the group B categories of
33 moderate or severe intellectual disability, visual impairment, hearing
34 impairment, multiple disabilities, multiple disabilities with severe sensory
35 impairment, orthopedic impairment, preschool severe delay and emotionally
36 disabled pupils enrolled in private special education programs or in school
37 district programs for pupils with severe disabilities as follows:

38 1. Determine the weighted student count for all group B children with
39 disabilities used for calculating the base support level for the current
40 year.

41 2. Determine the weighted average daily ~~membership~~ ~~ATTENDANCE~~
42 group B children with disabilities ~~through the first one hundred days or two~~
43 ~~hundred days in session, as applicable,~~ of the current year.

44 3. Subtract the amount determined in paragraph 1 of this subsection
45 from the amount determined in paragraph 2 of this subsection.

1 4. If the amount determined in paragraph 2 of this subsection is
2 greater than the amount determined in paragraph 1 of this subsection, the
3 governing board of the school district may compute an increase to its revenue
4 control limit and district support level for the current year by using the
5 amount determined in paragraph 3 of this subsection for the weighted student
6 count and the base level for the district for the current year.

7 C. If a school district meets the criteria specified in subsection A
8 or B of this section, or both, the governing board of the school district,
9 after notice is given and a public hearing held as provided in section
10 15-905, subsection D, at any time before May 15 may revise its budget to
11 include the increase in its revenue control limit and district support level
12 for the current year utilizing the procedure prescribed in subsection A or B
13 of this section, or both. Not later than May 18, the budget as revised shall
14 be submitted electronically to the superintendent of public instruction.

15 D. If the revised budget is adopted by the governing board at the
16 public hearing and submitted electronically as provided in subsection C of
17 this section, the school district shall receive state aid based on the
18 adjusted revenue control limit or the adjusted district support level in the
19 manner specified in section 15-971, except that in no event shall the school
20 district receive less state aid than it would have received if it had not
21 used this section.

22 E. If the adjusted revenue control limit results in an expenditure of
23 funds in excess of school district revenues for the current year, the county
24 school superintendent shall include within the revenue estimate for the
25 budget year funds necessary to meet the liabilities incurred by the school
26 district in the current year in excess of revenues received for the current
27 year.

28 Sec. 21. Section 15-954, Arizona Revised Statutes, is amended to read:
29 15-954. Adjustment for tuition loss

30 A. The district may increase its base support level for tuition loss
31 as prescribed in subsection B of this section if all of the following apply:

32 1. A school district receives tuition for high school pupils from a
33 school district ~~which~~ THAT is inside or outside of this state and ~~which~~ THAT
34 does not offer instruction in one or more high school grade levels.

35 2. The school district ~~which~~ THAT had received the tuition loses the
36 tuition because the other school district begins to offer instruction in one
37 or more high school grade levels not previously offered.

38 3. The number of pupils for whom the district loses the tuition is
39 equal to at least five per cent of the average daily ~~membership~~ ATTENDANCE of
40 pupils educated by the district in grades nine through twelve for the year
41 prior to the year in which the other school district begins to offer the
42 instruction.

43 B. The maximum amount by which a district may increase its base
44 support level for tuition loss is determined as follows:

1 1. Determine the amount of tuition lost between the year before the
2 other school district begins to offer instruction, which is the base year,
3 and the year after the base year.

4 2. For the year after the base year, the maximum amount is
5 seventy-five per cent of the amount determined in paragraph 1 OF THIS
6 SUBSECTION.

7 3. For the second year after the base year, the maximum amount is
8 fifty per cent of the amount determined in paragraph 1 OF THIS SUBSECTION.

9 4. For the third year after the base year, the maximum amount is
10 twenty-five per cent of the amount determined in paragraph 1 OF THIS
11 SUBSECTION.

12 C. If the resident school district is a joint unified district and
13 phases in the instruction over more than one year:

14 1. The computation prescribed by subsection A, paragraph 3 of this
15 section shall be made separately for each phase by dividing the number of
16 pupils in the phase by the average daily membership ATTENDANCE of pupils in
17 grades nine through twelve who are educated by the district of attendance in
18 the year prior to the year in which the resident district begins to offer
19 instruction for this phase.

20 2. The base year and the maximum amounts determined pursuant to
21 subsection B of this section shall be computed separately for each phase.

22 3. The total increase in the base support level for a given fiscal
23 year shall be the sum of the computations for each phase calculated pursuant
24 to paragraph 2 of this subsection.

25 D. If the school district does not qualify for equalization assistance
26 as provided in section 15-971, the part of the primary property tax rate set
27 to fund the tuition loss as provided in this section shall not be included in
28 the computation of additional state aid revenues as prescribed in section
29 15-972.

30 Sec. 22. Section 15-991, Arizona Revised Statutes, is amended to read:
31 15-991. Annual estimate by county school superintendent of
32 monies for ensuing year

33 A. The county school superintendent, not later than August 1 each
34 year, shall file in writing with the governing board of each school district
35 in the county and the board of supervisors the superintendent's estimate of
36 the amount of school monies required by each school district for the ensuing
37 year, based on the budgets adopted by the governing boards of the school
38 districts. The county school superintendent, concurrent with the board of
39 supervisors adopting tax rates each year, shall file in writing with the
40 property tax oversight commission the finalized estimate of the amount of
41 school monies required by each school district for the ensuing year, based on
42 the budgets adopted by the school district governing boards. The estimate
43 shall contain:

44 1. A statement of the student count of each school district.

1 2. The total amount to be received for the year by each school
2 district from the county school fund and the special county school reserve
3 fund.

4 3. The projected ending cash balance from the previous year adjusted
5 for encumbrances and payables for each school district as provided by the
6 school district and as certified by the president of the school district
7 governing board. A governing board may delegate to a superintendent, head
8 teacher or business manager the authority to certify the projected cash
9 balance.

10 4. The anticipated interest earnings for each school district.

11 5. Revenues equal to the amount included in the adopted budget for the
12 maintenance and operation section of the budget permitted by section 15-947,
13 subsection C, paragraph 2, subdivision (a), items (ii), (iii), (iv), (v) and
14 (vi) and subdivision (d). The county school superintendent shall subtract
15 from each school district's budgeted expenditures the total amount of
16 estimated revenues including the projected ending cash balance from the
17 previous year adjusted for encumbrances and payables in order to estimate the
18 additional amounts needed for each school district from the primary property
19 tax and the secondary property tax. The county school superintendent shall
20 certify such amounts to the board of supervisors and the property tax
21 oversight commission in writing at the time of filing the estimate. When
22 estimating the additional amount needed from the primary property tax for a
23 school district that is not eligible for any equalization assistance as
24 provided in section 15-971, the county school superintendent shall include
25 the school district governing board's estimate of the increase in the revenue
26 control limit as prescribed by section 15-948 for the applicable year, except
27 that the percentage increase in average daily ~~membership~~ ATTENDANCE used to
28 compute the estimated increase in the revenue control limit may not exceed
29 the average of the percentage increase in average daily ~~membership~~ ATTENDANCE
30 in the three years before the year for which the estimate is made.

31 B. The county school superintendent shall recompute equalization
32 assistance for education for each school district as provided in section
33 15-971, subsection A using the property values provided by the county
34 assessor as provided in section 42-17052. The county school superintendent
35 shall certify in writing the amount of equalization assistance for education
36 and the amount needed for each school district from the primary property tax
37 to the board of supervisors and the property tax oversight commission on or
38 before the third day before the day the board of supervisors is required to
39 levy school district taxes as provided in section 15-992.

40 C. The county school superintendent shall compute the additional
41 amount to be levied as provided in section 15-992, subsection B, using the
42 property values provided in section 42-17052. The county school
43 superintendent shall certify in writing the additional amount to be levied to
44 the county board of supervisors and the property tax oversight commission on

1 or before the third day before the day the board of supervisors is required
2 to levy school district taxes as provided in section 15-992.

3 D. On or before September 1, the governing board of a school district
4 shall file with the county school superintendent an estimate of the amount of
5 title VIII of the elementary and secondary education act of 1965 monies it is
6 eligible to receive during the current year. On or before June 1, the
7 governing board shall file with the county school superintendent and the
8 superintendent of public instruction a statement of the actual amount of
9 title VIII of the elementary and secondary education act of 1965 monies it
10 received during the current year. This subsection does not apply to
11 accommodation schools.

12 E. The department may collect any other similar or related information
13 from school districts that the department may determine is necessary to carry
14 out the purposes of this section.

15 Sec. 23. Section 15-1042, Arizona Revised Statutes, is amended to
16 read:

17 15-1042. Timeline; student level data; definition

18 A. The department of education shall notify school districts and
19 charter schools of electronic data submission procedures and shall distribute
20 a list of the specific student level data elements that school districts and
21 charter schools are required to submit. The department of education shall
22 not make any changes to the student level data elements to be collected
23 except for the following:

24 1. Student attendance data for a joint technical education district,
25 including entry date and exit date, for classes that count towards the
26 student's graduation requirements as provided for in section 15-701.01.

27 2. Student attendance data for a community college, unless the college
28 is owned, operated or chartered by an Indian tribe, including entry date and
29 exit date, for classes that count towards the student's graduation
30 requirements as provided for in section 15-701.01.

31 B. Each school district and charter school shall submit electronic
32 data on a school by school basis, including student level data, to the
33 department of education in order for the school district or charter school to
34 receive monies for the cost of educating students pursuant to this title.

35 C. The department of education shall grant a school district or
36 charter school an extension to the deadline for the submission of student
37 level data or may provide for an alternative method for the submission of
38 student level data if the school district or charter school proves that good
39 cause exists for the extension, and the school district or charter school
40 shall continue to receive monies for the cost of educating students pursuant
41 to this title. The request by a school district or charter school for an
42 extension of the deadline for the submission of student level data shall
43 include a justification for the extension and the status of current efforts
44 towards complying with the submission of student level data.

1 D. A pupil or the parent or guardian of a pupil shall not be required
2 to submit data that does not relate to the provision of educational services
3 or assistance to the pupil.

4 E. Each student level data element shall include a statutory reference
5 to the law that necessitates its collection.

6 F. Unless otherwise prescribed, school districts and charter schools
7 shall begin to report new data elements on July 1 of the year that follows
8 the effective date of the law that requires the collection of the data.

9 G. Student level data items submitted to the department of education
10 by school districts pursuant to this section shall not be used to adjust
11 funding levels or calculate the average daily ~~membership~~ ATTENDANCE for the
12 purpose of funding school districts at any time other than the fortieth, one
13 hundredth and two hundredth days of the school year.

14 H. A school district or charter school is not required to submit
15 student level data to the department of education more often than once every
16 twenty school days.

17 I. Notwithstanding subsection L of this section, the student level
18 data shall include reasons for the withdrawal if reasons are provided by the
19 withdrawing pupil or the pupil's parent or guardian. For the purposes of
20 this subsection, the department of education shall include in the specific
21 student level data elements that school districts and charter schools are
22 required to submit data relating to students who withdraw from school because
23 the student is pregnant or because the student is the biological parent of a
24 child.

25 J. The department of education shall adopt guidelines to remove
26 outdated student level data collected by school districts and charter schools
27 from the student accountability information system.

28 K. All student level data collected pursuant to this section is
29 confidential and is not a public record. The data collected may be used for
30 aggregate research and reporting.

31 L. For the purposes of this section, "student level data" means all
32 data elements that are compiled and submitted for each student in this state
33 and that are necessary for the completion of the statutory requirements of
34 the department of education and the state board of education relating to the
35 calculation of funding for public education, the determination of student
36 academic progress as measured by student testing programs in this state,
37 state and federal reporting requirements and other duties prescribed to the
38 department of education or the state board of education by law. Student
39 level data does not include data elements related to student behavior,
40 discipline, criminal history, medical history, religious affiliation,
41 personal physical descriptors or family information not authorized by the
42 parent or guardian of the pupil.

1 with information necessary for them to participate in the program, including
2 names and addresses of children selected for participation and of their
3 parents or guardians.

4 4. Provide all parents or guardians of children selected for the
5 program with a list of licensed federally funded or private child care
6 providers located within the school district or within ten miles of the
7 charter school and explain to parents or guardians that they may choose to
8 have their child receive services under the program from any provider on the
9 list if that provider agrees to participate.

10 5. Allow at least fifty per cent of pupils selected for the program to
11 receive preschool services from a federally funded or private child care
12 provider of their parent's or guardian's own choosing.

13 6. Allow any eligible child care provider located within the school
14 district or within ten miles of the charter school to participate in the
15 program if it is willing to provide services at a unit cost similar to that
16 paid to other providers in the area under the program.

17 7. Limit the use of contracts with federally funded and private child
18 care providers to financial agreements pertaining to numbers of children to
19 be served, hours of service to be provided per child, payment rates and other
20 financial aspects of the program.

21 8. Limit to five per cent the amount of block grant monies that may be
22 used locally for program administration.

23 9. Pay participating federally funded and private child care providers
24 in a timely manner.

25 D. The legislative council shall conduct a programmatic evaluation of
26 the state block grant for early childhood education program every three
27 years. For this evaluation, the staff of legislative council shall develop
28 outcome measures to indicate the effectiveness of the early childhood
29 education program. The department of education shall assist the staff of
30 legislative council in collecting any information necessary to complete the
31 evaluation.

32 Sec. 25. Section 15-1371, Arizona Revised Statutes, is amended to
33 read:

34 15-1371. Equalization assistance for state educational system
35 for committed youth; state education fund for
36 committed youth

37 A. The superintendent of the state educational system for committed
38 youth shall calculate a base support level as prescribed in section 15-943
39 and a capital outlay revenue limit as prescribed in section 15-961 for the
40 educational system established pursuant to section 41-2831, except that:

41 1. Notwithstanding section 15-901:

42 (a) The student count shall be determined using the following
43 definitions:

44 (i) "Daily attendance" means days in which a pupil attends an
45 educational program for a minimum of two hundred forty minutes not including

1 meal and recess periods. Attendance for one hundred twenty or more minutes
2 but fewer than two hundred forty minutes shall be counted as one-half day's
3 attendance.

4 (ii) "Fractional student" means a pupil enrolled in an educational
5 program of one hundred twenty or more minutes but fewer than two hundred
6 forty minutes a day not including meal and recess periods. A fractional
7 student shall be counted as one-half of a full-time student.

8 (iii) "Full-time student" means a pupil enrolled in an educational
9 program for a minimum of two hundred forty minutes a day not including meal
10 and recess periods.

11 (b) "Seriously emotionally disabled pupils enrolled in a school
12 district program as provided in section 15-765" includes seriously
13 emotionally disabled pupils enrolled in the department of juvenile
14 corrections school system.

15 2. All pupils shall be counted as if they were enrolled in grades nine
16 through twelve.

17 3. The teacher experience index is 1.00.

18 4. The base support level shall be calculated using the base level
19 multiplied by 1.0, except that the state educational system for committed
20 youth is also eligible ~~beginning with fiscal year 1992-1993~~ for additional
21 teacher compensation monies as specified in section 15-952.

22 5. Section 15-943, paragraph 1 does not apply.

23 B. The superintendent may use sections 15-855 and 15-948 in making the
24 calculations prescribed in subsection A of this section, ~~except that for the~~
25 ~~1992-1993 fiscal year rapid decline shall not be used~~. The superintendent of
26 the system and the department of education shall prescribe procedures for
27 determining average daily ~~membership~~ ATTENDANCE.

28 C. Equalization assistance for the state educational system for
29 committed youth for the budget year is determined by adding the amount of the
30 base support level and the capital outlay revenue limit for the budget year
31 calculated as prescribed in subsection A of this section.

32 D. The state educational system for committed youth shall not receive
33 twenty-five per cent of the equalization assistance unless it is accredited
34 by the north central association of colleges and secondary schools.

35 E. The state education fund for committed youth is established. Fund
36 monies shall be used for the purposes of the state educational system for
37 committed youth, and notwithstanding section 35-173, monies appropriated to
38 the fund shall not be transferred to or used for any program not within the
39 state educational system for committed youth. State equalization assistance
40 for the state educational system for committed youth as determined in
41 subsection A of this section, other state and federal monies received from
42 the department of education for the state educational system for committed
43 youth and monies appropriated for the state educational system for committed
44 youth, except monies appropriated pursuant to subsection F of this section,
45 shall be deposited in the fund. The state treasurer shall maintain separate

1 accounts for fund monies if the separate accounts are required by statute or
2 federal law.

3 F. The department of juvenile corrections may seek appropriations for
4 capital needs for land, buildings and improvements, including repairs and
5 maintenance, required to maintain the state educational system for committed
6 youth.

7 G. The state board of education shall apportion state aid and deposit
8 it, pursuant to sections 35-146 and 35-147, in the state education fund for
9 committed youth in an amount as determined by subsection A of this section.
10 The apportionments shall be as follows:

11 1. On July 1, one-third of the total amount to be apportioned during
12 the fiscal year.

13 2. On October 15, one-twelfth of the total amount to be apportioned
14 during the fiscal year.

15 3. On December 15, one-twelfth of the total amount to be apportioned
16 during the fiscal year.

17 4. On January 15, one-twelfth of the total amount to be apportioned
18 during the fiscal year.

19 5. On February 15, one-twelfth of the total amount to be apportioned
20 during the fiscal year.

21 6. On March 15, one-twelfth of the total amount to be apportioned
22 during the fiscal year.

23 7. On April 15, one-twelfth of the total amount to be apportioned
24 during the fiscal year.

25 8. On May 15, one-twelfth of the total amount to be apportioned during
26 the fiscal year.

27 9. On June 15, one-twelfth of the total amount to be apportioned
28 during the fiscal year.

29 H. In conjunction with the department of administration, the
30 superintendent of the state educational system for committed youth shall
31 establish procedures to account for the receipt and expenditure of state
32 education fund for committed youth monies by modifying the current accounting
33 system used for state agencies as necessary.

34 Sec. 26. Section 15-1372, Arizona Revised Statutes, is amended to
35 read:

36 15-1372. Equalization assistance for state educational system
37 for persons in the state department of corrections;
38 fund

39 A. The state department of corrections shall provide educational
40 services for pupils who are under the age of eighteen years and pupils with
41 disabilities who are age twenty-one or younger who are committed to the state
42 department of corrections. The department of education shall provide
43 technical assistance to the state department of corrections on request and
44 shall assist the state department of corrections in establishing program and
45 personnel standards.

1 B. The state education fund for correctional education is established.
2 Subject to legislative appropriation, fund monies shall be used for the
3 purposes of providing education to pupils as specified in subsection A of
4 this section. Notwithstanding section 35-173, monies appropriated to the
5 fund shall not be transferred to or used for any program not directly related
6 to the educational services required by this section. State equalization
7 assistance, other state and federal monies received from the department of
8 education for which the pupils in correctional education programs qualify and
9 monies appropriated for correctional education except monies appropriated
10 pursuant to subsection C of this section shall be deposited in the fund. The
11 state treasurer shall maintain separate accounts for fund monies if the
12 separate accounts are required by statute or federal law.

13 C. The state department of corrections may seek appropriations for
14 capital needs for land, buildings and improvements, including repairs and
15 maintenance, required to maintain the educational services required by this
16 section.

17 D. The state board of education shall apportion state aid and deposit
18 it, pursuant to sections 35-146 and 35-147, in the state education fund for
19 correctional education in an amount as determined by subsection E of this
20 section. The apportionments are as follows:

21 1. On July 1, one-third of the total amount to be apportioned during
22 the fiscal year.

23 2. On October 15, one-twelfth of the total amount to be apportioned
24 during the fiscal year.

25 3. On December 15, one-twelfth of the total amount to be apportioned
26 during the fiscal year.

27 4. On January 15, one-twelfth of the total amount to be apportioned
28 during the fiscal year.

29 5. On February 15, one-twelfth of the total amount to be apportioned
30 during the fiscal year.

31 6. On March 15, one-twelfth of the total amount to be apportioned
32 during the fiscal year.

33 7. On April 15, one-twelfth of the total amount to be apportioned
34 during the fiscal year.

35 8. On May 15, one-twelfth of the total amount to be apportioned during
36 the fiscal year.

37 9. On June 15, one-twelfth of the total amount to be apportioned
38 during the fiscal year.

39 E. The director of the state department of corrections shall calculate
40 a base support level as prescribed in section 15-943 and a capital outlay
41 revenue limit as prescribed in section 15-961 for the educational services
42 required by this section, except that:

43 1. Notwithstanding section 15-901, the student count shall be
44 determined using the following definitions:

1 (a) "Daily attendance" means days in which a pupil attends an
2 educational program for a minimum of one hundred eighty minutes not including
3 meal and recess periods. Attendance for ninety or more minutes but fewer
4 than one hundred eighty minutes shall be counted as one-half day's
5 attendance.

6 (b) "Fractional student" means a pupil enrolled in an educational
7 program of ninety or more minutes but fewer than one hundred eighty minutes
8 per day not including meal and recess periods. A fractional student shall be
9 counted as one-half of a full-time student.

10 (c) "Full-time student" means a pupil enrolled in an educational
11 program for a minimum of one hundred eighty minutes per day not including
12 meal and recess periods.

13 (d) "Pupil with a disability" has the same meaning as child with a
14 disability prescribed in section 15-761.

15 2. All pupils shall be counted as if they were enrolled in grades nine
16 through twelve.

17 3. The teacher experience index is 1.00.

18 4. The calculation for additional teacher compensation monies as
19 prescribed in section 15-952 is available.

20 5. Section 15-943, paragraph 1 does not apply.

21 6. The base support level and capital outlay amounts calculated
22 pursuant to this section shall be multiplied by 0.67.

23 7. The school year shall consist of a period of not less than two
24 hundred eight days.

25 F. The director of the state department of corrections may use
26 sections 15-855 and 15-948 in making the calculations prescribed in
27 subsection E of this section. The director of the state department of
28 corrections and the department of education shall prescribe procedures for
29 calculating average daily ~~membership~~ ATTENDANCE.

30 G. Equalization assistance for correctional education programs
31 provided for those pupils specified in subsection A of this section is
32 determined by adding the amount of the base support level and the capital
33 outlay revenue limit for the budget year calculated as prescribed in
34 subsection E of this section.

35 H. The director of the state department of corrections shall keep
36 records and provide information as the department of education requires to
37 determine the appropriate amount of equalization assistance. Equalization
38 assistance shall be used to provide educational services in this section.

39 I. The department of education and the state department of corrections
40 shall enter into an intergovernmental agreement that establishes the
41 necessary accountability between the two departments regarding the
42 administrative and funding requirements contained in subsections A and B of
43 this section. The agreement shall:

44 1. Provide for appropriate education to all committed youths as
45 required by state and federal law.

1 2. Provide financial information to meet requirements for equalization
2 assistance.

3 3. Provide for appropriate pupil intake and assessment procedures.

4 4. Require pupil performance assessment and the reporting of results.

5 Sec. 27. Section 15-2011, Arizona Revised Statutes, is amended to
6 read:

7 15-2011. Minimum school facility adequacy requirements;
8 definition

9 A. The school facilities board, as determined and prescribed in this
10 chapter, shall provide funding to school districts for new construction as
11 the projected number of pupils in the district will fill the existing school
12 facilities and require more pupil space.

13 B. School buildings in a school district are adequate if all of the
14 following requirements are met:

15 1. The buildings contain sufficient and appropriate space and
16 equipment that comply with the minimum school facility adequacy guidelines
17 established pursuant to subsection F of this section. The state shall not
18 fund facilities for elective courses that require the school district
19 facilities to exceed minimum school facility adequacy requirements. The
20 school facilities board shall determine whether a school building meets the
21 requirements of this paragraph by analyzing the total square footage that is
22 available for each pupil in conjunction with the need for specialized spaces
23 and equipment.

24 2. The buildings are in compliance with federal, state and local
25 building and fire codes and laws that are applicable to the particular
26 building. An existing school building is not required to comply with current
27 requirements for new buildings unless this compliance is specifically
28 mandated by law or by the building or fire code of the jurisdiction where the
29 building is located.

30 3. The building systems, including roofs, plumbing, telephone systems,
31 electrical systems, heating systems and cooling systems, are in working order
32 and are capable of being properly maintained.

33 4. The buildings are structurally sound.

34 C. The standards that shall be used by the school facilities board to
35 determine whether a school building meets the minimum adequate gross square
36 footage requirements are as follows:

37 1. For a school district that provides instruction to pupils in
38 programs for preschool children with disabilities, kindergarten programs and
39 grades one through six, eighty square feet per pupil in programs for
40 preschool children with disabilities, kindergarten programs and grades one
41 through six.

42 2. For a school district that provides instruction to up to eight
43 hundred pupils in grades seven and eight, eighty-four square feet per pupil
44 in grades seven and eight.

1 3. For a school district that provides instruction to more than eight
2 hundred pupils in grades seven and eight, eighty square feet per pupil in
3 grades seven and eight or sixty-seven thousand two hundred square feet,
4 whichever is more.

5 4. For a school district that provides instruction to up to four
6 hundred pupils in grades nine through twelve, one hundred twenty-five square
7 feet per pupil in grades nine through twelve.

8 5. For a school district that provides instruction to more than four
9 hundred and up to one thousand pupils in grades nine through twelve, one
10 hundred twenty square feet per pupil in grades nine through twelve or fifty
11 thousand square feet, whichever is more.

12 6. For a school district that provides instruction to more than one
13 thousand and up to one thousand eight hundred pupils in grades nine through
14 twelve, one hundred twelve square feet per pupil in grades nine through
15 twelve or one hundred twenty thousand square feet, whichever is more.

16 7. For a school district that provides instruction to more than one
17 thousand eight hundred pupils in grades nine through twelve, ninety-four
18 square feet per pupil in grades nine through twelve or two hundred one
19 thousand six hundred square feet, whichever is more.

20 D. The school facilities board may modify the square footage
21 requirements prescribed in subsection C of this section or modify the amount
22 of monies awarded to cure the square footage deficiency pursuant to this
23 section for particular school districts based on extraordinary circumstances
24 for any of the following considerations:

25 1. The number of pupils served by the school district.

26 2. Geographic factors.

27 3. Grade configurations other than those prescribed in subsection C of
28 this section.

29 E. In measuring the square footage per pupil requirements of
30 subsection C of this section, the school facilities board shall:

31 1. Use the most recent ~~one-hundredth-day~~ average daily ~~membership~~
32 ATTENDANCE.

33 2. For each school, use the lesser of either:

34 (a) Total gross square footage.

35 (b) Student capacity multiplied by the appropriate square footage per
36 pupil prescribed by subsection C of this section.

37 3. Consider the total space available in all schools in use in the
38 school district, except that the school facilities board shall allow an
39 exclusion of the square footage for certain schools and the pupils within the
40 schools' boundaries if the school district demonstrates to the board's
41 satisfaction unusual or excessive busing of pupils or unusual attendance
42 boundary changes between schools.

43 4. Compute the gross square footage of all buildings by measuring from
44 exterior wall to exterior wall. Square footage used solely for district

1 administration, storage of vehicles and other nonacademic purposes shall be
2 excluded from the gross square footage.

3 5. Include all portable and modular buildings.

4 6. Include in the gross square footage new construction funded wholly
5 or partially by the school facilities board based on the square footage
6 funded by the school facilities board. If the new construction is to exceed
7 the square footage funded by the school facilities board, the excess square
8 footage shall not be included in the gross square footage if any of the
9 following applies:

10 (a) The excess square footage was constructed before July 1, 2002 or
11 funded by a class B bond, impact aid revenue bond or capital outlay override
12 approved by the voters after August 1, 1998 and before June 30, 2002 or
13 funded from unrestricted capital outlay expended before June 30, 2002.

14 (b) The excess square footage of new school facilities does not exceed
15 twenty-five per cent of the minimum square footage requirements pursuant to
16 subsection C of this section.

17 (c) The excess square footage of expansions to school facilities does
18 not exceed twenty-five per cent of the minimum square footage requirements
19 pursuant to subsection C of this section.

20 7. Require that excess square footage that is constructed after July
21 1, 2002 and that is not excluded pursuant to paragraph 6 of this subsection
22 meets the minimum school facility adequacy guidelines in order to be eligible
23 for building renewal monies as computed in section 15-2031.

24 8. Exclude square footage built under a developer agreement according
25 to section 15-342, paragraph 33 until the school facilities board provides
26 funding for the square footage under section 15-2041, subsection 0.

27 F. The school facilities board shall adopt rules establishing minimum
28 school facility adequacy guidelines. The executive director of the school
29 facilities board shall report monthly to the joint committee on capital
30 review on the progress of the development of the proposed rules establishing
31 the guidelines. The joint committee on capital review shall review the
32 proposed guidelines before the school facilities board adopts the rules to
33 establish the minimum school facility adequacy guidelines. The guidelines
34 shall provide the minimum quality and quantity of school buildings and
35 facilities and equipment necessary and appropriate to enable pupils to
36 achieve the academic standards pursuant to section 15-203, subsection A,
37 paragraphs 12 and 13 and sections 15-701 and 15-701.01. At a minimum, the
38 school facilities board shall address all of the following in developing
39 these guidelines:

40 1. School sites.

41 2. Classrooms.

42 3. Libraries and media centers, or both.

43 4. Cafeterias.

44 5. Auditoriums, multipurpose rooms or other multiuse space.

45 6. Technology.

1 If there is no qualified person in a given precinct, the appointment of an
 2 inspector may be made from names provided by the county party chairman. If
 3 not less than ninety days before the election the chairman of the county
 4 committee of either of the parties designates qualified voters of the
 5 precinct, or of another precinct if there are not sufficient members of his
 6 party available in the precinct to provide the necessary representation on
 7 the election board as judge, such designated qualified voters shall be
 8 appointed. The judges, together with the inspector, shall constitute the
 9 board of elections. Any registered voter in the election precinct, or in
 10 another election precinct if there are not sufficient persons available in
 11 the election precinct for which the clerks are being appointed, may be
 12 appointed as clerk.

13 B. If the election precinct consists of fewer than three hundred
 14 qualified electors, the board of supervisors may appoint not fewer than one
 15 inspector and two judges. The board of supervisors shall give notice of
 16 election precincts consisting of fewer than three hundred qualified electors
 17 to the county chairmen of the two largest political parties not later than
 18 thirty days before the election. The inspector and judges shall be appointed
 19 in the same manner by party as provided in subsection A of this section.

20 C. If a nonpartisan election is ordered, not less than twenty days
 21 before the election the governing board holding the election shall appoint,
 22 without consideration for political party, a minimum of three election
 23 workers for each polling place. The election workers shall consist of at
 24 least one inspector and two judges. Whenever possible, they shall be
 25 qualified electors of the precinct located within the district, without
 26 consideration for political party.

27 D. Where the election precinct consists of three hundred fifty or more
 28 qualified electors, the board of supervisors may in addition to the board of
 29 elections appoint a similar board to be known as the tally board. The tally
 30 board shall take custody of the ballots from the closing of the polls until
 31 the tally of the ballots is completed. The tally board shall consist of the
 32 inspector of the board of elections, two judges and not less than two clerks.
 33 The inspector and two judges shall be appointed to provide as equal as
 34 practicable representation of members of the two largest political parties on
 35 the board in the same manner as provided for the election boards. Any
 36 registered voter in the election precinct, or in another election precinct if
 37 there are not sufficient persons available in the election precinct for which
 38 the clerks are being appointed, may be appointed as clerk. A member
 39 appointed to serve on the tally board, with the exception of the inspector of
 40 the board of elections, shall not be appointed to serve on the board of
 41 elections. The inspector of the board of elections shall be a member of the
 42 tally board and during such time shall act as the supervisor of the tally
 43 board. No United States, state, county or precinct officer, nor a candidate
 44 for office at the election, other than a precinct committeeman or a candidate

1 for the office of precinct committeeman, is qualified to act as judge,
2 inspector, marshal or clerk.

3 E. If an electronic voting system is in use the write-in ballots shall
4 be tallied by a board of elections consisting of one inspector and two judges
5 who are appointed in the same manner by party as provided in subsection A of
6 this section.

7 F. At least ten days before a special election, the governing body
8 conducting the election may in like manner appoint a special tally board or
9 boards for the specific purpose of tallying the ballots on the closing of the
10 polls. The tally boards shall consist of at least one inspector and two
11 judges. The inspector of the board of elections shall act as the supervisor
12 of the tally board.

13 G. Notwithstanding any other law, the board of supervisors may appoint
14 to an election board to serve as a clerk of election a person who is not
15 eligible to vote if all of the following conditions are met:

16 1. The person is a minor who will be at least sixteen years of age at
17 the time of the election for which the person is named to the election board.

18 2. The person is a citizen of the United States at the time of the
19 election for which the person is named to the election board.

20 3. The person is supervised by an adult who has been trained as an
21 elections officer.

22 4. The person has received training provided by the officer in charge
23 of elections.

24 5. The parent or guardian of the person has provided written
25 permission for the person to serve.

26 H. A school district or charter school shall not be required to reduce
27 its average daily ~~membership~~ ATTENDANCE, as defined in section 15-901, for
28 any pupil who is absent from one or more instructional programs as a result
29 of the pupil's service on an election board pursuant to subsection G of this
30 section.

31 I. A school district or charter school shall not count any pupil's
32 absence from one or more instructional programs as a result of the pupil's
33 service on an election board pursuant to subsection G of this section against
34 any mandatory attendance requirements for the pupil.

35 J. ~~Nothing in~~ This section shall NOT prevent the board of supervisors
36 or governing body from refusing for cause to reappoint, or from removing for
37 cause, an election or tally board member.