

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1256

AN ACT

AMENDING SECTIONS 15-533, 15-761, 15-802 AND 15-821, ARIZONA REVISED STATUTES; AMENDING SECTION 15-861, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 318, SECTION 11; AMENDING SECTIONS 15-901, 15-1021 AND 41-611, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICTS AND CHARTER SCHOOLS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-533, Arizona Revised Statutes, is amended to
3 read:

4 15-533. Reciprocity; proficiency examination

5 A. To qualify for either a basic or standard teaching certificate, or
6 equivalent certificate later adopted by the state board of education, a
7 person must pass each component of the proficiency examination developed and
8 administered by the state board of education. The proficiency examination
9 shall consist of only a professional knowledge test and a subject knowledge
10 test. A PERSON IS NOT REQUIRED TO TAKE THE EXAMINATION IF THE PERSON HAS
11 PASSED A PROFICIENCY EXAMINATION ADOPTED BY A STATE AGENCY IN ANOTHER STATE
12 THAT IS EQUIVALENT TO THE STATE BOARD OF EDUCATION. A person is not required
13 to take the professional knowledge portion of the examination if the person
14 has been a full-time teacher for at least three years in that same area of
15 certification in which the person is applying for certification in this
16 state. A person is not required to take the subject knowledge portion of the
17 examination if the person has obtained a master's degree in that subject area
18 at an accredited institution of higher education according to an official
19 transcript issued from the institution. A person who obtained structured
20 English immersion training in another state that the state board of education
21 determines is comparable to the structured English immersion training
22 required in this state shall not be required to obtain additional structured
23 English immersion training in this state. The state board of education may
24 grant a basic or standard teaching certificate for not to exceed one year to
25 a teacher who is a nonresident and who has not met the requirement of this
26 section at the time of application.

27 B. A person is not required to pass the proficiency examination or the
28 equivalent examination more than once. The state board of education may
29 adopt rules to modify the requirements of subsection A for persons who have
30 taught, obtained certification or obtained a master's degree in another
31 country. Notwithstanding any other law, a person who has not taught during
32 the ten years immediately preceding the submission of the application for
33 certification is required to repass the examination.

34 C. A person who is not required to pass the proficiency examination
35 developed and administered in this state by the state board of education
36 pursuant to subsection A or B shall only be granted reciprocity for those
37 proficiency examinations required in this state that pertain to the grade
38 levels and content areas that the person is certified to teach in another
39 state.

40 Sec. 2. Section 15-761, Arizona Revised Statutes, is amended to read:

41 15-761. Definitions

42 In this article, unless the context otherwise requires:

43 1. "Autism" means a developmental disability that significantly
44 affects verbal and nonverbal communication and social interaction and that
45 adversely affects educational performance. Characteristics include

1 irregularities and impairments in communication, engagement in repetitive
2 activities and stereotyped movements, resistance to environmental change or
3 change in daily routines and unusual responses to sensory experiences.
4 Autism does not include children with characteristics of emotional disability
5 as defined in this section.

6 2. "Child with a disability":

7 (a) Means a child who is at least three years but less than twenty-two
8 years of age, who has been evaluated pursuant to section 15-766 and found to
9 have at least one of the following disabilities and who, because of the
10 disability, needs special education and related services:

- 11 (i) Autism.
- 12 (ii) Developmental delay.
- 13 (iii) Emotional disability.
- 14 (iv) Hearing impairment.
- 15 (v) Other health impairments.
- 16 (vi) Specific learning disability.
- 17 (vii) Mild, moderate or severe mental retardation.
- 18 (viii) Multiple disabilities.
- 19 (ix) Multiple disabilities with severe sensory impairment.
- 20 (x) Orthopedic impairment.
- 21 (xi) Preschool severe delay.
- 22 (xii) Speech/language impairment.
- 23 (xiii) Traumatic brain injury.
- 24 (xiv) Visual impairment.

25 (b) Does not include a child if the determinant factor for the
26 classification is one or more of the following:

- 27 (i) A lack of appropriate instruction in reading, including essential
28 components of reading instruction.
- 29 (ii) A lack of appropriate instruction in mathematics.
- 30 (iii) Difficulty in writing, speaking or understanding the English
31 language due to an environmental background in which a language other than
32 English is primarily or exclusively used.

33 3. "Developmental delay" means performance by a child who is at least
34 three years of age but under ten years of age on a norm-referenced test that
35 measures at least one and one-half, but not more than three, standard
36 deviations below the mean for children of the same chronological age in two
37 or more of the following areas:

- 38 (a) Cognitive development.
- 39 (b) Physical development.
- 40 (c) Communication development.
- 41 (d) Social or emotional development.
- 42 (e) Adaptive development.

43 The results of the norm-referenced measure must be corroborated by
44 information from a comprehensive development assessment and from parental
45 input, if available, as measured by a judgment based assessment or survey.

1 If there is a discrepancy between the measures, the evaluation team shall
2 determine eligibility based on a preponderance of the information presented.

3 4. "Due process hearing" means a fair and impartial administrative
4 hearing conducted by the state educational agency by an impartial
5 administrative law judge in accordance with federal and state law.

6 5. "Educational disadvantage" means a condition ~~which~~ THAT has limited
7 a child's opportunity for educational experience resulting in a child
8 achieving less than a normal level of learning development.

9 6. "Eligibility for special education" means the pupil must have one
10 of the disabilities contained in paragraph 2 of this section and must also
11 require special education services in order to benefit from an educational
12 program.

13 7. "Emotional disability":

14 (a) Means a condition whereby a child exhibits one or more of the
15 following characteristics over a long period of time and to a marked degree
16 that adversely affects the child's performance in the educational
17 environment:

18 (i) An inability to learn ~~which~~ THAT cannot be explained by
19 intellectual, sensory or health factors.

20 (ii) An inability to build or maintain satisfactory interpersonal
21 relationships with peers and teachers.

22 (iii) Inappropriate types of behavior or feelings under normal
23 circumstances.

24 (iv) A general pervasive mood of unhappiness or depression.

25 (v) A tendency to develop physical symptoms or fears associated with
26 personal or school problems.

27 (b) Includes children who are schizophrenic but does not include
28 children who are socially maladjusted unless they are also determined to have
29 an emotional disability as determined by evaluation as provided in section
30 15-766.

31 8. "Hearing impairment" means a loss of hearing acuity, as determined
32 by evaluation pursuant to section 15-766, ~~which~~ THAT interferes with the
33 child's performance in the educational environment and requires the provision
34 of special education and related services.

35 9. "Home school district" means the school district in which the
36 person resides who has legal custody of the child, as provided in section
37 15-824, subsection B. If the child is a ward of the state and a specific
38 person does not have legal custody of the child **OR IS A WARD OF THIS STATE
39 AND THE CHILD IS ENROLLED IN AN ACCOMMODATION SCHOOL PURSUANT TO SECTION
40 15-913**, the home school district is the district that the child last attended
41 or, if the child has not previously attended a public school in this state,
42 the school district within which the child currently resides.

43 10. "Impartial administrative law judge" means an administrative law
44 judge of the office of administrative hearings who is knowledgeable in the
45 laws governing special education and administrative hearings.

1 11. "Individualized education program" means a written statement, as
2 defined in 20 United States Code sections 1401 and 1412, for providing
3 special education and related services to a child with a disability.

4 12. "Individualized education program team" means a team whose task is
5 to develop an appropriate educational program for the child and has the same
6 meaning prescribed in 20 United States Code section 1414.

7 13. "Mental retardation" means a significant impairment of general
8 intellectual functioning that exists concurrently with deficits in adaptive
9 behavior and that adversely affects the child's performance in the
10 educational environment.

11 14. "Mild mental retardation" means performance on standard measures of
12 intellectual and adaptive behavior between two and three standard deviations
13 below the mean for children of the same age.

14 15. "Moderate mental retardation" means performance on standard
15 measures of intellectual and adaptive behavior between three and four
16 standard deviations below the mean for children of the same age.

17 16. "Multidisciplinary evaluation team" means a team of persons
18 including individuals described as the individualized education program team
19 and other qualified professionals who shall determine whether a child is
20 eligible for special education.

21 17. "Multiple disabilities" means learning and developmental problems
22 resulting from multiple disabilities as determined by evaluation pursuant to
23 section 15-766 that cannot be provided for adequately in a program designed
24 to meet the needs of children with less complex disabilities. Multiple
25 disabilities include any of the following conditions that require the
26 provision of special education and related services:

27 (a) Two or more of the following conditions:

28 (i) Hearing impairment.

29 (ii) Orthopedic impairment.

30 (iii) Moderate mental retardation.

31 (iv) Visual impairment.

32 (b) A child with a disability listed in subdivision (a) of this
33 paragraph existing concurrently with a condition of mild mental retardation,
34 emotional disability or specific learning disability.

35 18. "Multiple disabilities with severe sensory impairment" means
36 multiple disabilities that include at least one of the following:

37 (a) Severe visual impairment or severe hearing impairment in
38 combination with another severe disability.

39 (b) Severe visual impairment and severe hearing impairment.

40 19. "Orthopedic impairment" means one or more severe orthopedic
41 impairments and includes those that are caused by congenital anomaly, disease
42 and other causes, such as amputation or cerebral palsy, and that adversely
43 affect a child's performance in the educational environment.

1 20. "Other health impairments" means limited strength, vitality or
2 alertness, including a heightened alertness to environmental stimuli, due to
3 chronic or acute health problems ~~which~~ THAT adversely affect a pupil's
4 educational performance.

5 21. "Out-of-home care" means the placement of a child with a disability
6 outside of the home environment and includes twenty-four hour residential
7 care, group care or foster care on either a full-time or part-time basis.

8 22. "Parent" means:

9 (a) Either a natural or adoptive parent of a child.

10 (b) A guardian, but not this state if the child is a ward of this
11 state.

12 (c) A person acting in the place of a natural or adoptive parent with
13 whom the child lives or a person who is legally responsible for the child's
14 welfare.

15 (d) A surrogate parent.

16 (e) A foster parent to the extent permitted by state law.

17 23. "Preschool child" means a child who is at least three years of age
18 but who has not reached the required age for kindergarten, subject to section
19 15-771, subsection G.

20 24. "Preschool severe delay" means performance by a preschool child on
21 a norm-referenced test that measures more than three standard deviations
22 below the mean for children of the same chronological age in one or more of
23 the following areas:

24 (a) Cognitive development.

25 (b) Physical development.

26 (c) Communication development.

27 (d) Social or emotional development.

28 (e) Adaptive development.

29 The results of the norm-referenced measure must be corroborated by
30 information from a comprehensive developmental assessment and from parental
31 input, if available, as measured by a judgment based assessment or survey.
32 If there is a discrepancy between the measures, the evaluation team shall
33 determine eligibility based on a preponderance of the information presented.

34 25. "Prior written notice" means written prior notice that a public
35 educational agency is required to send to parents whenever the public
36 educational agency proposes or refuses to initiate or change the
37 identification, evaluation or educational placement of a child with a
38 disability or the provision of a free appropriate public education.

39 26. "Public educational agency" means a school district, a charter
40 school, an accommodation school, a state supported institution or any other
41 political subdivision of this state that is responsible for providing
42 education to children with disabilities.

43 27. "Related services" means those supportive services, as defined in
44 20 United States Code section 1401, that are required to assist a child with

1 a disability who is eligible to receive special education services in order
2 for the child to benefit from special education.

3 28. "Residential special education placement" means the placement of a
4 child with a disability in a public or private residential program, as
5 provided in section 15-765, subsection G, in order to provide necessary
6 special education and related services as specified in the child's
7 individualized education program.

8 29. "Severe mental retardation" means performance on standard measures
9 of intellectual and adaptive behavior measures at least four standard
10 deviations below the mean for children of the same age.

11 30. "Special education" means specially designed instruction that meets
12 the unique needs of a child with a disability and that is provided without
13 cost to the parents of the child.

14 31. "Special education referral" means a written request for an
15 evaluation to determine whether a pupil is eligible for special education
16 services that, for referrals not initiated by a parent, includes
17 documentation of appropriate efforts to educate the pupil in the regular
18 education program.

19 32. "Specially designed instruction" means adapting the content,
20 methodology or delivery of instruction to address the unique needs of a child
21 with a disability and to ensure that child's access to the general curriculum
22 as identified in the academic standards adopted by the state board of
23 education.

24 33. "Specific learning disability" has the same meaning as defined in
25 20 United States Code section 1401.

26 34. "Speech/language impairment":

27 (a) For a preschool child, means performance on a norm-referenced
28 language test that measures at least one and one-half standard deviations
29 below the mean for children of the same chronological age or whose speech,
30 out of context, is unintelligible to a listener who is unfamiliar with the
31 child. Eligibility for a preschool child under this subdivision is
32 appropriate only when a comprehensive developmental assessment and parental
33 input indicate that the preschool child is not eligible for services under
34 another preschool category or under the developmental delay category. **IF**
35 **THERE IS A DISCREPANCY BETWEEN THE MEASURES, THE EVALUATION TEAM SHALL**
36 **DETERMINE ELIGIBILITY BASED ON A PREPONDERANCE OF THE INFORMATION PRESENTED.**

37 (b) For a child who has reached the required age for kindergarten,
38 means a speech or language impairment as defined in 34 Code of Federal
39 Regulations section 300.8.

40 35. "State educational agency" means the Arizona department of
41 education.

42 36. "State placing agency" has the same meaning prescribed in section
43 15-1181.

1 3. If the child will attend home school, the child has not reached
2 eight years of age by September 1 of the school year and the person who has
3 custody of the child does not desire to begin home instruction until the
4 child has reached eight years of age, file an affidavit of intent pursuant to
5 paragraph 2 of this subsection stating that the person who has custody of the
6 child does not desire to begin home school instruction.

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

16 D. A person is excused from the duties prescribed by subsection A or B
17 of this section if any of the following ~~are~~ IS shown to the satisfaction of
18 the school principal or the school principal's designee:

19 1. The child is in such physical or mental condition that instruction
20 is inexpedient or impracticable.

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

23 3. The child has presented reasons for nonattendance at a public
24 school ~~which~~ THAT are satisfactory to the school principal or the school
25 principal's designee. For THE purposes of this paragraph, the principal's
26 designee may be the school district governing board.

27 4. The child is over fourteen years of age and is EMPLOYED, with the
28 consent of the person who has custody of him, ~~employed~~ at some lawful wage
29 earning occupation.

30 5. The child is enrolled in a work training, career education, career
31 and technical education, vocational education or manual training program
32 ~~which~~ THAT meets the educational standards established and approved by the
33 department of education.

34 6. The child was either:

35 (a) Suspended and not directed to participate in an alternative
36 education program.

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

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

41 E. Unless otherwise exempted in this section or section 15-803, a
42 parent of a child between six and sixteen years of age or a person who has
43 custody of a child, who does not provide instruction in a home school and who
44 fails to enroll or fails to ensure that the child attends a public, private
45 or charter school pursuant to this section is guilty of a class 3

1 misdemeanor. A parent who fails to comply with the duty to file an affidavit
2 of intent to provide instruction in a home school is guilty of a petty
3 offense.

4 F. For the purposes of this section:

5 1. "Home school" means a school conducted primarily by the parent,
6 guardian or other person who has custody of the child or instruction provided
7 in the child's home.

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

11 Sec. 4. Section 15-821, Arizona Revised Statutes, is amended to read:
12 15-821. Admission of children; required age

13 A. Unless otherwise provided by article 1.1 of this chapter or by any
14 other law, all schools shall admit children who are between the ages of six
15 and twenty-one years, who reside in the school district and who meet the
16 requirements for enrollment in one of the grades or programs offered in the
17 school. A school may refuse to admit a child who has graduated from a high
18 school with a recognized diploma.

19 B. If a preschool program for children with disabilities is
20 maintained, a child is eligible for admission as prescribed in section
21 15-771.

22 C. If a kindergarten program is maintained, a child is eligible for
23 admission to kindergarten if the child is five years of age. A child is
24 deemed five years of age if the child reaches the age of five before
25 September 1 of the current school year. A child is eligible for admission to
26 first grade if the child is six years of age. A child is deemed six years of
27 age if the child reaches the age of six before September 1 of the current
28 school year. If a child who has not reached the age of five before September
29 1 of the current school year is admitted to kindergarten and ~~is~~ then
30 ~~readmitted to~~ REPEATS kindergarten in the following school year, a school
31 district or charter school is not eligible to receive basic state aid on
32 behalf of that child during the child's second year of kindergarten. IF A
33 CHILD WHO HAS NOT REACHED THE AGE OF FIVE BEFORE SEPTEMBER 1 OF THE CURRENT
34 SCHOOL YEAR IS ADMITTED TO KINDERGARTEN BUT DOES NOT REMAIN ENROLLED A SCHOOL
35 DISTRICT OR CHARTER SCHOOL MAY RECEIVE A PORTION OF BASIC STATE AID ON BEHALF
36 OF THAT CHILD IN THE SUBSEQUENT YEAR. A school district or charter school
37 may charge tuition for any child who is ineligible for basic state aid
38 pursuant to this subsection. The governing board may admit children who have
39 not reached the required age as prescribed by this subsection if it is
40 determined to be in the best interest of the children. For children entering
41 the first grade, such determination shall be based upon one or more
42 consultations with the parent, parents, guardian or guardians, the children,
43 the teacher and the school principal. Such children must reach the required
44 age of five for kindergarten and six for first grade by January 1 of the
45 current school year.

1 D. Notwithstanding any other law, a child who resides with a family
2 member other than the child's parent while awaiting the outcome of a legal
3 guardianship or custody proceeding is deemed to reside in the school district
4 where that family member resides if the family member provides written
5 documentary proof of one of the following:

6 1. The family member is attempting to obtain legal guardianship of the
7 child in an unresolved and uncontested guardianship proceeding commenced in
8 superior court. The family member shall provide documentation to the school
9 district within thirty days of enrollment that the family member is
10 attempting to obtain legal guardianship of the child. Upon obtaining legal
11 guardianship, the family member shall provide documentation to the school
12 district.

13 2. The family member is attempting to obtain custody of the child in
14 an unresolved and uncontested child custody proceeding commenced in superior
15 court. The family member shall provide documentation to the school district
16 within thirty days of enrollment that the family member is attempting to
17 obtain custody of the child. Upon obtaining custody, the family member shall
18 provide documentation to the school district.

19 Sec. 5. Section 15-861, Arizona Revised Statutes, as amended by Laws
20 2010, chapter 318, section 11, is amended to read:

21 15-861. Four day school week and alternative kindergarten
22 programs

23 A. A governing board, after at least two public hearings in the school
24 district, may offer an educational program on the basis of a four day school
25 week or an alternative kindergarten program on the basis of a three day
26 school week, or both.

27 B. The instructional time in an educational program offered on the
28 basis of a four day school week or in an alternative kindergarten program
29 offered on the basis of a three day school week must be equal to the
30 instructional time in an educational program or kindergarten program, as
31 applicable, offered on the basis of a five day school week. Notwithstanding
32 section 15-901, subsection A, paragraph 5, for school districts ~~which~~ THAT
33 offer an educational program on the basis of a four day school week in common
34 schools or an alternative kindergarten program on the basis of a three day
35 school week, or both, as provided in this section, the minimum number of
36 minutes required for daily attendance shall be increased so that the number
37 of minutes per day multiplied by the total number of school days per school
38 year is at least equal to the number of minutes prescribed for that program
39 or grade in section 15-901, subsection A, paragraph 5, multiplied by one
40 hundred ~~seventy-five~~ EIGHTY.

41 Sec. 6. Section 15-901, Arizona Revised Statutes, is amended to read:
42 15-901. Definitions

43 A. In this title, unless the context otherwise requires:

44 1. "Average daily membership" means the total enrollment of fractional
45 students and full-time students, minus withdrawals, who are enrolled on

1 September 15, November 15, January 15 and March 15, divided by four.
2 Withdrawals include students formally withdrawn from schools and students
3 absent for ten consecutive school days, except for excused absences
4 identified by the department of education. For the purposes of this section,
5 school districts and charter schools shall report student absence data to the
6 department of education at least once every sixty days in session. For
7 computation purposes, the effective date of withdrawal shall be retroactive
8 to the last day of actual attendance of the student or excused absence.

9 (a) "Fractional student" means:

10 (i) For common schools, a preschool child who is enrolled in a program
11 for preschool children with disabilities of at least three hundred sixty
12 minutes each week or a kindergarten student at least five years of age prior
13 to January 1 of the school year and enrolled in a school kindergarten program
14 that meets at least three hundred fifty-six hours for a one hundred eighty
15 day school year, or the instructional hours prescribed in this section.
16 Lunch periods and recess periods may not be included as part of the
17 instructional hours unless the child's individualized education program
18 requires instruction during those periods and the specific reasons for such
19 instruction are fully documented. In computing the average daily membership,
20 preschool children with disabilities and kindergarten students shall be
21 counted as one-half of a full-time student. For common schools, a part-time
22 student is a student enrolled for less than the total time for a full-time
23 student as defined in this section. A part-time common school student shall
24 be counted as one-fourth, one-half or three-fourths of a full-time student if
25 the student is enrolled in an instructional program that is at least
26 one-fourth, one-half or three-fourths of the time a full-time student is
27 enrolled as defined in subdivision (b) of this paragraph.

28 (ii) For high schools, a part-time student who is enrolled in less
29 than four subjects that count toward graduation as defined by the state board
30 of education in a recognized high school. The average daily membership of a
31 part-time high school student shall be 0.75 if the student is enrolled in an
32 instructional program of three subjects that meet at least five hundred
33 ~~eighty~~ FORTY hours for a one hundred eighty day school year, or the
34 instructional hours prescribed in this section. The average daily membership
35 of a part-time high school student shall be 0.5 if the student is enrolled in
36 an instructional program of two subjects that meet at least three hundred
37 sixty hours for a one hundred eighty day school year, or the instructional
38 hours prescribed in this section. The average daily membership of a
39 part-time high school student shall be 0.25 if the student is enrolled in an
40 instructional program of one subject that meets at least one hundred eighty
41 hours for a one hundred eighty day school year, or the instructional hours
42 prescribed in this section.

43 (b) "Full-time student" means:

44 (i) For common schools, a student who is at least six years of age
45 prior to January 1 of a school year, who has not graduated from the highest

1 grade taught in the school district and who is regularly enrolled in a course
2 of study required by the state board of education. First, second and third
3 grade students, ungraded students at least six, but under nine, years of age
4 by September 1 or ungraded group B children with disabilities who are at
5 least five, but under six, years of age by September 1 must be enrolled in an
6 instructional program that meets for a total of at least seven hundred twelve
7 hours for a one hundred eighty day school year, or the instructional hours
8 prescribed in this section. Fourth, fifth and sixth grade students or
9 ungraded students at least nine, but under twelve, years of age by September
10 1 must be enrolled in an instructional program that meets for a total of at
11 least eight hundred ninety hours for a one hundred eighty day school year, or
12 the instructional hours prescribed in this section. Seventh and eighth grade
13 students or ungraded students at least twelve, but under fourteen, years of
14 age by September 1 must be enrolled in an instructional program that meets
15 for ~~a In fiscal years 2005-2006 through 2009-2010, the program shall meet at~~
16 ~~least one thousand sixty-eight hours. In fiscal year 2010-2011 and each~~
17 ~~fiscal year thereafter, the program shall meet~~ at least one thousand hours.
18 Lunch periods and recess periods may not be included as part of the
19 instructional hours unless the student is a child with a disability and the
20 child's individualized education program requires instruction during those
21 periods and the specific reasons for such instruction are fully documented.

22 (ii) For high schools, except as provided in section 15-105, a student
23 not graduated from the highest grade taught in the school district, or an
24 ungraded student at least fourteen years of age by September 1, and enrolled
25 in at least an instructional program of four or more subjects that count
26 toward graduation as defined by the state board of education, that meets for
27 a total of at least seven hundred twenty hours for a one hundred eighty day
28 school year, or the instructional hours prescribed in this section in a
29 recognized high school. A full-time student shall not be counted more than
30 once for computation of average daily membership. The average daily
31 membership of a full-time high school student shall be 1.0 if the student is
32 enrolled in at least four subjects that meet at least seven hundred twenty
33 hours for a one hundred eighty day school year, or the equivalent
34 instructional hours prescribed in this section.

35 (iii) Except as otherwise provided by law, for a full-time high school
36 student who is concurrently enrolled in two school districts or two charter
37 schools, the average daily membership shall not exceed 1.0.

38 (iv) Except as otherwise provided by law, for any student who is
39 concurrently enrolled in a school district and a charter school, the average
40 daily membership shall be apportioned between the school district and the
41 charter school and shall not exceed 1.0. The apportionment shall be based on
42 the percentage of total time that the student is enrolled in or in attendance
43 at the school district and the charter school.

1 (v) Except as otherwise provided by law, for any student who is
2 concurrently enrolled, pursuant to section 15-808, in a school district and
3 Arizona online instruction or a charter school and Arizona online
4 instruction, the average daily membership shall be apportioned between the
5 school district and Arizona online instruction or the charter school and
6 Arizona online instruction and shall not exceed 1.0. The apportionment shall
7 be based on the percentage of total time that the student is enrolled in or
8 in attendance at the school district and Arizona online instruction or the
9 charter school and Arizona online instruction.

10 (vi) For homebound or hospitalized, a student receiving at least four
11 hours of instruction per week.

12 2. "Budget year" means the fiscal year for which the school district
13 is budgeting and which immediately follows the current year.

14 3. "Common school district" means a political subdivision of this
15 state offering instruction to students in programs for preschool children
16 with disabilities and kindergarten programs and either:

17 (a) Grades one through eight.

18 (b) Grades one through nine pursuant to section 15-447.01.

19 4. "Current year" means the fiscal year in which a school district is
20 operating.

21 5. "Daily attendance" means:

22 (a) For common schools, days in which a pupil:

23 (i) Of a kindergarten program or ungraded, but not group B children
24 with disabilities, and at least five, but under six, years of age by
25 September 1 attends at least three-quarters of the instructional time
26 scheduled for the day. If the total instruction time scheduled for the year
27 is at least three hundred forty-six hours but is less than six hundred
28 ninety-two hours such attendance shall be counted as one-half day of
29 attendance. If the instructional time scheduled for the year is at least six
30 hundred ninety-two hours, "daily attendance" means days in which a pupil
31 attends at least one-half of the instructional time scheduled for the day.
32 Such attendance shall be counted as one-half day of attendance.

33 (ii) Of the first, second or third grades, ungraded and at least six,
34 but under nine, years of age by September 1 or ungraded group B children with
35 disabilities and at least five, but under six, years of age by September 1
36 attends more than three-quarters of the instructional time scheduled for the
37 day.

38 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
39 nine, but under twelve, years of age by September 1 attends more than
40 three-quarters of the instructional time scheduled for the day, except as
41 provided in section 15-797.

42 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
43 but under fourteen, years of age by September 1 attends more than
44 three-quarters of the instructional time scheduled for the day, except as
45 provided in section 15-797.

1 (b) For common schools, the attendance of a pupil at three-quarters or
2 less of the instructional time scheduled for the day shall be counted as
3 follows, except as provided in section 15-797 and except that attendance for
4 a fractional student shall not exceed the pupil's fractional membership:

5 (i) If attendance for all pupils in the school is based on quarter
6 days, the attendance of a pupil shall be counted as one-fourth of a day's
7 attendance for each one-fourth of full-time instructional time attended.

8 (ii) If attendance for all pupils in the school is based on half days,
9 the attendance of at least three-quarters of the instructional time scheduled
10 for the day shall be counted as a full day's attendance and attendance at a
11 minimum of one-half but less than three-quarters of the instructional time
12 scheduled for the day equals one-half day of attendance.

13 (c) For common schools, the attendance of a preschool child with
14 disabilities shall be counted as one-fourth day's attendance for each
15 thirty-six minutes of attendance not including lunch periods and recess
16 periods, except as provided in paragraph ~~2-1~~, subdivision (a), item (i) of
17 this subsection for children with disabilities up to a maximum of three
18 hundred sixty minutes each week.

19 (d) For high schools or ungraded schools in which the pupil is at
20 least fourteen years of age by September 1, the attendance of a pupil shall
21 not be counted as a full day unless the pupil is actually and physically in
22 attendance and enrolled in and carrying four subjects, each of which, if
23 taught each school day for the minimum number of days required in a school
24 year, would meet a minimum of one hundred twenty hours a year, or the
25 equivalent, that count toward graduation in a recognized high school except
26 as provided in section 15-797 and subdivision (e) of this paragraph.
27 Attendance of a pupil carrying less than the load prescribed shall be
28 prorated.

29 (e) For high schools or ungraded schools in which the pupil is at
30 least fourteen years of age by September 1, the attendance of a pupil may be
31 counted as one-fourth of a day's attendance for each sixty minutes of
32 instructional time in a subject that counts toward graduation, except that
33 attendance for a pupil shall not exceed the pupil's full or fractional
34 membership.

35 (f) For homebound or hospitalized, a full day of attendance may be
36 counted for each day during a week in which the student receives at least
37 four hours of instruction.

38 (g) For school districts which maintain school for an approved
39 year-round school year operation, attendance shall be based on a computation,
40 as prescribed by the superintendent of public instruction, of the one hundred
41 eighty days' equivalency or two hundred days' equivalency, as applicable, of
42 instructional time as approved by the superintendent of public instruction
43 during which each pupil is enrolled.

1 6. "Daily route mileage" means the sum of:

2 (a) The total number of miles driven daily by all buses of a school
3 district while transporting eligible students from their residence to the
4 school of attendance and from the school of attendance to their residence on
5 scheduled routes approved by the superintendent of public instruction.

6 (b) The total number of miles driven daily on routes approved by the
7 superintendent of public instruction for which a private party, a political
8 subdivision or a common or a contract carrier is reimbursed for bringing an
9 eligible student from the place of his residence to a school transportation
10 pickup point or to the school of attendance and from the school
11 transportation scheduled return point or from the school of attendance to his
12 residence. Daily route mileage includes the total number of miles necessary
13 to drive to transport eligible students from and to their residence as
14 provided in this paragraph.

15 7. "District support level" means the base support level plus the
16 transportation support level.

17 8. "Eligible students" means:

18 (a) Students who are transported by or for a school district and who
19 qualify as full-time students or fractional students, except students for
20 whom transportation is paid by another school district or a county school
21 superintendent, and:

22 (i) For common school students, whose place of actual residence within
23 the school district is more than one mile from the school facility of
24 attendance or students who are admitted pursuant to section 15-816.01 and who
25 meet the economic eligibility requirements established under the national
26 school lunch and child nutrition acts (42 United States Code sections 1751
27 through 1785) for free or reduced price lunches and whose actual place of
28 residence outside the school district boundaries is more than one mile from
29 the school facility of attendance.

30 (ii) For high school students, whose place of actual residence within
31 the school district is more than one and one-half miles from the school
32 facility of attendance or students who are admitted pursuant to section
33 15-816.01 and who meet the economic eligibility requirements established
34 under the national school lunch and child nutrition acts (42 United States
35 Code sections 1751 through 1785) for free or reduced price lunches and whose
36 actual place of residence outside the school district boundaries is more than
37 one and one-half miles from the school facility of attendance.

38 (b) Kindergarten students, for purposes of computing the number of
39 eligible students under subdivision (a), item (i) of this paragraph, shall be
40 counted as full-time students, notwithstanding any other provision of law.

41 (c) Children with disabilities, as defined by section 15-761, who are
42 transported by or for the school district or who are admitted pursuant to
43 chapter 8, article 1.1 of this title and who qualify as full-time students or
44 fractional students regardless of location or residence within the school

1 district or children with disabilities whose transportation is required by
2 the pupil's individualized education program.

3 (d) Students whose residence is outside the school district and who
4 are transported within the school district on the same basis as students who
5 reside in the school district.

6 9. "Enrolled" or "enrollment" means when a pupil is currently
7 registered in the school district.

8 10. "GDP price deflator" means the average of the four implicit price
9 deflators for the gross domestic product reported by the United States
10 department of commerce for the four quarters of the calendar year.

11 11. "High school district" means a political subdivision of this state
12 offering instruction to students for grades nine through twelve or that
13 portion of the budget of a common school district which is allocated to
14 teaching high school subjects with permission of the state board of
15 education.

16 12. "Revenue control limit" means the base revenue control limit plus
17 the transportation revenue control limit.

18 13. "Student count" means average daily membership as prescribed in
19 this subsection for the fiscal year prior to the current year, except that
20 for the purpose of budget preparation student count means average daily
21 membership as prescribed in this subsection for the current year.

22 14. "Submit electronically" means submitted in a format and in a manner
23 prescribed by the department of education.

24 15. "Total bus mileage" means the total number of miles driven by all
25 buses of a school district during the school year.

26 16. "Total students transported" means all eligible students
27 transported from their place of residence to a school transportation pickup
28 point or to the school of attendance and from the school of attendance or
29 from the school transportation scheduled return point to their place of
30 residence.

31 17. "Unified school district" means a political subdivision of the
32 state offering instruction to students in programs for preschool children
33 with disabilities and kindergarten programs and grades one through twelve.

34 B. In this title, unless the context otherwise requires:

35 1. "Base" means the revenue level per student count specified by the
36 legislature.

37 2. "Base level" means the following amounts plus the percentage
38 increases to the base level as provided in sections 15-902.02, 15-918.04,
39 15-919.04 and 15-952, except that if a school district or charter school is
40 eligible for an increase in the base level as provided in two or more of
41 these sections, the base level amount shall be calculated by compounding
42 rather than adding the sum of one plus the percentage of the increase from
43 those different sections:

44 (a) For fiscal year 2007-2008, three thousand two hundred twenty-six
45 dollars eighty-eight cents.

1 (b) For fiscal year 2008-2009, three thousand two hundred ninety-one
2 dollars forty-two cents.

3 (c) For fiscal years 2009-2010 and 2010-2011, three thousand two
4 hundred sixty-seven dollars seventy-two cents.

5 3. "Base revenue control limit" means the base revenue control limit
6 computed as provided in section 15-944.

7 4. "Base support level" means the base support level as provided in
8 section 15-943.

9 5. "Certified teacher" means a person who is certified as a teacher
10 pursuant to the rules adopted by the state board of education, who renders
11 direct and personal services to school children in the form of instruction
12 related to the school district's educational course of study and who is paid
13 from the maintenance and operation section of the budget.

14 6. "DD" means programs for children with developmental delays who are
15 at least three years of age but under ten years of age. A preschool child
16 who is categorized under this paragraph is not eligible to receive funding
17 pursuant to section 15-943, paragraph 2, subdivision (b).

18 7. "ED, MIMR, SLD, SLI and OHI" means programs for children with
19 emotional disabilities, mild mental retardation, a specific learning
20 disability, a speech/language impairment and other health impairments. A
21 preschool child who is categorized as SLI under this paragraph is not
22 eligible to receive funding pursuant to section 15-943, paragraph 2,
23 subdivision (b).

24 8. "ED-P" means programs for children with emotional disabilities who
25 are enrolled in private special education programs as prescribed in section
26 15-765, subsection D, paragraph 1 or in an intensive school district program
27 as provided in section 15-765, subsection D, paragraph 2.

28 9. "ELL" means English learners who do not speak English or whose
29 native language is not English, who are not currently able to perform
30 ordinary classroom work in English and who are enrolled in an English
31 language education program pursuant to sections 15-751, 15-752 and 15-753.

32 10. "Full-time equivalent certified teacher" or "FTE certified teacher"
33 means for a certified teacher the following:

34 (a) If employed full time as defined in section 15-501, 1.00.

35 (b) If employed less than full time, multiply 1.00 by the percentage
36 of a full school day, or its equivalent, or a full class load, or its
37 equivalent, for which the teacher is employed as determined by the governing
38 board.

39 11. "Group A" means educational programs for career exploration, a
40 specific learning disability, an emotional disability, mild mental
41 retardation, remedial education, a speech/language impairment, developmental
42 delay, homebound, bilingual, other health impairments and gifted pupils.

43 12. "Group B" means educational improvements for pupils in kindergarten
44 programs and grades one through three, educational programs for autism, a
45 hearing impairment, moderate mental retardation, multiple disabilities,

1 multiple disabilities with severe sensory impairment, orthopedic impairments,
2 preschool severe delay, severe mental retardation and emotional disabilities
3 for school age pupils enrolled in private special education programs or in
4 school district programs for children with severe disabilities or visual
5 impairment and English learners enrolled in a program to promote English
6 language proficiency pursuant to section 15-752.

7 13. "HI" means programs for pupils with hearing impairment.

8 14. "Homebound" or "hospitalized" means a pupil who is capable of
9 profiting from academic instruction but is unable to attend school due to
10 illness, disease, accident or other health conditions, who has been examined
11 by a competent medical doctor and who is certified by that doctor as being
12 unable to attend regular classes for a period of not less than three school
13 months or a pupil who is capable of profiting from academic instruction but
14 is unable to attend school regularly due to chronic or acute health problems,
15 who has been examined by a competent medical doctor and who is certified by
16 that doctor as being unable to attend regular classes for intermittent
17 periods of time totaling three school months during a school year. The
18 medical certification shall state the general medical condition, such as
19 illness, disease or chronic health condition, that is the reason that the
20 pupil is unable to attend school. Homebound or hospitalized includes a
21 student who is unable to attend school for a period of less than three months
22 due to a pregnancy if a competent medical doctor, after an examination,
23 certifies that the student is unable to attend regular classes due to risk to
24 the pregnancy or to the student's health.

25 15. "K-3" means kindergarten programs and grades one through three.

26 16. "MD-R, A-R and SMR-R" means resource programs for pupils with
27 multiple disabilities, autism and severe mental retardation.

28 17. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
29 with multiple disabilities, autism and severe mental retardation.

30 18. "MDSSI" means a program for pupils with multiple disabilities with
31 severe sensory impairment.

32 19. "MOMR" means programs for pupils with moderate mental retardation.

33 20. "OI-R" means a resource program for pupils with orthopedic
34 impairments.

35 21. "OI-SC" means a self-contained program for pupils with orthopedic
36 impairments.

37 22. "PSD" means preschool programs for children with disabilities as
38 provided in section 15-771.

39 23. "P-SD" means programs for children who meet the definition of
40 preschool severe delay as provided in section 15-771.

41 24. "Qualifying tax rate" means the qualifying tax rate specified in
42 section 15-971 applied to the assessed valuation used for primary property
43 taxes.

1 SECTION 15-901, SUBSECTION A, PARAGRAPH 13, whichever amount is greater. A
2 school district shall not issue class B bonds until the proceeds of any class
3 A bonds issued by the school district have been obligated in contract. The
4 total amount of class A and class B bonds issued by a school district shall
5 not exceed the debt limitations prescribed in article IX, section 8,
6 Constitution of Arizona.

7 C. Until December 31, 1999, a unified school district, as defined
8 under article IX, section 8.1, Constitution of Arizona, may issue class A
9 bonds for the purposes specified in this section and chapter 4, article 5 of
10 this title to an amount in the aggregate, including the existing
11 indebtedness, not exceeding thirty per cent of the taxable property used for
12 secondary property tax purposes, as determined pursuant to title 42, chapter
13 15, article 1, within a unified school district as ascertained by the last
14 property tax assessment previous to issuing the bonds.

15 D. From and after December 31, 1998, a unified school district, as
16 defined under article IX, section 8.1, Constitution of Arizona, may issue
17 class B bonds for the purposes specified in this section and chapter 4,
18 article 5 of this title to an amount in the aggregate, including the existing
19 class B indebtedness, not exceeding ten per cent of the taxable property used
20 for secondary tax purposes, as determined pursuant to title 42, chapter 15,
21 article 1, within a school district as ascertained by the last assessment of
22 state and county taxes previous to issuing the bonds, or one thousand five
23 hundred dollars per student ~~average daily membership~~ COUNT PURSUANT TO
24 SECTION 15-901, SUBSECTION A, PARAGRAPH 13, whichever amount is greater. A
25 unified school district shall not issue class B bonds until the proceeds of
26 any class A bonds issued by the unified school district have been obligated
27 in contract. The total amount of class A and class B bonds issued by a
28 unified school district shall not exceed the debt limitations prescribed in
29 article IX, section 8.1, Constitution of Arizona.

30 E. No bonds authorized to be issued by an election held after July 1,
31 1980 and before November 24, 2009 may be issued more than six years after the
32 date of the election, except that class A bonds shall not be issued after
33 December 31, 1999. No bonds authorized to be issued by an election held
34 after November 24, 2009 may be issued more than ten years after the date of
35 the election.

36 F. Except as provided in section 15-491, subsection A, paragraph 3,
37 bond proceeds shall not be expended for items whose useful life is less than
38 the average life of the bonds issued, except that bond proceeds shall not be
39 expended for items whose useful life is less than five years.

40 G. A joint technical education district shall not spend class B bond
41 proceeds to construct or renovate a facility located on the campus of a
42 school in a school district that participates in the joint district unless
43 the facility is only used to provide career and technical education and is
44 available to all pupils who live within the joint technical education
45 district. If the facility is not owned by the joint technical education

1 district, an intergovernmental agreement or a written contract shall be
2 executed for ten years or the duration of the bonded indebtedness, whichever
3 is greater. The intergovernmental agreement or written contract shall
4 include provisions:

5 1. That preserve the usage of the facility renovated or constructed,
6 or both, only for career and technology programs operated by the joint
7 technical education district.

8 2. That include the process to be used by the participating district
9 to compensate the joint technical education district in the event that the
10 facility is no longer used only for career and technology education programs
11 offered by the joint technical education district during the life of the
12 bond.

13 H. A school district shall not authorize, issue or sell bonds pursuant
14 to this section if the school district has any existing indebtedness from
15 impact aid revenue bonds pursuant to chapter 16, article 8 of this title,
16 except for bonds issued to refund any bonds issued by the governing board.

17 Sec. 8. Section 41-611, Arizona Revised Statutes, is amended to read:

18 41-611. Veterans' deferment of tuition payment, required books
19 and materials; period; promissory note

20 A. On registration at a state supported community college, college or
21 university, any person who is eligible for and has applied for benefits for
22 education ~~under the Montgomery GI bill (38 United States Code chapter 30 or~~
23 ~~32; 10 United States Code chapter 1606)~~ AVAILABLE TO VETERANS OF THE UNITED
24 STATES ARMED FORCES UNDER FEDERAL LAW may apply for a deferment of payment of
25 tuition, fees and required books and materials for a period not to exceed one
26 hundred twenty days. The community college, college or university shall
27 defer payment for that period on receipt of a signed and acknowledged
28 promissory note for the amount of the tuition, fees and required books and
29 materials, with no interest charge, that is due and payable at the end of the
30 deferral period. This deferment is available during any registration in
31 which a veteran is awaiting ~~Montgomery GI bill benefits~~ EDUCATION BENEFITS
32 AVAILABLE TO VETERANS OF THE UNITED STATES ARMED FORCES UNDER FEDERAL LAW.

33 B. If at the end of the deferral period the person has not yet
34 received from the veterans administration the initial benefit monies for
35 tuition and fees, the person may be granted an extension until such time as
36 the benefits are received.

37 C. In situations where deferred payments are granted, the community
38 college, college or university shall not release the person's grades or
39 transfer credits until such time as the debt is satisfied.

40 Sec. 9. Department of education; compliance and application
41 of school finance legislation

42 Notwithstanding Laws 2010, chapter 318, if the superintendent of public
43 instruction determines that the department of education is unable to comply
44 with the requirements of Laws 2010, chapter 318 by July 1, 2011, the
45 department of education may comply with the requirements of Laws 2010,

1 chapter 318 by July 1, 2012 and the department of education shall notify
2 school districts and charter schools that the requirements of Laws 2010,
3 chapter 318 shall not be applied until July 1, 2012.

4 Sec. 10. Conditional enactment

5 Because sections 6 and 7 of this act amend sections 15-901 and 15-1021,
6 Arizona Revised Statutes, respectively, as amended by Senate Bill 1419
7 (reviser's technical corrections; 2011), those sections are effective only if
8 Senate Bill 1419, fiftieth legislature, first regular session, relating to
9 multiple, defective and conflicting legislative dispositions of statutory
10 text, is enacted into law.