

REFERENCE TITLE: schools; U.S. history requirement

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

# **SB 1110**

Introduced by  
Senators Shooter, Murphy; Barto, Burges, Ward

AN ACT

AMENDING SECTIONS 15-532, 15-701, 15-701.01, 15-741, 15-802, 15-1626 AND  
15-2402, ARIZONA REVISED STATUTES; RELATING TO SCHOOL CURRICULUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-532, Arizona Revised Statutes, is amended to  
3 read:

4 15-532. Examination on state and United States constitutions;  
5 exemption; intergovernmental agreement or contract  
6 for administration and evaluation

7 A. A person applying for a certificate authorizing the person to  
8 become superintendent, principal or teacher in a school, in addition to  
9 fingerprinting and other requirements, shall either complete the required  
10 classes or pass a satisfactory examination on the provisions and principles  
11 of the Constitutions of the United States and Arizona.

12 B. A person who has not met the requirements of this section at the  
13 time application is made but who has met all other requirements shall be  
14 granted a certificate for not more than three years, except that a person who  
15 has not met the requirements of this section but who has met all other  
16 requirements and who applies for a certificate authorizing the person to  
17 teach an academic course that focuses predominantly on ~~history,~~ government,  
18 ~~social studies~~ UNITED STATES HISTORY, citizenship, law or civics shall be  
19 granted a certificate for not more than one year. No additional certificate  
20 may be granted until all requirements have been fulfilled as provided by the  
21 regulations of the state board of education governing certification of  
22 teachers.

23 C. A noncertified person, qualified under the federal and state plans  
24 for vocational education, shall be exempt from this section for the purpose  
25 of acting as an instructor for special adult and evening classes.

26 D. The state board of education may enter into intergovernmental  
27 agreements or contracts pursuant to title 11, chapter 7, article 3 for the  
28 administration and evaluation of the examination on the provisions and  
29 principles of the Constitutions of the United States and Arizona.  
30 Notwithstanding section 15-531, the intergovernmental agreement or contract  
31 shall specify the fee for the administration and evaluation of the  
32 examination and may provide for the retention of all or part of the monies by  
33 the contractor administering and evaluating the examination.

34 E. A university under the jurisdiction of the Arizona board of regents  
35 shall offer the classes required by this section to students who are pursuing  
36 a bachelor of arts degree in education or a bachelor of science degree in  
37 education at that university.

38 Sec. 2. Section 15-701, Arizona Revised Statutes, is amended to read:

39 15-701. Common school; promotions; requirements; certificate;  
40 supervision of eighth grades by superintendent of  
41 high school district; high school admissions;  
42 academic credit

43 A. The state board of education shall:

1           1. Prescribe a minimum course of study, as defined in section 15-101  
2 and incorporating the academic standards adopted by the state board of  
3 education, to be taught in the common schools.

4           2. Prescribe competency requirements for the promotion of pupils from  
5 the eighth grade and competency requirements for the promotion of pupils from  
6 the third grade incorporating the academic standards in at least the areas of  
7 reading, writing, mathematics, science and ~~social studies~~ UNITED STATES  
8 HISTORY. Notwithstanding section 15-521, paragraph ~~3~~ 4, the competency  
9 requirements for the promotion of pupils from the third grade shall include  
10 the following:

11           (a) A requirement that a pupil not be promoted from the third grade if  
12 the pupil obtains a score on the reading portion of the Arizona instrument to  
13 measure standards test, or a successor test, that demonstrates that the  
14 pupil's reading falls far below the third grade level.

15           (b) A mechanism to allow a school district governing board or the  
16 governing body of a charter school to promote a pupil from the third grade  
17 who obtains a score on the reading portion of the Arizona instrument to  
18 measure standards test, or a successor test, that demonstrates that the  
19 pupil's reading falls far below the third grade level for any of the  
20 following:

21           (i) A good cause exemption if the pupil is an English learner or a  
22 limited English proficient student as defined in section 15-751 and has had  
23 fewer than two years of English language instruction.

24           (ii) A PUPIL WHO IS a child with a disability as defined in section  
25 15-761 if the pupil's individualized education program team and the pupil's  
26 parent or guardian ~~agrees~~ AGREE that promotion is appropriate based on the  
27 pupil's individualized education program.

28           (c) Intervention and remedial strategies developed by the state board  
29 of education for pupils who are not promoted from the third grade. A school  
30 district governing board or the governing body of a charter school shall  
31 offer at least one of the intervention and remedial strategies developed by  
32 the state board of education. The parent or guardian of a pupil who is not  
33 promoted from the third grade and the pupil's teacher and principal may  
34 choose the most appropriate intervention and remedial strategies that will be  
35 provided to that pupil. The intervention and remedial strategies developed  
36 by the state board of education shall include:

37           (i) A requirement that the pupil be assigned to a different teacher  
38 for reading instruction.

39           (ii) Summer school reading instruction.

40           (iii) In the next academic year, intensive reading instruction that  
41 occurs before, during or after the regular school day, or any combination of  
42 before, during and after the regular school day.

43           (iv) Online reading instruction.

1           3. Provide for universal screening of pupils in preschool programs,  
2 kindergarten programs and grades one through three that is designed to  
3 identify pupils who have reading deficiencies pursuant to section 15-704.

4           4. Develop intervention and remedial strategies pursuant to paragraph  
5 2, subdivision (c) of this subsection for pupils in kindergarten programs and  
6 grades one through three who are identified as having reading deficiencies  
7 pursuant to section 15-704.

8           5. Distribute guidelines for the school districts to follow in  
9 prescribing criteria for the promotion of pupils from grade to grade in the  
10 common schools. These guidelines shall include recommended procedures for  
11 ensuring that the cultural background of a pupil is taken into consideration  
12 when criteria for promotion are being applied.

13           B. Beginning in the 2010-2011 school year, school districts and  
14 charter schools shall provide annual written notification to parents of  
15 pupils in kindergarten programs and first, second and third grades that a  
16 pupil who obtains a score on the reading portion of the Arizona instrument to  
17 measure standards test, or a successor test, that demonstrates the pupil is  
18 reading far below the third grade level will not be promoted from the third  
19 grade. If the school has determined that the pupil is substantially  
20 deficient in reading before the end of grade three, the school district or  
21 charter school shall provide to the parent of that pupil a separate written  
22 notification of the reading deficiency that includes the following  
23 information:

24           1. A description of the current reading services provided to the  
25 pupil.

26           2. A description of the available supplemental instructional services  
27 and supporting programs that are designed to remediate reading deficiencies.  
28 Each school district or charter school shall offer at least one intervention  
29 strategy and at least one remedial strategy for pupils with reading  
30 deficiencies. The notification shall list the intervention and remedial  
31 strategies offered and shall instruct the parent or guardian to choose the  
32 strategy that will be implemented for that child.

33           3. Parental strategies to assist the pupil to attain reading  
34 proficiency.

35           4. A statement that the pupil will not be promoted from the third  
36 grade if the pupil obtains a score on the reading portion of the Arizona  
37 instrument to measure standards test, or a successor test, that demonstrates  
38 the pupil is reading far below the third grade level, unless the pupil is  
39 exempt from mandatory retention in grade three or the pupil qualifies for an  
40 exemption pursuant to subsection A of this section.

41           5. A description of the school district or charter school policies on  
42 midyear promotion to a higher grade.

43           C. Pursuant to the guidelines that the state board of education  
44 distributes, the governing board of a school district shall:

1 1. Prescribe curricula that include the academic standards in the  
2 required subject areas pursuant to subsection A, paragraph 1 of this section.

3 2. Prescribe criteria for the promotion of pupils from grade to grade  
4 in the common schools in the school district. These criteria shall include  
5 accomplishment of the academic standards in at least reading, writing,  
6 mathematics, science and ~~social studies~~ UNITED STATES HISTORY, as determined  
7 by district assessment. Other criteria may include additional measures of  
8 academic achievement and attendance.

9 D. The governing board may prescribe the course of study and  
10 competency requirements for promotion that are in addition to or higher than  
11 the course of study and competency requirements the state board prescribes.

12 E. A teacher shall determine whether to promote or retain a pupil in  
13 grade in a common school as provided in section 15-521, paragraph ~~3- 4~~ on the  
14 basis of the prescribed criteria. The governing board, if it reviews the  
15 decision of a teacher to promote or retain a pupil in grade in a common  
16 school as provided in section 15-342, paragraph 11, shall base its decision  
17 on the prescribed criteria.

18 F. A governing board may provide and issue certificates of promotion  
19 to pupils whom it promotes from the eighth grade of a common school. Such  
20 certificates shall be signed by the principal or superintendent of schools.  
21 Where there is no principal or superintendent of schools, the certificates  
22 shall be signed by the teacher of an eighth grade. The certificates shall  
23 admit the holders to any high school in the state.

24 G. A governing board may request certificates of promotion from the  
25 county school superintendent. If a governing board requests these  
26 certificates from the county school superintendent, the county school  
27 superintendent shall furnish and sign the certificates.

28 H. Within any high school district or union high school district, the  
29 superintendent of the high school district shall supervise the work of the  
30 eighth grade of all schools employing no superintendent or principal.

31 I. A school district shall not deny a pupil who is between the ages of  
32 sixteen and twenty-one years admission to a high school because the pupil  
33 does not hold an eighth grade certificate. Governing boards shall establish  
34 procedures for determining the admissibility of pupils who are under sixteen  
35 years of age and who do not hold eighth grade certificates.

36 J. The state board of education shall adopt rules to allow common  
37 school pupils who can demonstrate competency in a particular academic course  
38 or subject to obtain academic credit for the course or subject without  
39 enrolling in the course or subject.

40 Sec. 3. Section 15-701.01, Arizona Revised Statutes, is amended to  
41 read:

42 15-701.01. High school; graduation; requirements; community  
43 college or university courses; transfer from  
44 private schools; academic credit

45 A. The state board of education shall:

1           1. Prescribe a minimum course of study, as defined in section 15-101  
2 and incorporating the academic standards adopted by the state board of  
3 education, for the graduation of pupils from high school.

4           2. Prescribe competency requirements for the graduation of pupils from  
5 high school incorporating the academic standards in at least the areas of  
6 reading, writing, mathematics, science and ~~social studies~~ UNITED STATES  
7 HISTORY.

8           3. Develop and adopt competency tests pursuant to section 15-741 for  
9 the graduation of pupils from high school in at least the areas of reading,  
10 writing and mathematics and shall establish passing scores for each such  
11 test. For the purposes of satisfying the graduation requirements of this  
12 paragraph, a minimum score as determined by the state board of education on  
13 one or more nationally recognized college entrance examinations selected by  
14 the state board of education, if examination information may be accessed at  
15 no cost to this state, may be substituted for passing scores on the Arizona  
16 instrument to measure standards test for a pupil who is in grade twelve. For  
17 the purposes of satisfying the graduation requirements of this paragraph, a  
18 score as determined by the state board of education on a board examination  
19 prescribed in article 6 of this chapter may be substituted for passing scores  
20 on the Arizona instrument to measure standards test if a pupil who is in  
21 grade twelve has previously taken the board examination and has not achieved  
22 the minimum score required to be eligible for a Grand Canyon diploma. A  
23 pupil shall not be required to pass the competency test required in this  
24 paragraph to graduate from high school if the pupil transfers into the  
25 district from out-of-state and has successfully passed a statewide assessment  
26 test on state adopted standards that are substantially equivalent to the  
27 state board adopted academic standards.

28           B. If the state board of education adopts a competency test as a  
29 graduation requirement for a child with a disability as defined in section  
30 15-761 or a child who receives special education pursuant to section 15-763,  
31 pupils with individualized education programs shall not be required to  
32 achieve passing scores on competency tests in order to graduate from high  
33 school unless the pupil is learning at a level appropriate for the pupil's  
34 grade level in a specific academic area and unless passing scores on a  
35 competency test are specifically required in a specific academic area by the  
36 pupil's individualized education program as mutually agreed on by the pupil's  
37 parents and the pupil's individualized education program team or the pupil,  
38 if the pupil is at least eighteen years of age. These competency tests shall  
39 be administered to pupils in a manner prescribed in the pupil's  
40 individualized education program, and school districts and charter schools  
41 shall make specific and appropriate accommodations for pupils with  
42 individualized education programs. Pupils with section 504 plans as defined  
43 in section 15-731 shall not be required to achieve passing scores on  
44 competency tests in order to graduate from high school unless the pupil is  
45 learning at a level appropriate for the pupil's grade level in a specific

1 academic area and unless passing scores on a competency test are specifically  
2 required in a specific academic area by the pupil's section 504 plan that is  
3 developed in consultation with the pupil's parents. These competency tests  
4 shall be administered to pupils in a manner prescribed in the pupil's section  
5 504 plan, and school districts and charter schools shall make specific and  
6 appropriate accommodations for pupils with a section 504 plan. A pupil with  
7 an individualized education program or a section 504 plan who graduates from  
8 high school but who is not required to achieve a passing score on a  
9 competency test in order to graduate from high school shall receive the  
10 standard diploma issued by the school district or charter school.

11 C. The governing board of a school district shall:

12 1. Prescribe curricula that include the academic standards in the  
13 required subject areas pursuant to subsection A, paragraph 1 of this section.

14 2. Prescribe criteria for the graduation of pupils from the high  
15 schools in the school district. These criteria shall include accomplishment  
16 of the academic standards in at least reading, writing, mathematics, science  
17 and ~~social studies~~ UNITED STATES HISTORY, as determined by district  
18 assessment. Other criteria may include additional measures of academic  
19 achievement and attendance.

20 D. The governing board may prescribe the course of study and  
21 competency requirements for the graduation of pupils from high school that  
22 are in addition to or higher than the course of study and competency  
23 requirements which the state board prescribes.

24 E. The governing board may prescribe competency requirements for the  
25 passage of pupils in courses that are required for graduation from high  
26 school.

27 F. A teacher shall determine whether to pass or fail a pupil in a  
28 course in high school as provided in section 15-521, paragraph ~~3~~ 4 on the  
29 basis of the competency requirements, if any have been prescribed. The  
30 governing board, if it reviews the decision of a teacher to pass or fail a  
31 pupil in a course in high school as provided in section 15-342, paragraph 11,  
32 shall base its decision on the competency requirements, if any have been  
33 prescribed.

34 G. Graduation requirements established by the governing board may be  
35 met by a pupil who passes courses in the required or elective subjects at a  
36 community college or university, if the course is at a higher level than the  
37 course taught in the high school attended by the pupil or, if the course is  
38 not taught in the high school, the level of the course is equal to or higher  
39 than the level of a high school course. The governing board shall determine  
40 if the subject matter of the community college or university course is  
41 appropriate to the specific requirement the pupil intends it to fulfill and  
42 if the level of the community college or university course is less than,  
43 equal to or higher than a high school course, and the governing board shall  
44 award one-half of a carnegie unit for each three semester hours of credit the  
45 pupil earns in an appropriate community college or university course. If a

1 pupil is not satisfied with the decision of the governing board regarding the  
2 amount of credit granted or the subjects for which credit is granted, the  
3 pupil may request that the state board of education review the decision of  
4 the governing board, and the state board shall make the final determination  
5 of the amount of credit to be given the pupil and for which subjects. The  
6 governing board shall not limit the number of credits that is required for  
7 high school graduation and that may be met by taking community college or  
8 university courses. For the purposes of this subsection:

9 1. "Community college" means an educational institution that is  
10 operated by a community college district as defined in section 15-1401 or a  
11 postsecondary educational institution under the jurisdiction of an Indian  
12 tribe recognized by the United States department of the interior.

13 2. "University" means a university under the jurisdiction of the  
14 Arizona board of regents.

15 H. A pupil who transfers from a private school shall be provided with  
16 a list that indicates those credits that have been accepted and denied by the  
17 school district. A pupil may request to take an examination in each  
18 particular course in which credit has been denied. The school district shall  
19 accept the credit for each particular course in which the pupil takes an  
20 examination and receives a passing score on a test designed and evaluated by  
21 a teacher in the school district who teaches the subject matter on which the  
22 examination is based. In addition to the above requirements, the governing  
23 board of a school district may prescribe requirements for the acceptance of  
24 the credits of pupils who transfer from a private school.

25 I. If a pupil who was previously enrolled in a charter school or  
26 school district enrolls in a school district in this state, the school  
27 district shall accept credits earned by the pupil in courses or instructional  
28 programs at the charter school or school district. The governing board of a  
29 school district may adopt a policy concerning the application of transfer  
30 credits for the purpose of determining whether a credit earned by a pupil who  
31 was previously enrolled in a school district or charter school will be  
32 assigned as an elective or core credit.

33 J. A pupil who transfers from a charter school or school district  
34 shall be provided with a list that indicates which credits have been accepted  
35 as an elective credit and which credits have been accepted as a core credit  
36 by the school district. Within ten school days after receiving the list, a  
37 pupil may request to take an examination in each particular course in which  
38 core credit has been denied. The school district shall accept the credit as  
39 a core credit for each particular course in which the pupil takes an  
40 examination and receives a passing score on a test designed and evaluated by  
41 a teacher in the school district who teaches the subject matter on which the  
42 examination is based.

43 K. The state board of education shall adopt rules to allow high school  
44 pupils who can demonstrate competency in a particular academic course or

1 subject to obtain academic credit for the course or subject without enrolling  
2 in the course or subject.

3 L. Pupils who earn a Grand Canyon diploma pursuant to article 6 of  
4 this chapter are exempt from the graduation requirements prescribed in this  
5 section, including the requirement that a pupil obtain passing scores on the  
6 Arizona instrument to measure standards test in order to graduate from high  
7 school. Pupils who earn a Grand Canyon diploma are entitled to all the  
8 rights and privileges of persons who graduate with a high school diploma  
9 issued pursuant to this section, including access to postsecondary  
10 scholarships and other forms of student financial aid and access to all forms  
11 of postsecondary education. Notwithstanding any other law, a pupil who is  
12 eligible for a Grand Canyon diploma may elect to remain in high school  
13 through grade twelve and shall not be prevented from enrolling at a high  
14 school after the pupil becomes eligible for a Grand Canyon diploma. A pupil  
15 who is eligible for a Grand Canyon diploma and who elects not to pursue one  
16 of the options prescribed in section 15-792.03 may only be readmitted to that  
17 high school or another high school in this state pursuant to policies adopted  
18 by the school district of readmission.

19 Sec. 4. Section 15-741, Arizona Revised Statutes, is amended to read:

20 15-741. Assessment of pupils

21 A. The state board of education shall:

22 1. Adopt rules for purposes of this article pursuant to title 41,  
23 chapter 6.

24 2. Adopt and implement an Arizona instrument to measure standards test  
25 to measure pupil achievement of the state board adopted academic standards in  
26 reading, writing and mathematics in at least four grades designated by the  
27 board. The board shall determine the manner of implementation. The board  
28 shall not require high school pupils to meet or exceed the standards measured  
29 by the Arizona instrument to measure standards test in any standards other  
30 than reading, writing and mathematics in order to graduate from high school.  
31 The board may administer assessments of the academic standards in ~~social~~  
32 ~~studies~~ UNITED STATES HISTORY and science, except that a pupil shall not be  
33 required to meet or exceed the ~~social-studies~~ UNITED STATES HISTORY or  
34 science standards measured by the Arizona instrument to measure standards  
35 test in order to graduate from high school.

36 3. Adopt and implement a statewide nationally standardized  
37 norm-referenced achievement test in reading, language arts and mathematics,  
38 except that the superintendent of public instruction may determine additional  
39 grade levels for which pupils are tested. The tests shall be consistent with  
40 the state standards and shall be administered during the spring of each year  
41 between March 15 and May 1.

42 4. Ensure that the tests prescribed in this section are uniform  
43 throughout the state.

1           5. Ensure that the tests prescribed in this section are able to be  
2 scored in an objective manner and that the tests are not intended to advocate  
3 any sectarian, partisan or denominational viewpoint.

4           6. Ensure that the results of the nationally standardized  
5 norm-referenced achievement tests established as provided in this article are  
6 comparable to associated grade equivalents, percentiles and stanines derived  
7 from a multistate sample.

8           7. Include within its budget all costs pertaining to the tests  
9 prescribed in this article. If sufficient monies are appropriated, the state  
10 board may provide norm-referenced achievement test services to school  
11 districts ~~which~~ THAT request assistance in testing pupils in grades  
12 additional to those required by this section.

13           8. Use subtests of the statewide nationally standardized  
14 norm-referenced achievement test as designated by the state board to assess  
15 pupils in reading, language arts and mathematics, at a level appropriate for  
16 their grade level.

17           9. Survey teachers, principals and superintendents on achievement  
18 related nontest indicators, including information on graduation rates by  
19 ethnicity and dropout rates by ethnicity for each grade level. Before the  
20 survey, the state board of education shall approve at a public meeting the  
21 nontest indicators on which data will be collected. In conducting the survey  
22 and collecting data, the state board of education shall not violate the  
23 provisions of the family educational rights and privacy act (P.L. 93-380), as  
24 amended, nor disclose personally identifiable information.

25           10. Establish a fair and consistent method and standard by which  
26 norm-referenced test scores from schools in a district may be evaluated  
27 taking into consideration demographic data. The board shall establish  
28 intervention strategies to assist schools with scores below the acceptable  
29 standard. The board shall annually review district and school scores and  
30 shall offer assistance to school districts in analyzing data and implementing  
31 intervention strategies. The board shall use the adopted norm-referenced  
32 test and methods of data evaluation for a period of at least ten years.

33           11. Participate in other assessments that provide national comparisons  
34 as needed.

35           B. The standardized norm-referenced achievement tests adopted by the  
36 state board as provided in subsection A OF THIS SECTION shall be given  
37 annually. The tests shall be administered over a one-week period between  
38 March 15 and May 1. Nontest indicator data and other information shall be  
39 collected at the same time as the collection of standardized norm-referenced  
40 achievement test data.

41           C. Local school district governing boards shall:

42           1. Administer the tests prescribed in subsection A OF THIS SECTION.

43           2. Survey teachers, principals and superintendents on achievement  
44 related nontest indicator data as required by the state board, including  
45 information related to district graduation and dropout rates. In conducting

1 the survey and collecting data, the governing board shall not violate the  
2 provisions of the family educational rights and privacy act (P.L. 93-380), as  
3 amended, nor disclose personally identifiable information.

4 D. Any additional assessments for high school pupils that are adopted  
5 by the state board of education after ~~the effective date of this amendment to~~  
6 ~~this section~~ NOVEMBER 24, 2009 shall be designed to measure college and  
7 career readiness of pupils.

8 E. A test for penmanship shall not be required pursuant to this  
9 article.

10 Sec. 5. Section 15-802, Arizona Revised Statutes, is amended to read:

11 15-802. School instruction; exceptions; violations;  
12 classification; definitions

13 A. Every child between the ages of six and sixteen years shall attend  
14 a school and shall be provided instruction in at least the subjects of  
15 reading, grammar, mathematics, ~~social studies~~ UNITED STATES HISTORY and  
16 science. The person who has custody of the child shall choose a public,  
17 private or charter school or a homeschool as defined in this section to  
18 provide instruction or shall sign a contract to participate in an Arizona  
19 empowerment scholarship account pursuant to section 15-2402.

20 B. The parent or person who has custody shall do the following:

21 1. If the child will attend a public, private or charter school,  
22 enroll the child in and ensure that the child attends a public, private or  
23 charter school for the full time school is in session. In accordance with  
24 guidelines adopted by the department of education, school districts and  
25 charter schools shall require and maintain verifiable documentation of  
26 residency in this state for pupils who enroll in the school district or  
27 charter school. If a child attends a school that is operated on a year-round  
28 basis, the child shall regularly attend during school sessions that total not  
29 less than one hundred eighty school days or two hundred school days, as  
30 applicable, or the equivalent as approved by the superintendent of public  
31 instruction.

32 2. If the child will attend a private school or homeschool, file an  
33 affidavit of intent with the county school superintendent stating that the  
34 child is attending a regularly organized private school or is being provided  
35 with instruction in a homeschool. The affidavit of intent shall include:

36 (a) The child's name.

37 (b) The child's date of birth.

38 (c) The current address of the school the child is attending.

39 (d) The names, telephone numbers and addresses of the persons who  
40 currently have custody of the child.

41 3. If the child will attend homeschool, the child has not reached  
42 eight years of age by September 1 of the school year and the person who has  
43 custody of the child does not desire to begin home instruction until the  
44 child has reached eight years of age, file an affidavit of intent pursuant to

1 paragraph 2 of this subsection stating that the person who has custody of the  
2 child does not desire to begin homeschool instruction.

3 C. An affidavit of intent shall be filed within thirty days from the  
4 time the child begins to attend a private school or homeschool and is not  
5 required thereafter unless the private school or the homeschool instruction  
6 is terminated and then resumed. The person who has custody of the child  
7 shall notify the county school superintendent within thirty days of the  
8 termination that the child is no longer being instructed at a private school  
9 or a homeschool. If the private school or homeschool instruction is resumed,  
10 the person who has custody of the child shall file another affidavit of  
11 intent with the county school superintendent within thirty days.

12 D. A person is excused from the duties prescribed by subsection A or B  
13 of this section if any of the following is shown to the satisfaction of the  
14 school principal or the school principal's designee:

15 1. The child is in such physical or mental condition that instruction  
16 is inexpedient or impracticable.

17 2. The child has completed the high school course of study necessary  
18 for completion of grade ten as prescribed by the state board of education.

19 3. The child has presented reasons for nonattendance at a public  
20 school that are satisfactory to the school principal or the school  
21 principal's designee. For the purposes of this paragraph, the principal's  
22 designee may be the school district governing board.

23 4. The child is over fourteen years of age and is employed, with the  
24 consent of the person who has custody of him, at some lawful wage earning  
25 occupation.

26 5. The child is enrolled in a work training, career education, career  
27 and technical education, vocational education or manual training program that  
28 meets the educational standards established and approved by the department of  
29 education.

30 6. The child was either:

31 (a) Suspended and not directed to participate in an alternative  
32 education program.

33 (b) Expelled from a public school as provided in article 3 of this  
34 chapter.

35 7. The child is enrolled in an education program provided by a state  
36 educational or other institution.

37 E. Unless otherwise exempted in this section or section 15-803, a  
38 parent of a child between six and sixteen years of age or a person who has  
39 custody of a child, who does not provide instruction in a homeschool and who  
40 fails to enroll or fails to ensure that the child attends a public, private  
41 or charter school pursuant to this section or fails to sign a contract to  
42 participate in an empowerment scholarship account pursuant to section 15-2402  
43 is guilty of a class 3 misdemeanor. A parent who fails to comply with the  
44 duty to file an affidavit of intent to provide instruction in a homeschool is  
45 guilty of a petty offense.

1 F. If a child will be educated pursuant to an empowerment scholarship  
2 account pursuant to section 15-2402, the department of education shall  
3 provide a copy of the contract to participate in the empowerment scholarship  
4 account to the school superintendent of the county where the pupil resides.

5 G. For the purposes of this section:

6 1. "Educated pursuant to an empowerment scholarship account" means a  
7 child whose parent has signed a contract pursuant to section 15-2402 to  
8 educate the child outside of any school district or charter school and in  
9 which the parent may but is not required to enroll the child in a private  
10 school or to educate the child through any of the methods specified in  
11 section 15-2402.

12 2. "Homeschool" means a nonpublic school conducted primarily by the  
13 parent, guardian or other person who has custody of the child or nonpublic  
14 instruction provided in the child's home.

15 3. "Private school" means a nonpublic institution, other than the  
16 child's home, where academic instruction is provided for at least the same  
17 number of days and hours each year as a public school.

18 Sec. 6. Section 15-1626, Arizona Revised Statutes, is amended to read:

19 15-1626. General administrative powers and duties of board

20 A. The board shall:

21 1. Have and exercise the powers necessary for the effective governance  
22 and administration of the institutions under its control. To that end, the  
23 board may adopt, and authorize each university to adopt, such regulations,  
24 policies, rules or measures as are deemed necessary and may delegate in  
25 writing to its committees, to its university presidents, or their designees,  
26 or to other entities under its control, any part of its authority for the  
27 administration and governance of such institutions, including those powers  
28 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs  
29 3, 4, 8, 9, 11 and 12 of this subsection and subsection B of this section.  
30 Any delegation of authority may be rescinded by the board at any time in  
31 whole or in part.

32 2. Appoint and employ and determine the compensation of presidents  
33 with such power and authority and for such purposes in connection with the  
34 operation of the institutions as the board deems necessary.

35 3. Appoint and employ and determine the compensation of  
36 vice-presidents, deans, professors, instructors, lecturers, fellows and such  
37 other officers and employees with such power and authority and for such  
38 purposes in connection with the operation of the institutions as the board  
39 deems necessary, or delegate its authority pursuant to paragraph 1 of this  
40 subsection.

41 4. Remove any officer or employee when the interests of education in  
42 this state so require in accordance with its personnel rules and policies.

43 5. Fix tuitions and fees to be charged and differentiate the tuitions  
44 and fees between institutions and between residents, nonresidents,  
45 undergraduate students, graduate students, students from foreign countries

1 and students who have earned credit hours in excess of the credit hour  
2 threshold. For the purposes of this paragraph, the undergraduate credit hour  
3 threshold is one hundred forty-five hours for students who attend a  
4 university under the jurisdiction of the board. The undergraduate credit  
5 hour threshold shall be based on the actual full-time equivalent student  
6 enrollment counted on the forty-fifth day of every fall and spring semester,  
7 divided by two, and any budget adjustment based on student enrollment shall  
8 occur in the fiscal year following the actual full-time equivalent student  
9 enrollment count. The undergraduate credit hour threshold shall not apply to  
10 degree programs that require credit hours above the credit hour threshold,  
11 credits earned in the pursuit of up to two baccalaureate degrees, credits  
12 earned in the pursuit of up to two state regulated licensures or  
13 certificates, credits earned in the pursuit of teaching certification,  
14 credits transferred from a private institution of higher education, credits  
15 transferred from an institution of higher education in another state, credits  
16 earned at another institution of higher education but that are not accepted  
17 as transfer credits at the university where the student is currently enrolled  
18 and credits earned by students who enroll at a university under the  
19 jurisdiction of the board more than twenty-four months after the end of that  
20 student's previous enrollment at a public institution of higher education in  
21 this state. On or before October 15 of each year, the board shall report to  
22 the joint legislative budget committee the number of students who were  
23 enrolled at universities under the jurisdiction of the board during the  
24 previous fiscal year who met or exceeded the undergraduate credit hour  
25 threshold prescribed in this paragraph. The amount of tuition, registration  
26 fees and other revenues included in the operating budget for the university  
27 adopted by the board as prescribed in paragraph 13 of this subsection shall  
28 be deposited, pursuant to sections 35-146 and 35-147. All other tuition and  
29 fee revenue shall be retained by each university for expenditure as approved  
30 by the board, except that the universities shall not use any tuition or fee  
31 revenue to fund or support an alumni association.

32 6. Except as provided in subsection I of this section, adopt rules to  
33 govern its tuition and fee setting process that provide for the following:

34 (a) At least one public hearing at each university as an opportunity  
35 for students and members of the public to comment on any proposed increase in  
36 tuition or fees.

37 (b) Publication of the notice of public hearing at least ten days  
38 prior to the hearing in a newspaper of general circulation in Maricopa  
39 county, Coconino county and Pima county. The notice shall include the date,  
40 time and location of the public hearing.

41 (c) Public disclosure by each university of any proposed increases in  
42 tuition or fees at least ten days prior to the public hearing.

43 (d) Final board action on changes in tuition or fees shall be taken by  
44 roll call vote.

1 The procedural requirements of subdivisions (a), (b), (c) and (d) of this  
2 paragraph apply only to those changes in tuition or fees that require board  
3 approval.

4 7. Pursuant to section 35-115, submit a budget request for each  
5 institution under its jurisdiction that includes the estimated tuition and  
6 fee revenue available to support the programs of the institution as described  
7 in the budget request. The estimated available tuition and fee revenue shall  
8 be based on the tuition and registration fee rates in effect at the time the  
9 budget request is submitted with adjustments for projected changes in  
10 enrollment as provided by the board.

11 8. Establish curriculums and designate courses at the several  
12 institutions that in its judgment will best serve the interests of this  
13 state.

14 9. Award such degrees and diplomas on the completion of such courses  
15 and curriculum requirements as it deems appropriate.

16 10. Prescribe qualifications for admission of all students to the  
17 universities. The board shall establish policies for guaranteed admission  
18 that assure fair and equitable access to students in this state from public,  
19 private and charter schools and homeschools. For the purpose of determining  
20 the qualifications of honorably discharged veterans, veterans are those  
21 persons who served in the armed forces for a minimum of two years and who  
22 were previously enrolled at a university or community college in this state.  
23 No prior failing grades received by the veteran at the university or  
24 community college in this state may be considered.

25 11. Adopt any energy conservation standards promulgated by the  
26 department of administration for the construction of new buildings.

27 12. Employ for such time and purposes as the board requires attorneys  
28 whose compensation shall be fixed and paid by the board. Litigation to which  
29 the board is a party and for which self-insurance is not provided may be  
30 compromised or settled at the direction of the board.

31 13. Adopt annually an operating budget for each university equal to the  
32 sum of appropriated general fund monies and the amount of tuition,  
33 registration fees and other revenues approved by the board and allocated to  
34 each university operating budget.

35 14. In consultation with the state board of education and other  
36 education groups, develop and implement a program to award honors  
37 endorsements to be affixed to the high school diplomas of qualifying high  
38 school pupils and to be included in the transcripts of pupils who are awarded  
39 endorsements. The board shall develop application procedures and testing  
40 criteria and adopt testing instruments and procedures to administer the  
41 program. In order to receive an honors endorsement, a pupil must demonstrate  
42 an extraordinary level of knowledge, skill and competency as measured by the  
43 testing instruments adopted by the board in mathematics, English, science and  
44 ~~social studies~~ UNITED STATES HISTORY. Additional subjects may be added at  
45 the determination of the board. The program is voluntary for pupils.

1           15. Require the publisher of each literary and nonliterary textbook  
2 used in the universities of this state to furnish computer software in a  
3 standardized format when software becomes available for nonliterary textbooks  
4 to the Arizona board of regents from which braille versions of the textbooks  
5 may be produced.

6           16. Require universities that provide a degree in education to require  
7 courses that are necessary to obtain a provisional structured English  
8 immersion endorsement as prescribed by the state board of education.

9           17. Acquire United States flags for each classroom that are  
10 manufactured in the United States and that are at least two feet by three  
11 feet and hardware to appropriately display the United States flags, acquire a  
12 legible copy of the Constitution of the United States and the Bill of Rights,  
13 display the flags in each classroom in accordance with title 4 of the United  
14 States Code and display a legible copy of the Constitution of the United  
15 States and the Bill of Rights adjacent to the flag.

16           18. To facilitate the transfer of military personnel and their  
17 dependents to and from the public schools of this state, pursue, in  
18 cooperation with the state board of education, reciprocity agreements with  
19 other states concerning the transfer credits for military personnel and their  
20 dependents. A reciprocity agreement entered into pursuant to this paragraph  
21 shall:

22           (a) Address procedures for each of the following:

23           (i) The transfer of student records.

24           (ii) Awarding credit for completed course work.

25           (iii) Permitting a student to satisfy the graduation requirements  
26 prescribed in section 15-701.01 through the successful performance on  
27 comparable exit-level assessment instruments administered in another state.

28           (b) Include appropriate criteria developed by the state board of  
29 education and the Arizona board of regents.

30           19. Require a university to publicly post notices of all of its  
31 employment openings, including the title and description, instructions for  
32 applying and relevant contact information.

33           20. In consultation with the community college districts in this state,  
34 develop and implement common equivalencies for specific levels of achievement  
35 on advanced placement examinations and international baccalaureate  
36 examinations in order to award commensurate postsecondary academic credits at  
37 community colleges and public universities in this state.

38           21. On or before August 1 of each year, report to the joint legislative  
39 budget committee the graduation rate by university campus during the previous  
40 fiscal year. The board shall also report the retention rate by university  
41 campus and by class, as determined by date of entry during the previous  
42 fiscal year.

43           B. The board shall adopt personnel policies for all employees of the  
44 board and the universities.

1 C. In conjunction with the auditor general, the board shall develop a  
2 uniform accounting and reporting system, which shall be reviewed by the joint  
3 legislative budget committee before final adoption by the board. The board  
4 shall require each university to comply with the uniform accounting and  
5 reporting system.

6 D. The board may employ legal assistance in procuring loans for the  
7 institutions from the United States government. Fees or compensation paid  
8 for such legal assistance shall not be a claim on the general fund of this  
9 state but shall be paid from funds of the institutions.

10 E. The board shall approve or disapprove any contract or agreement  
11 entered into by the university of Arizona hospital with the Arizona health  
12 facilities authority.

13 F. The board may adopt policies that authorize the institutions under  
14 its jurisdiction to enter into employment contracts with nontenured employees  
15 for periods of more than one year but not more than five years. The policies  
16 shall prescribe limitations on the authority of the institutions to enter  
17 into employment contracts for periods of more than one year but not more than  
18 five years, including the requirement that the board approve the contracts.

19 G. The board may adopt a plan or plans for employee benefits that  
20 allow for participation in a cafeteria plan that meets the requirements of  
21 the United States internal revenue code of 1986.

22 H. The board may establish a program for the exchange of students  
23 between the universities under the jurisdiction of the board and colleges and  
24 universities located in the state of Sonora, Mexico. Notwithstanding  
25 subsection A, paragraph 5 of this section, the program may provide for  
26 in-state tuition at the universities under the jurisdiction of the board for  
27 fifty Sonoran students in exchange for similar tuition provisions for up to  
28 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or  
29 universities. The board may direct the universities to work in conjunction  
30 with the Arizona-Mexico commission to coordinate recruitment and admissions  
31 activities.

32 I. Subsection A, paragraph 6, subdivisions (a), (b), (c) and (d) of  
33 this section do not apply to fee increases that are set by individual  
34 universities and that do not require approval by the Arizona board of regents  
35 before the fee increase becomes effective.

36 J. On or before July 1, 2012, the Arizona board of regents, in  
37 collaboration with the universities under its jurisdiction, shall adopt a  
38 performance funding model. The performance funding model shall use  
39 performance metrics that include the increase in degrees awarded, the  
40 increase in completed student credit hours and the increase in externally  
41 generated research and public service funding. The funding formula may give  
42 added weight to degrees related to science, technology, engineering and  
43 mathematics and other high-value degrees that are in short supply or that are  
44 essential to this state's long-term economic development strategy.

1 K. The Arizona board of regents shall use the performance funding  
2 model adopted pursuant to subsection J of this section in developing and  
3 submitting budget requests for the universities under its jurisdiction.

4 Sec. 7. Section 15-2402, Arizona Revised Statutes, is amended to read:  
5 15-2402. Arizona empowerment scholarship accounts; funds

6 A. Arizona empowerment scholarship accounts are established to provide  
7 options for the education of students in this state.

8 B. To enroll a qualified student for an empowerment scholarship  
9 account, the parent of the qualified student must sign an agreement to do all  
10 of the following:

11 1. Provide an education for the qualified student in at least the  
12 subjects of reading, grammar, mathematics, ~~social studies~~ UNITED STATES  
13 HISTORY and science.

14 2. Not enroll the qualified student in a school district or charter  
15 school and release the school district from all obligations to educate the  
16 qualified student. This paragraph does not relieve the school district or  
17 charter school that the qualified student previously attended from the  
18 obligation to conduct an evaluation pursuant to section 15-766.

19 3. Not accept a scholarship from a school tuition organization  
20 pursuant to title 43 concurrently with an empowerment scholarship account for  
21 the qualified student in the same year a parent signs the agreement pursuant  
22 to this section.

23 4. Use the money deposited in the qualified student's Arizona  
24 empowerment scholarship account only for the following expenses of the  
25 qualified student:

26 (a) Tuition or fees at a qualified school.

27 (b) Textbooks required by a qualified school.

28 (c) Educational therapies or services for the qualified student from a  
29 licensed or accredited practitioner or provider, including licensed or  
30 accredited paraprofessionals or educational aides.

31 (d) Tutoring services provided by a tutor accredited by a state,  
32 regional or national accrediting organization.

33 (e) Curriculum.

34 (f) Tuition or fees for a nonpublic online learning program.

35 (g) Fees for a nationally standardized norm-referenced achievement  
36 test, advanced placement examinations or any exams related to college or  
37 university admission.

38 (h) Contributions to a qualified tuition program established pursuant  
39 to 26 United States Code section 529 for the benefit of the qualified  
40 student.

41 (i) Tuition or fees at an eligible postsecondary institution.

42 (j) Textbooks required by an eligible postsecondary institution.

43 (k) Fees for management of the empowerment scholarship account by  
44 firms selected by the treasurer.

1 (1) Services provided by a public school, including individual classes  
2 and extracurricular programs.

3 5. Not file an affidavit of intent to homeschool pursuant to section  
4 15-802, subsection B, paragraph 2 or 3.

5 6. Not use monies deposited in the qualified student's account for any  
6 of the following:

7 (a) Computer hardware or other technological devices.

8 (b) Transportation of the pupil.

9 (c) Consumable educational supplies, including paper, pens or markers.

10 C. In exchange for the parent's agreement pursuant to subsection B of  
11 this section, the department shall transfer from the monies that would  
12 otherwise be allocated to a recipient's prior school district to the  
13 treasurer for deposit into an Arizona empowerment scholarship account an  
14 amount that is equivalent to ninety per cent of the base support level  
15 prescribed in section 15-943 for that particular student. The department may  
16 retain up to five per cent of the base support level prescribed in section  
17 15-943 for each student with an empowerment scholarship account for deposit  
18 in the department of education empowerment scholarship account fund  
19 established in subsection D of this section, out of which the department  
20 shall transfer one per cent of the base support level prescribed in section  
21 15-943 for each student with an empowerment scholarship account to the state  
22 treasurer for deposit in the state treasurer empowerment scholarship account  
23 fund established in subsection E of this section.

24 D. The department of education empowerment scholarship account fund is  
25 established consisting of monies retained by the department pursuant to  
26 subsection C of this section. The department shall administer the fund.  
27 Monies in the fund are subject to legislative appropriation. Monies in the  
28 fund shall be used for the department's costs in administering empowerment  
29 scholarship accounts under this chapter. Monies in the fund are exempt from  
30 the provisions of section 35-190 relating to lapsing of appropriations. If  
31 the number of empowerment scholarship accounts significantly increases after  
32 fiscal year 2012-2013, the department may request an increase in the amount  
33 appropriated to the fund in any subsequent fiscal year in the budget estimate  
34 submitted pursuant to section 35-113.

35 E. The state treasurer empowerment scholarship account fund is  
36 established consisting of monies transferred by the department to the state  
37 treasurer pursuant to subsection C of this section. The state treasurer  
38 shall administer the fund. Monies in the fund shall be used for the state  
39 treasurer's costs in administering the empowerment scholarship accounts under  
40 this chapter. If the number of empowerment scholarship accounts  
41 significantly increases after fiscal year 2013-2014, the state treasurer may  
42 request an increase in the amount appropriated to the fund in any subsequent  
43 fiscal year in the budget estimate submitted pursuant to section 35-113.  
44 Monies in the fund are subject to legislative appropriation. Monies in the

1 fund are exempt from the provisions of section 35-190 relating to lapsing of  
2 appropriations.

3 F. A parent must renew the qualified student's empowerment scholarship  
4 account on an annual basis. Notwithstanding any changes to the student's  
5 multidisciplinary evaluation team plan, a student who has previously  
6 qualified for an empowerment scholarship account shall remain eligible to  
7 apply for renewal until the student finishes high school.

8 G. A signed agreement under this section constitutes school attendance  
9 required by section 15-802.

10 H. A qualified school or a provider of services purchased pursuant to  
11 subsection B, paragraph 4 of this section may not share, refund or rebate any  
12 Arizona empowerment scholarship account monies with the parent or qualified  
13 student in any manner.

14 I. On the qualified student's graduation from a postsecondary  
15 institution or after any period of four consecutive years after high school  
16 graduation in which the student is not enrolled in an eligible postsecondary  
17 institution, the qualified student's Arizona empowerment scholarship account  
18 shall be closed and any remaining funds shall be returned to the state.

19 J. Monies received pursuant to this article do not constitute taxable  
20 income to the parent of the qualified student.