

REFERENCE TITLE: Arizona online instruction reforms.

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

## **SB 1463**

Introduced by  
Senator Schapira

AN ACT

AMENDING SECTION 15-808, ARIZONA REVISED STATUTES; RELATING TO SCHOOL  
ATTENDANCE REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

12 1. The depth and breadth of curriculum choices.

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

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

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

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

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

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

29 8. The services offered to developmentally disabled populations.

30 9. The grade levels that will be served.

31 B. Each new school that provides online instruction shall provide  
32 online instruction on a probationary status. WITHIN THIRTY DAYS AFTER  
33 ENROLLMENT OF A PUPIL IN AN ONLINE COURSE, THE PROVIDER OF THE ONLINE  
34 INSTRUCTION SHALL SEND WRITTEN NOTIFICATION OF ENROLLMENT IN THE ONLINE  
35 COURSE TO THE SCHOOL DISTRICT OR CHARTER SCHOOL WHERE THE PUPIL IS ENROLLED.

36 After a new school that provides online instruction has clearly demonstrated  
37 the academic integrity of its instruction through the actual improvement of  
38 the academic performance of its students, the school may apply to be removed  
39 from probationary status. The state board of education or the state board  
40 for charter schools shall remove from Arizona online instruction any  
41 probationary school that fails to clearly demonstrate improvement in academic  
42 performance within three years measured against goals in the approved  
43 application and the state's accountability system. The state board of  
44 education and the state board for charter schools shall review the  
45 effectiveness of each participating school and other information that is

1 contained in the annual report prescribed in subsection ~~D~~ C of this section.  
2 All pupils who participate in Arizona online instruction shall reside in this  
3 state. **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION**, pupils who participate  
4 in Arizona online instruction are subject to the testing requirements  
5 prescribed in chapter 7, article 3 of this title. ~~Upon~~ ON enrollment, the  
6 school shall notify the parents or guardians of the pupil of the state  
7 testing requirements. If a pupil fails to comply with the testing  
8 requirements and the school administers the tests pursuant to this subsection  
9 to less than ninety-five per cent of the pupils in Arizona online  
10 instruction, the pupil shall not be allowed to participate in Arizona online  
11 instruction.

12 C. ~~Beginning July 1, 2010~~, The state board of education and the state  
13 board for charter schools shall develop annual reporting mechanisms for  
14 schools that participate in Arizona online instruction. **THE ANNUAL REPORTING  
15 MECHANISMS SHALL INCLUDE A REQUIREMENT THAT EACH PROVIDER OF ARIZONA ONLINE  
16 INSTRUCTION SUBMIT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION ON OR BEFORE  
17 SEPTEMBER 30 AN ANNUAL STUDENT ACCOUNTABILITY REPORT THAT INCLUDES A LISTING  
18 OF THE NUMBER OF PUPILS WHO REGISTERED DURING THE PREVIOUS FISCAL YEAR FOR  
19 ONLINE COURSES BY COURSE TITLE, THE NUMBER OF PUPILS WHO COMPLETED EACH  
20 COURSE AND THE GRADES THOSE PUPILS RECEIVED.**

21 D. The department of education shall compile the information submitted  
22 in the annual reports by schools participating in Arizona online instruction.  
23 The department of education shall submit the compiled report to the governor,  
24 the speaker of the house of representatives and the president of the senate  
25 by November 15 of each year.

26 E. Each school selected for Arizona online instruction shall ensure  
27 that a daily log is maintained for each pupil who participates in Arizona  
28 online instruction. The daily log shall describe the amount of time spent by  
29 each pupil participating in Arizona online instruction pursuant to this  
30 section on academic tasks. The daily log shall be used by the school  
31 district or charter school to qualify the pupils who participate in Arizona  
32 online instruction in the school's average daily attendance calculations  
33 pursuant to subsection F of this section.

34 F. If a pupil is enrolled in a school district or charter school and  
35 also participates in Arizona online instruction, the sum of the average daily  
36 membership, which includes enrollment as prescribed in section 15-901,  
37 subsection A, paragraph 1, subdivisions (a) and (b) and daily attendance as  
38 prescribed in section 15-901, subsection A, paragraph 5, for that pupil in  
39 the school district or charter school and in Arizona online instruction shall  
40 not exceed 1.0. If the pupil is enrolled in a school district or a charter  
41 school and also participates in Arizona online instruction and the sum of the  
42 daily membership or daily attendance for that pupil is greater than 1.0, the  
43 sum shall be reduced to 1.0 and shall be apportioned between the school  
44 district, unless the school district is a joint technical education district  
45 subject to the apportionment requirements of section 15-393, or charter

1 school and Arizona online instruction based on the percentage of total time  
 2 that the pupil is enrolled or in attendance in the school district or charter  
 3 school and Arizona online instruction. The uniform system of financial  
 4 records shall include guidelines for the apportionment of the pupil  
 5 enrollment and attendance as provided in this subsection. Pupils in Arizona  
 6 online instruction do not incur absences for purposes of this subsection and  
 7 may generate an average daily attendance of 1.0 for attendance hours during  
 8 any hour of the day, during any day of the week and at any time between July  
 9 1 and June 30 of each fiscal year. For kindergarten programs and grades one  
 10 through eight, average daily membership shall be calculated by dividing the  
 11 instructional hours as reported in the daily log required in subsection E of  
 12 this section by the applicable hourly requirements prescribed in section  
 13 15-901. For grades nine through twelve, average daily membership shall be  
 14 calculated by dividing the instructional hours as reported in the daily log  
 15 required in subsection E of this section by nine hundred. The average daily  
 16 membership of a pupil who participates in online instruction shall not  
 17 exceed 1.0. Average daily membership shall not be calculated on the one  
 18 hundredth day of instruction for the purposes of this section. Funding shall  
 19 be determined as follows:

20 1. A pupil who is enrolled full-time in Arizona online instruction  
 21 shall be funded for online instruction at ninety-five per cent of the base  
 22 support level that would be calculated for that pupil if that pupil were  
 23 enrolled as a full-time student in a school district or charter school that  
 24 does not participate in Arizona online instruction. Additional assistance,  
 25 capital outlay revenue limit and soft capital allocation limit shall be  
 26 calculated in the same manner they would be calculated if the student were  
 27 enrolled in a district or charter school that does not participate in Arizona  
 28 online instruction.

29 2. A pupil who is enrolled part-time in Arizona online instruction  
 30 shall be funded for online instruction at eighty-five per cent of the base  
 31 support level that would be calculated for that pupil if that pupil were  
 32 enrolled as a part-time student in a school district or charter school that  
 33 does not participate in Arizona online instruction. Additional assistance,  
 34 capital outlay revenue limit and soft capital allocation limit shall be  
 35 calculated in the same manner they would be calculated if the student were  
 36 enrolled in a district or charter school that does not participate in Arizona  
 37 online instruction.

38 G. If the academic achievement of a pupil declines while the pupil is  
 39 participating in Arizona online instruction, the pupil's parents, the pupil's  
 40 teachers and the principal or head teacher of the school shall confer to  
 41 evaluate whether the pupil should be allowed to continue to participate in  
 42 Arizona online instruction.

43 H. THE DEPARTMENT OF EDUCATION SHALL REVIEW ALL ONLINE COURSE CONTENT  
 44 FOR ADHERENCE TO STATE STANDARDS, FOR COURSES THAT HAVE STATE STANDARDS, AND

1 ISSUE A RECOMMENDATION FOR APPROVAL OR DENIAL TO THE STATE BOARD OF EDUCATION  
2 OR THE STATE BOARD FOR CHARTER SCHOOLS, AS APPROPRIATE, FOR ACTION.

3 ~~H.~~ I. To ensure the academic integrity of pupils who participate in  
4 online instruction, Arizona online instruction shall include multiple diverse  
5 assessment measures and the proctored administration of required state  
6 standardized tests. THE FINAL EXAMINATION FOR EACH ONLINE COURSE SHALL BE  
7 DESIGNED TO DEMONSTRATE COMPETENCY IN THAT SUBJECT AND SHALL BE MONITORED BY  
8 A REPRESENTATIVE OF THE SCHOOL WHO SHALL BE PHYSICALLY IN THE SAME ROOM WITH  
9 THE PUPIL DURING THE ENTIRE FINAL EXAMINATION.

10 ~~I.~~ J. For the purposes of this section:

11 1. "Full-time student" means:

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

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

22 (c) Seventh and eighth grade students or ungraded students who are at  
23 least twelve, but under fourteen, years of age on or before September 1 and  
24 who are enrolled in an instructional program of courses that meets at least  
25 one thousand sixty-eight hours during the school year.

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

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

37 3. "Online school" means a school that provides at least four online  
38 academic courses or one or more online courses for the equivalent of at least  
39 five hours each day for one hundred eighty school days and that is a charter  
40 school that is sponsored by the state board for charter schools or a  
41 traditional public school that is selected by the state board of education to  
42 participate in Arizona online instruction.

43 4. "Part-time student" means:

44 (a) Any student who is enrolled in a program that does not meet the  
45 definition in paragraph 1 of this subsection shall be funded at eighty-five

1 per cent of the base support level that would be calculated for that pupil if  
2 that pupil were enrolled as a part-time student in a school district or  
3 charter school that does not participate in Arizona online instruction.

4 (b) A part-time student of seventy-five per cent average daily  
5 membership shall be enrolled in at least three subjects throughout the year  
6 that offer for first, second and third grade students at least five hundred  
7 thirty-four instructional hours in a school year and for fourth, fifth and  
8 sixth grade students at least six hundred sixty-eight instructional hours in  
9 a school year. A part-time student of fifty per cent average daily  
10 membership shall be enrolled in at least two subjects throughout the year  
11 that offer for first, second and third grade students at least three hundred  
12 fifty-six instructional hours in a school year and for fourth, fifth and  
13 sixth grade students at least four hundred forty-five instructional hours in  
14 a school year. A part-time student of twenty-five per cent average daily  
15 membership shall be enrolled in at least one subject throughout the year that  
16 offers for first, second and third grade students at least one hundred  
17 seventy-eight instructional hours in a school year and for fourth, fifth and  
18 sixth grade students at least two hundred twenty-three instructional hours in  
19 a school year.

20 (c) For seventh and eighth grade students, a part-time student of  
21 seventy-five per cent average daily membership shall be enrolled in at least  
22 three subjects throughout the year that offer at least eight hundred one  
23 instructional hours in a school year. A part-time student of fifty per cent  
24 average daily membership shall be enrolled in at least two subjects  
25 throughout the year that offer at least five hundred thirty-four  
26 instructional hours in a school year. A part-time student of twenty-five per  
27 cent average daily membership shall be enrolled in at least one subject  
28 throughout the year that offers at least two hundred sixty-seven  
29 instructional hours in a school year.

30 (d) For high school students, a part-time student of seventy-five per  
31 cent average daily membership shall be enrolled in at least three subjects  
32 throughout the year that offer at least six hundred seventy-five  
33 instructional hours in a school year. A part-time student of fifty per cent  
34 average daily membership shall be enrolled in at least two subjects  
35 throughout the year that offer at least four hundred fifty instructional  
36 hours in a school year. A part-time student of twenty-five per cent average  
37 daily membership shall be enrolled in at least one subject throughout the  
38 year that offers at least two hundred twenty-five instructional hours in a  
39 school year.

40 Sec. 2. Task force on Arizona online instruction; delayed  
41 repeal

42 A. The task force on Arizona online instruction is established  
43 consisting of the following members:

44 1. Five members appointed by the superintendent of public instruction,  
45 at least two of whom are providers of Arizona online instruction.

1           2. Four members appointed by the executive director of the state board  
2 for charter schools, at least one of whom is a provider of Arizona online  
3 instruction.

4           3. One member who is a representative of a statewide organization of  
5 school business officials and who is appointed by the chairperson of the  
6 senate education committee.

7           4. One member who is a representative of a statewide organization of  
8 school business officials and who is appointed by the chairperson of the  
9 house of representatives education committee.

10          5. One member who is a representative of a statewide organization of  
11 school district governing boards and who is appointed by the chairperson of  
12 the senate education committee.

13          6. One member who is a representative of a statewide organization of  
14 school district governing boards and who is appointed by the chairperson of  
15 the house of representatives education committee.

16          7. One teacher who is employed by a school district or charter school  
17 in this state and who is appointed by the ranking minority member of the  
18 senate education committee.

19          8. One teacher who is employed by a school district or charter school  
20 in this state and who is appointed by the ranking minority member of the  
21 house of representatives education committee.

22          B. The members of this task force shall elect a chairperson and  
23 vice-chairperson at the first meeting of the task force.

24          C. The state board of education, the department of education and the  
25 state board for charter schools shall provide staff support and meeting  
26 facilities to the task force.

27          D. The task force shall:

28           1. Review the best practices in online instruction, blended learning  
29 and hybrid e-learning.

30           2. Develop recommendations for proposed statutory changes relating to:

31           (a) Financial reporting and accountability of online instruction.

32           (b) Instructional standards for online instruction.

33           (c) Curriculum standards for online instruction.

34          3. Submit a report on or before December 31, 2012 that summarizes the  
35 findings and recommendations of the task force to the governor, the president  
36 of the senate and the speaker of the house of representatives. The task  
37 force shall provide a copy of this report to the secretary of state.

38          E. This section is repealed from and after September 30, 2013.