

REFERENCE TITLE: schools; online instruction; concurrent students

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

# HB 2315

Introduced by  
Representative Pierce J: Senator Yarbrough

AN ACT

AMENDING SECTION 15-808, 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 15-808, 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. The  
9 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. After a new school that  
33 provides online instruction has clearly demonstrated the academic integrity  
34 of its instruction through the actual improvement of the academic performance  
35 of its students, the school may apply to be removed from probationary status.  
36 The state board of education or the state board for charter schools shall  
37 remove from Arizona online instruction any probationary school that fails to  
38 clearly demonstrate improvement in academic performance within three years  
39 measured against goals in the approved application and the state's  
40 accountability system. The state board of education and the state board for  
41 charter schools shall review the effectiveness of each participating school  
42 and other information that is contained in the annual report prescribed in  
43 subsection D of this section. All pupils who participate in Arizona online  
44 instruction shall reside in this state. Pupils who participate in Arizona  
45 online instruction are subject to the testing requirements prescribed in

1 chapter 7, article 3 of this title. On enrollment, the school shall notify  
2 the parents or guardians of the pupil of the state testing requirements. If  
3 a pupil fails to comply with the testing requirements and the school  
4 administers the tests pursuant to this subsection to less than ninety-five  
5 per cent of the pupils in Arizona online instruction, the pupil shall not be  
6 allowed to participate in Arizona online instruction.

7 C. The state board of education and the state board for charter  
8 schools shall develop annual reporting mechanisms for schools that  
9 participate in Arizona online instruction.

10 D. The department of education shall compile the information submitted  
11 in the annual reports by schools participating in Arizona online instruction.  
12 The department of education shall submit the compiled report to the governor,  
13 the speaker of the house of representatives and the president of the senate  
14 by November 15 of each year.

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

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

1 this section by the applicable hourly requirements prescribed in section  
2 15-901. For grades nine through twelve, average daily membership shall be  
3 calculated by dividing the instructional hours as reported in the daily log  
4 required in subsection E of this section by nine hundred. The average daily  
5 membership of a pupil who participates in online instruction shall not exceed  
6 1.0. Average daily membership shall not be calculated on the one hundredth  
7 day of instruction for the purposes of this section. Funding shall be  
8 determined as follows:

9 1. A pupil who is enrolled full-time in Arizona online instruction  
10 shall be funded for online instruction at ninety-five per cent of the base  
11 support level that would be calculated for that pupil if that pupil were  
12 enrolled as a full-time student in a school district or charter school that  
13 does not participate in Arizona online instruction. Charter additional  
14 assistance and district additional assistance shall be calculated in the same  
15 manner they would be calculated if the student were enrolled in a district or  
16 charter school that does not participate in Arizona online instruction.

17 2. A pupil who is enrolled part-time in Arizona online instruction  
18 shall be funded for online instruction at eighty-five per cent of the base  
19 support level that would be calculated for that pupil if that pupil were  
20 enrolled as a part-time student in a school district or charter school that  
21 does not participate in Arizona online instruction. Charter additional  
22 assistance and district additional assistance shall be calculated in the same  
23 manner they would be calculated if the student were enrolled in a district or  
24 charter school that does not participate in Arizona online instruction.

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

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

34 I. IF A PUPIL IS ENROLLED IN A SCHOOL DISTRICT OR CHARTER SCHOOL AND  
35 THAT PUPIL ALSO PARTICIPATES IN ARIZONA ONLINE INSTRUCTION BETWEEN MAY 1 AND  
36 JULY 31, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT REQUIRE A COPY OF A  
37 RECEIPT ISSUED TO THE PUPIL BY THE ONLINE COURSE PROVIDER AS A CONDITION OF  
38 THE SCHOOL DISTRICT OR CHARTER SCHOOL ACCEPTING CREDITS EARNED FROM THE  
39 ONLINE COURSE PROVIDER.

40 J. IF A PUPIL IS ENROLLED IN A SCHOOL DISTRICT OR CHARTER SCHOOL AND  
41 THAT PUPIL ALSO PARTICIPATES IN ARIZONA ONLINE INSTRUCTION:

42 1. THE SCHOOL DISTRICT OR CHARTER SCHOOL AND THE ONLINE COURSE  
43 PROVIDER SHALL RELEASE A COPY OF THE PUPIL'S TRANSCRIPT TO THE SCHOOL  
44 DISTRICT, THE CHARTER SCHOOL OR THE ONLINE COURSE PROVIDER WITHIN TEN DAYS  
45 AFTER A VALID REQUEST TO RELEASE THE PUPIL'S TRANSCRIPT.

1           2. THE ONLINE COURSE PROVIDER, THE SCHOOL DISTRICT OR THE CHARTER  
2 SCHOOL SHALL ACCEPT ELECTIVE AND CORE CREDITS EARNED BY THE PUPIL WAS  
3 ENROLLED IN COURSES OR INSTRUCTIONAL PROGRAMS FROM THE CHARTER SCHOOL, THE  
4 SCHOOL DISTRICT OR THE ONLINE COURSE PROVIDER.

5           3. THE ONLINE COURSE PROVIDER IS NOT REQUIRED TO REPORT THE PUPIL'S  
6 SCORE ON A REQUIRED STANDARDIZED TEST OR THE PUPIL'S PARTICIPATION OR LACK OF  
7 PARTICIPATION ON A REQUIRED STANDARDIZED TEST IF THE PUPIL WAS ENROLLED FOR  
8 LESS THAN SEVENTY-FIVE PER CENT OF THE CLASS TIME.

9           K. NOTWITHSTANDING ANY OTHER LAW, IF A PUPIL IS CONCURRENTLY ENROLLED  
10 IN ARIZONA ONLINE INSTRUCTION AND A HOMESCHOOL, THE HOMESCHOOL IS RESPONSIBLE  
11 FOR THE ADMINISTRATION OF ALL STANDARDIZED TESTS FOR THAT PUPIL.

12           L. IF THE STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER  
13 SCHOOLS OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT A SCHOOL  
14 DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER IS IN VIOLATION OF THIS  
15 SECTION, THE STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER SCHOOLS OR  
16 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE SCHOOL DISTRICT,  
17 CHARTER SCHOOL OR ONLINE COURSE PROVIDER THAT IT IS IN VIOLATION OF THIS  
18 SECTION. IF THE STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER  
19 SCHOOLS OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE  
20 SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER HAS FAILED TO  
21 COMPLY WITH THIS SECTION WITHIN TWENTY DAYS AFTER A NOTICE HAS BEEN ISSUED  
22 PURSUANT TO THIS SUBSECTION, THE STATE BOARD OF EDUCATION, THE STATE BOARD  
23 FOR CHARTER SCHOOLS OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT  
24 THE DEPARTMENT OF EDUCATION TO WITHHOLD UP TO ONE PER CENT OF THE MONTHLY  
25 APPORTIONMENT OF STATE AID THAT WOULD OTHERWISE BE DUE A SCHOOL DISTRICT,  
26 CHARTER SCHOOL OR ONLINE COURSE PROVIDER. IF THE STATE BOARD OF EDUCATION,  
27 THE STATE BOARD FOR CHARTER SCHOOLS OR THE SUPERINTENDENT OF PUBLIC  
28 INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE  
29 COURSE PROVIDER HAS FAILED TO COMPLY WITH THIS SECTION WITHIN SIXTY DAYS  
30 AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE STATE BOARD  
31 OF EDUCATION, THE STATE BOARD FOR CHARTER SCHOOLS OR THE SUPERINTENDENT OF  
32 PUBLIC INSTRUCTION SHALL DIRECT THE DEPARTMENT OF EDUCATION TO WITHHOLD UP TO  
33 TWO PER CENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT WOULD OTHERWISE  
34 BE DUE A SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER. THE  
35 DEPARTMENT OF EDUCATION SHALL ADJUST THE APPORTIONMENT OF THE SCHOOL  
36 DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER ACCORDINGLY. WHEN THE  
37 STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER SCHOOLS OR THE  
38 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT,  
39 CHARTER SCHOOL OR ONLINE COURSE PROVIDER IS IN COMPLIANCE WITH THIS SECTION,  
40 THE DEPARTMENT OF EDUCATION SHALL RESUME FULL STATE AID PAYMENTS TO THE  
41 SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER WITHOUT RESTORING  
42 THE AMOUNTS PREVIOUSLY WITHHELD.

43           M. AN ONLINE COURSE PROVIDER IS NOT REQUIRED TO WITHDRAW A STUDENT  
44 FROM ONLINE INSTRUCTION IF THE STUDENT FAILS TO TAKE A REQUIRED STANDARDIZED  
45 TEST.

- 1           ~~I.~~ N. For the purposes of this section:
- 2           1. "Full-time student" means:
- 3           (a) A student who is at least five years of age before September 1 of
- 4 a school year and who is enrolled in a school kindergarten program that meets
- 5 at least three hundred forty-six hours during the school year.
- 6           (b) A student who is at least six years of age before September 1 of a
- 7 school year, who has not graduated from the highest grade taught in the
- 8 school and who is regularly enrolled in a course of study required by the
- 9 state board of education. For first, second and third grade students, the
- 10 instructional program shall meet at least seven hundred twelve hours. For
- 11 fourth, fifth and sixth grade students, the instructional program shall meet
- 12 at least eight hundred ninety hours during the school year.
- 13           (c) Seventh and eighth grade students or ungraded students who are at
- 14 least twelve, but under fourteen, years of age on or before September 1 and
- 15 who are enrolled in an instructional program of courses that meets at least
- 16 one thousand sixty-eight hours during the school year.
- 17           (d) For high schools, a student not graduated from the highest grade
- 18 taught in the school district, or an ungraded student at least fourteen years
- 19 of age on or before September 1, and who is enrolled in at least four courses
- 20 throughout the year that meet at least nine hundred hours during the school
- 21 year. A full-time student shall not be counted more than once for
- 22 computation of average daily membership.
- 23           2. "Online course provider" means a school other than an online school
- 24 that is selected by the state board of education or the state board for
- 25 charter schools to participate in Arizona online instruction pursuant to this
- 26 section and that provides at least one online academic course that is
- 27 approved by the state board of education.
- 28           3. "Online school" means a school that provides at least four online
- 29 academic courses or one or more online courses for the equivalent of at least
- 30 five hours each day for one hundred eighty school days and that is a charter
- 31 school that is sponsored by the state board for charter schools or a
- 32 traditional public school that is selected by the state board of education to
- 33 participate in Arizona online instruction.
- 34           4. "Part-time student" means:
- 35           (a) Any student who is enrolled in a program that does not meet the
- 36 definition in paragraph 1 of this subsection shall be funded at eighty-five
- 37 per cent of the base support level that would be calculated for that pupil if
- 38 that pupil were enrolled as a part-time student in a school district or
- 39 charter school that does not participate in Arizona online instruction.
- 40           (b) A part-time student of seventy-five per cent average daily
- 41 membership shall be enrolled in at least three subjects throughout the year
- 42 that offer for first, second and third grade students at least five hundred
- 43 thirty-four instructional hours in a school year and for fourth, fifth and
- 44 sixth grade students at least six hundred sixty-eight instructional hours in
- 45 a school year. A part-time student of fifty per cent average daily

1 membership shall be enrolled in at least two subjects throughout the year  
2 that offer for first, second and third grade students at least three hundred  
3 fifty-six instructional hours in a school year and for fourth, fifth and  
4 sixth grade students at least four hundred forty-five instructional hours in  
5 a school year. A part-time student of twenty-five per cent average daily  
6 membership shall be enrolled in at least one subject throughout the year that  
7 offers for first, second and third grade students at least one hundred  
8 seventy-eight instructional hours in a school year and for fourth, fifth and  
9 sixth grade students at least two hundred twenty-three instructional hours in  
10 a school year.

11 (c) For seventh and eighth grade students, a part-time student of  
12 seventy-five per cent average daily membership shall be enrolled in at least  
13 three subjects throughout the year that offer at least eight hundred one  
14 instructional hours in a school year. A part-time student of fifty per cent  
15 average daily membership shall be enrolled in at least two subjects  
16 throughout the year that offer at least five hundred thirty-four  
17 instructional hours in a school year. A part-time student of twenty-five per  
18 cent average daily membership shall be enrolled in at least one subject  
19 throughout the year that offers at least two hundred sixty-seven  
20 instructional hours in a school year.

21 (d) For high school students, a part-time student of seventy-five per  
22 cent average daily membership shall be enrolled in at least three subjects  
23 throughout the year that offer at least six hundred seventy-five  
24 instructional hours in a school year. A part-time student of fifty per cent  
25 average daily membership shall be enrolled in at least two subjects  
26 throughout the year that offer at least four hundred fifty instructional  
27 hours in a school year. A part-time student of twenty-five per cent average  
28 daily membership shall be enrolled in at least one subject throughout the  
29 year that offers at least two hundred twenty-five instructional hours in a  
30 school year.