

REFERENCE TITLE: schools; Arizona online instruction

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HB 2530

Introduced by
Representatives Leach, Finchem, Lawrence, Livingston, Montenegro,
Norgaard, Petersen, Thorpe, Senators Smith, Ward

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 populations with developmental
30 disabilities.

31 9. The grade levels that will be served.

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

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

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

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

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

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

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

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

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

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

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

35 I. IF A PUPIL WHO IS ENROLLED IN ARIZONA ONLINE INSTRUCTION ALSO
36 SUBMITS AN APPLICATION TO ENROLL IN A SCHOOL THAT IS OPERATED BY A SCHOOL
37 DISTRICT, THE SCHOOL DISTRICT SHALL CONCURRENTLY ENROLL THE PUPIL IN THE
38 SCHOOL OPERATED BY THE SCHOOL DISTRICT IF THE PUPIL IS OTHERWISE ELIGIBLE FOR
39 ENROLLMENT IN THAT SCHOOL.

40 J. A SCHOOL DISTRICT MAY NOT CHARGE A FEE TO A PUPIL WHO TAKES AN
41 EXAMINATION IN A PARTICULAR COURSE TO OBTAIN ACADEMIC CREDIT FROM THE SCHOOL
42 DISTRICT IF THE ACADEMIC CREDIT FOR A SUBSTANTIALLY EQUIVALENT COURSE WAS
43 PREVIOUSLY EARNED IN ARIZONA ONLINE INSTRUCTION. ANY TEST ADMINISTERED
44 PURSUANT TO THIS SUBSECTION SHALL BE AN END-OF-COURSE ASSESSMENT THAT IS
45 ALIGNED TO STATE ACADEMIC STANDARDS.

1 K. IF A PUPIL IS ENROLLED IN A SCHOOL DISTRICT OR CHARTER SCHOOL AND
2 THAT PUPIL ALSO PARTICIPATES IN ARIZONA ONLINE INSTRUCTION BETWEEN MAY 1 AND
3 JULY 31, THE SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT REQUIRE A COPY OF A
4 RECEIPT ISSUED TO THE PUPIL BY THE ONLINE COURSE PROVIDER AS A CONDITION OF
5 THE SCHOOL DISTRICT OR CHARTER SCHOOL ACCEPTING CREDITS EARNED FROM THE
6 ONLINE COURSE PROVIDER.

7 L. IF A PUPIL IS ENROLLED IN A SCHOOL DISTRICT OR CHARTER SCHOOL AND
8 THAT PUPIL ALSO PARTICIPATES IN ARIZONA ONLINE INSTRUCTION:

9 1. THE SCHOOL DISTRICT OR CHARTER SCHOOL AND THE ONLINE COURSE
10 PROVIDER SHALL RELEASE A COPY OF THE PUPIL'S TRANSCRIPT TO THE SCHOOL
11 DISTRICT, THE CHARTER SCHOOL OR THE ONLINE COURSE PROVIDER WITHIN TEN DAYS
12 AFTER A VALID REQUEST TO RELEASE THE PUPIL'S TRANSCRIPT.

13 2. THE ONLINE COURSE PROVIDER, THE SCHOOL DISTRICT OR THE CHARTER
14 SCHOOL SHALL ACCEPT ELECTIVE AND CORE CREDITS EARNED BY THE PUPIL IN COURSES
15 OR INSTRUCTIONAL PROGRAMS FROM THE CHARTER SCHOOL, THE SCHOOL DISTRICT OR THE
16 ONLINE COURSE PROVIDER.

17 3. THE ONLINE COURSE PROVIDER IS NOT REQUIRED TO REPORT THE PUPIL'S
18 SCORE ON A REQUIRED STANDARDIZED TEST OR THE PUPIL'S PARTICIPATION OR LACK OF
19 PARTICIPATION ON A REQUIRED STANDARDIZED TEST IF THE PUPIL WAS ENROLLED FOR
20 LESS THAN SEVENTY-FIVE PERCENT OF THE CLASS TIME.

21 M. NOTWITHSTANDING ANY OTHER LAW, IF A PUPIL IS CONCURRENTLY ENROLLED
22 IN ARIZONA ONLINE INSTRUCTION AND A HOMESCHOOL, THE HOMESCHOOL IS RESPONSIBLE
23 FOR THE ADMINISTRATION OF ALL STANDARDIZED TESTS FOR THAT PUPIL.

24 N. IF THE STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER
25 SCHOOLS OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT A SCHOOL
26 DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER IS IN VIOLATION OF THIS
27 SECTION, THE STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER SCHOOLS OR
28 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE SCHOOL DISTRICT,
29 CHARTER SCHOOL OR ONLINE COURSE PROVIDER THAT IT IS IN VIOLATION OF THIS
30 SECTION. IF THE STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER
31 SCHOOLS OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE
32 SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER HAS FAILED TO
33 COMPLY WITH THIS SECTION WITHIN TWENTY DAYS AFTER A NOTICE HAS BEEN ISSUED
34 PURSUANT TO THIS SUBSECTION, THE STATE BOARD OF EDUCATION, THE STATE BOARD
35 FOR CHARTER SCHOOLS OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT
36 THE DEPARTMENT OF EDUCATION TO WITHHOLD UP TO ONE PERCENT OF THE MONTHLY
37 APPORTIONMENT OF STATE AID THAT WOULD OTHERWISE BE DUE A SCHOOL DISTRICT,
38 CHARTER SCHOOL OR ONLINE COURSE PROVIDER. IF THE STATE BOARD OF EDUCATION,
39 THE STATE BOARD FOR CHARTER SCHOOLS OR THE SUPERINTENDENT OF PUBLIC
40 INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE
41 COURSE PROVIDER HAS FAILED TO COMPLY WITH THIS SECTION WITHIN SIXTY DAYS
42 AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE STATE BOARD
43 OF EDUCATION, THE STATE BOARD FOR CHARTER SCHOOLS OR THE SUPERINTENDENT OF
44 PUBLIC INSTRUCTION SHALL DIRECT THE DEPARTMENT OF EDUCATION TO WITHHOLD UP TO
45 TWO PERCENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT WOULD OTHERWISE BE

1 DUE A SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER. THE
2 DEPARTMENT OF EDUCATION SHALL ADJUST THE APPORTIONMENT OF THE SCHOOL
3 DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER ACCORDINGLY. WHEN THE
4 STATE BOARD OF EDUCATION, THE STATE BOARD FOR CHARTER SCHOOLS OR THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT,
6 CHARTER SCHOOL OR ONLINE COURSE PROVIDER IS IN COMPLIANCE WITH THIS SECTION,
7 THE DEPARTMENT OF EDUCATION SHALL RESUME FULL STATE AID PAYMENTS TO THE
8 SCHOOL DISTRICT, CHARTER SCHOOL OR ONLINE COURSE PROVIDER WITHOUT RESTORING
9 THE AMOUNTS PREVIOUSLY WITHHELD.

10 O. AN ONLINE COURSE PROVIDER IS NOT REQUIRED TO WITHDRAW A STUDENT
11 FROM ONLINE INSTRUCTION IF THE STUDENT FAILS TO TAKE A REQUIRED STANDARDIZED
12 TEST.

13 ~~I.~~ P. For the purposes of this section:

14 1. "Full-time student" means:

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

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

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

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

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

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

1 4. "Part-time student" means:

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

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

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

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