

Education Committee

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EDUCATION COMMITTEE

LEGISLATION ENACTED

community colleges; lease-purchase agreements; indebtedness (S.B. 1012/H.B. 2432) – Chapter 38

[SEE THE FINANCE COMMITTEE.](#)

alternative assessment; special education (NOW: alternative assessment study committee) (S.B. 1028) – Chapter 57

Establishes the 13-member Alternative Assessment Study Committee (Study Committee) to discuss and evaluate topics related to alternative assessments for students enrolled in special education. The Study Committee must submit a report of its findings, conclusions and recommendations by December 1, 2021.

pupils; excused absences; mental health (S.B. 1097) – Chapter 65

Requires the Arizona Department of Education (ADE) to identify an absence caused by a pupil's mental or behavioral health as an excused absence. ADE may adopt guidelines and rules to determine what constitutes an absence caused by a pupil's mental or behavioral health.

schools; required posting; abuse hotline (S.B. 1114) – Chapter 123

Requires each school district and charter school to post a sign containing information on reporting child abuse, child neglect and child exploitation in a clearly visible public location.

classroom site fund; distribution (S.B. 1139) – Chapter 67

Removes the following Classroom Site Fund (CSF) distributions: 1) 40 percent for teacher compensation increases; 2) 40 percent for maintenance and operation purposes; and 3) 20 percent for teacher base salary increases and employment-related expenses. Includes, in the authorized uses of CSF monies, student support services and teacher compensation and removes teacher compensation increases from the authorized uses of CSF monies.

contracts; licensure requirements; exemption; exclusion. (S.B. 1151) – Chapter 124

[SEE THE COMMERCE COMMITTEE.](#)

schools; performance evaluations. (S.B. 1165) – Chapter 68 W/O

Retroactive to July 1, 2020, states that a charter school governing body is not required to conduct teacher performance evaluations and a school district governing board is not required to conduct teacher or principal performance evaluations in the 2020-2021 school year. A regular evaluation for effectiveness in the 2020-2021 school year is not required for a teacher to be eligible for performance pay from the Classroom Site Fund. The absence of a 2020-2021 school year evaluation may not be used for dismissal or nonrenewal procedures for a teacher who was designated in the lowest performance classification for the 2019-2020 school year.

college savings program; name change (S.B. 1236) – Chapter 188

Renames the *Family College Savings Program* as the *AZ529, Arizona's Education Savings Plan*.

collegiate athletics; compensation (S.B. 1296) – Chapter 141

Requires a postsecondary institution that competes in an intercollegiate sport to allow a student athlete to earn compensation from the use of their name, image or likeness, according to the rules of the relevant association for regulating collegiate athletics. Outlines guidelines for student athletes receiving scholarships and prohibits student athlete contracts that violate intellectual property rights or conflict with the student athlete's team contract.

Arizona health education centers; increase (S.B. 1301) – Chapter 142

Adds an additional area health education center to the University of Arizona College of Medicine's Arizona Area Health Education System and requires one of the area health education centers to focus on the Indian health care delivery system.

~~CTEDs; nonprofits; postsecondary institutions; agreements.~~ (NOW: postsecondary board; tuition recovery fund) (S.B. 1308) – Chapter 242 RFE

Beginning April 16, 2021, retroactive to January 1, 2020, and subject to the requirements for enactment (Proposition 108), which requires the affirmative vote of at least two-thirds of the members of each house of the Legislature, removes the exemption for an accredited private postsecondary education institution (institution) from paying an annual assessment to the Student Tuition Recovery Fund (Fund) for each newly enrolled student. An institution is not required to pay more than \$25,000 per annual assessment period.

The Arizona State Board for Private Postsecondary Education (AZPPSE) must annually review the Fund. If the Fund balance exceeds \$500,000 in a fiscal year, the AZPPSE must notify institutions within 10 business days after the AZPPSE meeting that only newly or provisionally licensed institutions are required to pay the assessment. A student who reenrolls after at least a one-year absence from an institution is not considered a *newly enrolled student*.

schools; curriculum; mental health (S.B. 1376) – Chapter 445

Directs the State Board of Education (SBE) to require all health education to include mental health instruction, which must incorporate multiple dimensions of health to enhance student understanding, social and emotional learning, and attitudes and behaviors that promote health and well-being. In adopting the mental health instruction requirements, the SBE must consult with mental health experts, mental health advocacy organizations and the Arizona Department of Education regarding mental health instruction.

alternative teacher development program; extension (S.B. 1401) – Chapter 446

Continues the Alternative Teacher Development Program for 10 years, until July 1, 2030, retroactive to July 1, 2020.

~~CTEDs; district governing boards; elections.~~ (NOW: state seal of biliteracy; assessment) (S.B. 1404) – Chapter 147

Retroactive to July 1, 2020, requires a student to pass an examination in English language arts (ELA), rather than the standardized end-of-course examinations in ELA, to receive a state seal of biliteracy on the student's high school diploma.

~~schools; universities; consular identification cards~~ (NOW: consular identification; validity; biometric verification) (S.B. 1420/H.B. 2458) – Chapter 42

[SEE THE GOVERNMENT COMMITTEE.](#)

schools; state aid; adjustment (S.B. 1449) – Chapter 156

[SEE THE APPROPRIATIONS COMMITTEE.](#)

~~school districts; aggregate expenditure limitation~~ (NOW: community colleges; four-year degrees) (S.B. 1453) – Chapter 315

Allows a community college district governing board (district board) to offer four-year accredited baccalaureate degrees. For a community college in a county with a population of more than 750,000 persons, a district board may offer four-year degrees that are limited to: 1) 5 percent of total degree and certification offerings for the first four years; 2) 10 percent of total degree and certification offerings for the fifth and subsequent years; and 3) 15 percent of the tuition per credit hour of any other district program for the third and fourth years.

Directs a district board to evaluate offering a baccalaureate degree program (degree program) based on: 1) student demand and workforce need in the region served; 2) a financial analysis showing the short-term and long-term impacts to initiate and sustain the degree program; 3) duplication of degree programs at other higher education institutions; and 4) a community college's ability to support the degree program.

A public university located in the same county as a community college district must be notified of the degree program development at least 60 days before a community college submits a required report to the district board. The public university can provide a written response, within 30 days of being notified, but may not prevent a community college from offering a degree program.

Before receiving approval to offer a degree program, a community college must provide prescribed information to the district board. By October 1 of the fifth year after initially offering the degree program, a community college must submit a report to the Joint Legislative Audit Committee reviewing the first five years of the degree program that includes outlined information. Excludes the costs of 300 and 400 level community college baccalaureate degree courses from the reimbursement calculations for Arizona community college students whose residence is outside of an established community college district.

schools; early literacy (S.B. 1572) – Chapter 434

Delays, until July 1, 2022, the Arizona Department of Education requirement to develop a dyslexia screening plan and the requirement for each school district and charter school to ensure at least one kindergarten through grade 3 teacher receives dyslexia training at each school.

Beginning August 1, 2025, directs the State Board of Education (SBE) to establish a literacy endorsement for all certificated kindergarten through grade 5 teachers who provide literacy instruction. The literacy endorsement includes a literacy instruction assessment to show that the teacher is capable of demonstrating effective teaching of foundational reading skills, implementing reading instruction and providing reading interventions. A teacher certificated before August 1, 2025, must obtain a literacy endorsement by August 1, 2028, and a teacher certificated after August 1, 2025, must obtain a literacy endorsement within three years after certification. A certificated teacher who has had a local education agency verify the teacher's knowledge and skills in the science of reading is not required to complete the required coursework, training or assessment for the literacy endorsement. Beginning August 1, 2022, all approved educator preparation programs must require the necessary courses to obtain a literacy endorsement. Within three years after certification for elementary or early childhood education, the SBE must require a certificate holder to complete specified classroom or credit hours in science of reading instruction.

Beginning in the 2022-2023 school year if sufficient monies are appropriated, the SBE must adopt a statewide kindergarten entry evaluation tool that is administered to kindergarten pupils within 45 days after the beginning of each school year or after a pupil enrolls. Requires the annual parental notification of a pupil's reading deficiency in kindergarten through grade 3 to be distributed within three weeks of identifying a deficiency. The parental notification must include updates on the pupil's progress toward reading proficiency.

The SBE must review the K-3 Reading Program to consider modifications to improve student reading proficiency. By December 15, 2021, the SBE must make recommendations based on a review of submitted information, data collection, notification processes and intervention strategies.

higher education; budget reconciliation; 2021-2022 (S.B. 1825/H.B. 2897) – Chapter 410

[SEE THE APPROPRIATIONS COMMITTEE.](#)

tuition; postsecondary education (S.C.R. 1044)

Subject to voter approval, statutorily deems a student without lawful immigration status eligible for in-state tuition at an Arizona public university or community college, if the student attended high school or a homeschool equivalent while physically present in Arizona for at least two years and graduated from high school or obtained a high school equivalency diploma in Arizona. Repeals statute that deems a person without lawful immigration status ineligible for in-state student status, tuition waivers, grants, scholarship assistance, financial aid or other state-subsidized financial assistance. Requires the Secretary of State to submit the proposition to the voters at the next general election. Becomes effective if approved by the voters and on proclamation of the Governor.

child care assistance; education; training (H.B. 2016) – Chapter 287

[SEE THE HEALTH & HUMAN SERVICES COMMITTEE.](#)

schools; audits; financial records; budgets (H.B. 2018/S.B. 1164) – Chapter 7

Adds the State Board of Education to the entities that receive the Office of the Auditor General's report detailing a school district's deficiencies in the Uniform System of Financial Records. A school district and a charter school must provide financial and compliance audits to the applicable county superintendent and the Arizona Department of Education. A school district governing board and a charter school governing body must publicly accept all audits and compliance questionnaires by roll call vote.

CTEDs; district governing boards; elections (H.B. 2019) – Chapter 252

Allows a qualified elector to submit a petition to reduce the number of school district governing board members from five to three, if the district previously increased its membership to five. Prescribes requirements for the membership reduction election and outlines procedures for a school district governing board to reduce its membership.

Adds, as a criterion for eligibility for election to a career technical education district governing board, residence in a single-member district for at least one year preceding the election.

schools; child care; reduced fees (H.B. 2020) – Chapter 91

Allows a public school that provides child care services to reduce the fee a school employee pays for the child care services, if the cost paid by the school is not grossly disproportionate to the total consideration received from the employee.

college course credit; dual enrollment (H.B. 2021) – Chapter 414

Requires a school district governing board to award a high school student between one-half and one unit, rather than one-half of a unit, for every three semester credit hours earned in a community college or university course. Deems high school freshmen and sophomores eligible to receive community college credit for dual enrollment courses.

schools; employees; employment; discipline (H.B. 2023/S.B. 1061) – Chapter 2

Subjects a noncertificated person at a school district or charter school to disciplinary action from the State Board of Education (SBE) for engaging in immoral or unprofessional conduct, including being prohibited from employment in certain circumstances. A *noncertificated person* is an employee who does not possess a certificate and provides services directly to pupils without the supervision of a certificated employee and does not include transportation employees, food service employees, maintenance workers or contractors who are not required to possess a valid fingerprint clearance card.

School districts and charter schools must search the Education Information System before hiring an applicant and may not hire a noncertificated person who has been prohibited from employment by the SBE or a certificated person with a suspended, surrendered or revoked certificate. The Arizona Department of Education may share a certificated or noncertificated person's information relating to an investigation of immoral or unprofessional conduct with a current or prospective education employer or an agency making a certificate or licensure decision.

District superintendents, charter administrators and noncertificated persons are subject to existing statutory reporting requirements, if there is a reasonable suspicion that a noncertificated person engaged in immoral or unprofessional conduct. Requires a final adjudication or judgement that a noncertificated person engaged in immoral or unprofessional conduct in another jurisdiction to be treated as immoral or unprofessional conduct for any disciplinary proceeding in Arizona. The SBE must adopt rules and procedures for disciplinary action against noncertificated persons that are substantially similar to the disciplinary rules and procedures for certificated persons.

~~appropriation; Arizona water protection fund (NOW: parental rights; sex education instruction)~~ (H.B. 2035) – Chapter 415

Prohibits a school district or charter school from providing sex education instruction to pupils before grade 5. Instruction on child assault awareness and abuse prevention that is age and grade appropriate is permitted. A charter school may develop or adopt a sex education course of study but must include instruction on laws regarding sexual conduct with a minor, for pupils in grades 7 through 12. A school district or charter school is not required to provide sex education instruction to pupils.

Before reviewing and approving a sex education course of study that is developed, revised or updated, a school district governing board (governing board) or charter school governing body must ensure: 1) all meetings are publicly noticed for at least two weeks and open to the public;

2) the proposed course of study is available for public review and comment for at least 60 days with at least two public hearings; and 3) parents have a meaningful opportunity to participate, review and provide input before a course of study is adopted.

A public educational institution, before providing any sex education instruction, must obtain signed, written parental consent and notify parents where the curricula are available for online and in-person review for at least a two-week period. For courses outside of formal sex education, a governing board must provide parents the opportunity to opt their children in to any instruction, learning materials or presentations related to sexuality. Sex education instruction after school hours must comply with all parental permission and curricula review requirements. A school district or charter school with existing sex education instruction must review its course of study and comply with outlined requirements by December 15, 2021.

career, technical education; projects fund (H.B. 2055) – Chapter 95

Includes proceeds from the sale of services provided by a career and technical education (CTE) program in the sources dedicated to the school's CTE projects fund (CTE fund). CTE fund monies may be used for CTE-provided services and approved CTE student organizations and monies in excess of \$100,000 annually revert to the school maintenance and operation fund, rather than the school plant fund. Modifies allowable equipment purchases and requires purchases from the CTE fund to comply with procurement practices.

CTEDs; fourth year funding (NOW: schools; pupil discipline; suspensions; expulsions) (H.B. 2123) – Chapter 373

Restricts a school district or charter school from suspending or expelling a pupil in kindergarten through grade 4, unless: 1) the pupil is at least seven years old; 2) the pupil's conduct involves the possession of a dangerous weapon or drugs, endangers the health or safety of others or qualifies as an aggravating circumstance; 3) there is a safety threat; 4) the school employs alternative behavioral interventions that meet outlined conditions; and 5) the school provides for readmission procedures, as outlined.

CTEDs; average daily membership (H.B. 2124) – Chapter 416

Allows a student in an approved career technical education program to generate an average daily membership (ADM) of up to 1.75 for instruction received during the fiscal year and prescribes the method of calculating career technical education district (CTED) ADM based on the instructional hours of enrollment. Prohibits ADM for a CTED student from being calculated on the 100th day of instruction. The Arizona Department of Education may not restrict the instructional time by limiting the days of the week or times for instruction to occur. Allows a CTED to operate for less than 180 days per year with the equivalent number of instructional hours.

schools; state board; rules; modularization (NOW: education board; rules; learning outcomes) (H.B. 2135) – Chapter 289

Directs the State Board of Education (SBE), before adopting updated rules defining competency-based educational pathways, to: 1) review research and examples from across the country; 2) consult with education experts to examine and provide examples of how learning outcomes can be assessed and used to satisfy requirements for student promotion credit; and 3) create subject competencies for algebra 1, algebra 2 and geometry by December 1, 2022.

The SBE-adopted rules for competency-based educational pathways for college and career readiness must include: 1) student learning outcomes, beginning with math; and 2) by December 31, 2022, a process for students in grades 7 through 12 to immediately obtain credit for demonstrated subject competency. For transfer students, a school district or charter school may provide a record of demonstrated student competencies and award partial credit.

school functions; food; beverages (H.B. 2210) – Chapter 437

Allows a school district governing board to provide food and beverages at school district events, including official school functions and trainings, subject to the Arizona Constitution's gift clause, laws pertaining to travel and gifts and policies of the Arizona Department of Education.

schools; instruction; Holocaust; genocides (H.B. 2241) – Chapter 418

Directs the State Board of Education (SBE) to include a requirement in the SBE-adopted course of study and competency requirements that students be taught about the Holocaust and other genocides at least twice between grades 7 and 12.

common school districts; unification; budget (H.B. 2259/S.B. 1148) – Chapter 11 E

An emergency measure effective February 12, 2021, retroactive to July 1, 2020, that allows a common school district that was authorized by an election to establish a unified school district and is outside the boundaries of a high school district to continue to include tuition charges for high school students in its budget and equalization assistance for 15 years after the election or until a high school is built, whichever occurs first.

A unified school district formed by an election that phases in instruction for grades 9 through 12 may continue including tuition charges for high school students in its budget and equalization assistance for up to 5 years after the first year of operating the new high school in the newly formed unified school district. A qualified school district may retroactively adjust its FY 2021 budget.

schools; total compensation statements (H.B. 2268) – Chapter 260

[SEE THE APPROPRIATIONS COMMITTEE.](#)

CTEDs; letter grades; exclusion (H.B. 2301/S.B. 1311) – Chapter 25

Excludes career and technical education districts from letter grade classifications assigned by the Arizona Department of Education.

~~voter registration groups; forms; identifiers (NOW: forms; identifiers; voter registration groups)~~
~~(NOW: expenditure limitation; community colleges) (H.B. 2373)~~ – Chapter 421

[SEE THE APPROPRIATIONS COMMITTEE.](#)

schools; test results; letter classification (H.B. 2402/S.B. 1178) – Chapter 19

Retroactive to July 1, 2020, prohibits the Arizona Department of Education from assigning schools or school districts letter grade classifications for the 2020-2021 school year. A school district governing board may adopt alternative policies for performance-based funding and dismissal or nonrenewal procedures in the 2020-2021 school year. If the State Board of Education (SBE) alters the statewide assessment testing window, the SBE may adjust the assessment data timeline and may not impose penalties unless the data is received after the adjusted dates.

commerce authority; career landscape information (H.B. 2438) – Chapter 84

[SEE THE COMMERCE COMMITTEE.](#)

county free library district (H.B. 2667) – Chapter 166

Authorizes the board of directors of a county free library district to: 1) make resources and technology available; 2) provide a place for studying and reading; 3) provide educational programs; and 4) provide specified literacy programs.

schools; dress codes; graduation ceremonies (H.B. 2705) – Chapter 268 E

An emergency measure effective April 20, 2021, that prohibits a school from restricting a student who is a member, or who is eligible to be enrolled as a member, of a federally recognized Indian tribe from wearing traditional tribal regalia or objects of cultural significance at a graduation ceremony.

alternative organization; community college districts (H.B. 2830) – Chapter 424

[SEE THE APPROPRIATIONS COMMITTEE.](#)

teachers academy; revisions. (H.B. 2832/S.B. 1717) – Chapter 43 E RFEIR

An emergency measure effective March 8, 2021, retroactive to January 1, 2021, and subject to the requirements for enactment for initiatives and referendums (Proposition 105), which requires the affirmative vote of at least three-fourths of the members of each house of the Legislature, that modifies the requirements and eligibility of the Arizona Teachers Academy (Academy) amended by Proposition 208 to include changes made by [Laws 2020, Chapter 85](#).

Removes the requirement that a student be a full-time student to receive a scholarship from the Academy and prohibits a student's summer term enrollment from being included in the calculation of the student's postgraduation public service commitment.

schools; instructional time models (H.B. 2862) – Chapter 299

Allows a school district governing board and a charter school governing body to adopt instructional time models that meet minimum annual instructional time and hour requirements for the purposes of determining average daily membership, daily attendance and student count. The adopted instructional time models may provide for the minimum annual instructional time in any day, week and course length increments and through a combination of learning models. A school may reallocate instructional time per course to other courses on a per-student basis and may stagger student schedules.

In the 2021-2022 school year, a school may provide up to 50 percent of instruction in a remote setting without impacting school funding. In each school year thereafter, a school may provide up to 40 percent of instruction in a remote setting without impacting school funding. Outlines remote instruction reporting requirements and funding specifications.

ASDB; revisions (NOW: ASDB; local education agencies) (H.B. 2863) – Chapter 381

Deems the campuses of the Arizona State Schools for the Deaf and the Blind (ASDB) as *local education agencies* for the purposes of federal education funding, state and federal accountability, individualized education programs (IEPs) and graduation procedures.

As a district of responsibility for the 2021-2022 school year, ASDB must: 1) provide a free and appropriate public education; 2) award diplomas and submit accountability data; and 3) invite school district or charter school representatives to participate in an IEP team meeting to determine a student's placement status. If an IEP determines that ASDB is no longer the least restrictive environment for a student, a school district or charter school must enroll the student where they previously attended or where they intend to attend.

K-12 education; budget reconciliation; 2021-2022. (H.B. 2898) – Chapter 404

[SEE THE APPROPRIATIONS COMMITTEE.](#)

suspended students; virtual education; support (H.R. 2004)

[SEE MEMORIALS & RESOLUTIONS.](#)

LEGISLATION VETOED

sex education instruction; parental rights (S.B. 1456) – VETOED

Prohibits school districts and charter schools from providing sex education instruction, including AIDS and HIV instruction, to students before grade 5. Before a school provides instruction on sex education, sexual orientation, gender identity or gender expression, a public educational institution must obtain written parental consent and notify parents of their right to review instructional materials and activities. A student without consent may not receive AIDS and HIV instruction and is automatically excused from participation. For courses outside of formal sex education, a school district governing board (governing board) or charter school governing body (governing body) must develop parental notification procedures and provide parents the opportunity to opt their children in to any instruction, learning materials or presentations related to sexuality, gender identity or gender expression. A school district or charter school is not required to provide sex education instruction and any sex education instruction that occurs after school hours must comply with parental notification and permission requirements.

A school district or charter school may adopt an existing sex education course of study or a charter school may develop its own sex education course of study that meets outlined criteria. Prior to approving any sex education course of study, a governing board or governing body must make any proposed course of study available for public comment at least 60 days prior to approval and conduct at least two public hearings during the 60-day review period. The approved sex education curricula must be made available online or in-person for the parent's review and parents must be notified of the location at least two weeks before instruction is offered. A school with existing sex education instruction must review their course of study and comply with the new requirements by December 15, 2021.

The Governor indicates in his [veto message](#) that S.B. 1456 is overly broad and vague and could lead to serious consequences, including the possibility that it could be misinterpreted by schools. The Governor indicates in his veto message his intent to issue [Executive Order 2021-11](#), which requires schools to make sex education curricula available online and in-person and allows parents to review the materials before opting their child in to sex education courses.