

REFERENCE TITLE: schools; e-learning programs

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1452**

Introduced by  
Senator Crandall

AN ACT

AMENDING SECTIONS 15-101, 15-203, 15-1042 AND 15-1044, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1046; AMENDING SECTION 41-3504, ARIZONA REVISED STATUTES; RELATING TO THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to  
3 read:  
4 15-101. Definitions  
5 In this title, unless the context otherwise requires:  
6 1. "Accommodation school" means either:  
7 (a) A school ~~which~~ THAT is operated through the county board of  
8 supervisors and the county school superintendent and ~~which~~ THAT the county  
9 school superintendent administers to serve a military reservation or  
10 territory ~~which~~ THAT is not included within the boundaries of a school  
11 district.  
12 (b) A school that provides educational services to homeless children  
13 or alternative education programs as provided in section 15-308,  
14 subsection B.  
15 (c) A school that is established to serve a military reservation, the  
16 boundaries of which are coterminous with the boundaries of the military  
17 reservation on which the school is located.  
18 2. "Assessed valuation" means the valuation derived by applying the  
19 applicable percentage as provided in title 42, chapter 15, article 1 to the  
20 full cash value or limited property value, whichever is applicable, of the  
21 property.  
22 3. "Charter holder" means a person that enters into a charter with the  
23 state board for charter schools. For the purposes of this paragraph,  
24 "person" means an individual, partnership, corporation, association or public  
25 or private organization of any kind.  
26 4. "Charter school" means a public school established by contract with  
27 a district governing board, the state board of education or the state board  
28 for charter schools pursuant to article 8 of this chapter to provide learning  
29 that will improve pupil achievement.  
30 5. "Child with a disability" means a child with a disability as  
31 defined in section 15-761.  
32 6. "Class A bonds" means general obligation bonds approved by a vote  
33 of the qualified electors of a school district at an election held on or  
34 before December 31, 1998.  
35 7. "Class B bonds" means general obligation bonds approved by a vote  
36 of the qualified electors of a school district at an election held from and  
37 after December 31, 1998.  
38 8. "Competency" means a demonstrated ability in a skill at a specified  
39 performance level.  
40 9. "Course" means organized subject matter in which instruction is  
41 offered within a given period of time and for which credit toward promotion,  
42 graduation or certification is usually given. A course consists of knowledge  
43 selected from a subject for instructional purposes in the schools.  
44 10. "Course of study" means a list of required and optional subjects to  
45 be taught in the schools.

1 11. "Dual enrollment course" means a college level course that is  
2 conducted on the campus of a high school or on the campus of a joint  
3 technical education district, that is applicable to an established community  
4 college academic degree or certificate program and that is transferable to a  
5 university under the jurisdiction of the Arizona board of regents. A dual  
6 enrollment course that is applicable to a community college occupational  
7 degree or certificate program may be transferable to a university under the  
8 jurisdiction of the Arizona board of regents.

9 12. "Fiscal year" means the year beginning July 1 and ending June 30.

10 13. "Governing board" means a body organized for the government and  
11 management of the schools within a school district or a county school  
12 superintendent in the conduct of an accommodation school.

13 14. "HYBRID E-LEARNING" MEANS A BLENDING AND INTEGRATION OF TRADITIONAL  
14 TEACHER LED CLASSROOM INSTRUCTION AND PUPIL SUPPORT WITH TEACHER LED AND  
15 SUPPORTED PUPIL-CENTERED E-LEARNING USING DIGITAL TECHNOLOGY.

16 ~~14.~~ 15. "Lease" means an agreement for conveyance and possession of  
17 real or personal property.

18 ~~15.~~ 16. "Limited property value" means the value determined pursuant  
19 to title 42, chapter 13, article 7. Limited property value shall be used as  
20 the basis for assessing, fixing, determining and levying primary property  
21 taxes.

22 ~~16.~~ 17. "Parent" means the natural or adoptive parent of a child or a  
23 person who has custody of a child.

24 ~~17.~~ 18. "Person who has custody" means a parent or legal guardian of a  
25 child, a person to whom custody of the child has been given by order of a  
26 court or a person who stands in loco parentis to the child.

27 ~~18.~~ 19. "Primary property taxes" means all ad valorem taxes except for  
28 secondary property taxes.

29 ~~19.~~ 20. "Private school" means a nonpublic institution where  
30 instruction is imparted.

31 ~~20.~~ 21. "School" means any public institution established for the  
32 purposes of offering instruction to pupils in programs for preschool children  
33 with disabilities, kindergarten programs or any combination of grades one  
34 through twelve.

35 ~~21.~~ 22. "School district" means a political subdivision of this state  
36 with geographic boundaries organized for the purpose of the administration,  
37 support and maintenance of the public schools or an accommodation school.

38 ~~22.~~ 23. "Secondary property taxes" means ad valorem taxes used to pay  
39 the principal of and the interest and redemption charges on any bonded  
40 indebtedness or other lawful long-term obligation issued or incurred for a  
41 specific purpose by a school district or a community college district and  
42 amounts levied pursuant to an election to exceed a budget, expenditure or tax  
43 limitation.

44 ~~23.~~ 24. "Subject" means a division or field of organized knowledge,  
45 such as English or mathematics, or a selection from an organized body of

1 knowledge for a course or teaching unit, such as the English novel or  
2 elementary algebra.

3 Sec. 2. Section 15-203, Arizona Revised Statutes, is amended to read:  
4 15-203. Powers and duties

5 A. The state board of education shall:

6 1. Exercise general supervision over and regulate the conduct of the  
7 public school system and adopt any rules and policies it deems necessary to  
8 accomplish this purpose.

9 2. Keep a record of its proceedings.

10 3. Make rules for its own government.

11 4. Determine the policy and work undertaken by it.

12 5. Appoint its employees, on the recommendation of the superintendent  
13 of public instruction.

14 6. Prescribe the duties of its employees if not prescribed by statute.

15 7. Delegate to the superintendent of public instruction the execution  
16 of board policies and rules.

17 8. Recommend to the legislature changes or additions to the statutes  
18 pertaining to schools.

19 9. Prepare, publish and distribute reports concerning the educational  
20 welfare of this state.

21 10. Prepare a budget for expenditures necessary for proper maintenance  
22 of the board and accomplishment of its purposes and present the budget to the  
23 legislature.

24 11. Aid in the enforcement of laws relating to schools.

25 12. Prescribe a minimum course of study in the common schools, minimum  
26 competency requirements for the promotion of pupils from the third grade and  
27 minimum course of study and competency requirements for the promotion of  
28 pupils from the eighth grade. The state board of education shall prepare a  
29 fiscal impact statement of any proposed changes to the minimum course of  
30 study or competency requirements and, on completion, shall send a copy to the  
31 director of the joint legislative budget committee and the executive director  
32 of the school facilities board. The state board of education shall not adopt  
33 any changes in the minimum course of study or competency requirements in  
34 effect on July 1, 1998 that will have a fiscal impact on school capital  
35 costs.

36 13. Prescribe minimum course of study and competency requirements for  
37 the graduation of pupils from high school. The state board of education  
38 shall prepare a fiscal impact statement of any proposed changes to the  
39 minimum course of study or competency requirements and, on completion, shall  
40 send a copy to the director of the joint legislative budget committee and the  
41 executive director of the school facilities board. The state board of  
42 education shall not adopt any changes in the minimum course of study or  
43 competency requirements in effect on July 1, 1998 that will have a fiscal  
44 impact on school capital costs.

1           14. Supervise and control the certification of persons engaged in  
2 instructional work directly as any classroom, laboratory or other teacher or  
3 indirectly as a supervisory teacher, speech therapist, principal or  
4 superintendent in a school district, including school district preschool  
5 programs, or any other educational institution below the community college,  
6 college or university level, and prescribe rules for certification, including  
7 rules for certification of teachers who have teaching experience and who are  
8 trained in other states, which are not unnecessarily restrictive and are  
9 substantially similar to the rules prescribed for the certification of  
10 teachers trained in this state. The rules shall:

11           (a) Allow a variety of alternative teacher and administrator  
12 preparation programs, with variations in program sequence and design, to  
13 apply for program approval. The STATE board shall adopt rules pursuant to  
14 this subdivision designed to allow for a variety of formats and shall not  
15 require a prescribed answer or design from the program provider in order to  
16 obtain approval from the state board. The state board shall evaluate each  
17 program provider based on the program's ability to prepare teachers and  
18 administrators and to recruit teachers and administrators with a variety of  
19 experiences and talents. The STATE board shall permit universities under the  
20 jurisdiction of the ARIZONA board of regents, community colleges in this  
21 state, private postsecondary institutions licensed by this state, school  
22 districts, charter schools and professional organizations to apply for  
23 program approval and shall create application procedures and certification  
24 criteria that are less restrictive than those for traditional preparation  
25 programs. Alternative preparation program graduates shall:

26           (i) Hold a bachelor's degree from an accredited postsecondary  
27 education institution.

28           (ii) Demonstrate professional knowledge and subject knowledge  
29 proficiency pursuant to section 15-533.

30           (iii) Obtain a fingerprint clearance card pursuant to section 15-534.

31           (iv) Complete training in structured English immersion as prescribed  
32 by the STATE board.

33           (v) Complete training in research based systematic phonics instruction  
34 as prescribed in subdivision (b) of this paragraph.

35           (vi) Demonstrate the required proficiency in the constitutions of the  
36 United States and Arizona as prescribed in section 15-532.

37           (b) Require applicants for all certificates for common school  
38 instruction to complete a minimum of forty-five classroom hours or three  
39 college level credit hours, or the equivalent, of training in research based  
40 systematic phonics instruction from a public or private provider.

41           (c) Not require a teacher to obtain a master's degree or to take any  
42 additional graduate courses as a condition of certification or  
43 recertification.

44           (d) Allow a general equivalency diploma to be substituted for a high  
45 school diploma in the certification of emergency substitute teachers.

1 (e) Allow but shall not require the superintendent of a school  
2 district to obtain certification from the state board of education.

3 15. Adopt a list of approved tests for determining special education  
4 assistance to gifted pupils as defined in and as provided in chapter 7,  
5 article 4.1 of this title. The adopted tests shall provide separate scores  
6 for quantitative reasoning, verbal reasoning and nonverbal reasoning and  
7 shall be capable of providing reliable and valid scores at the highest ranges  
8 of the score distribution.

9 16. Adopt rules governing the methods for the administration of all  
10 proficiency examinations.

11 17. Adopt proficiency examinations for its use. The state board of  
12 education shall determine the passing score for the proficiency examination.

13 18. Include within its budget the cost of contracting for the purchase,  
14 distribution and scoring of the examinations as provided in paragraphs 16 and  
15 17 of this subsection.

16 19. Supervise and control the qualifications of professional  
17 nonteaching school personnel and prescribe standards relating to  
18 qualifications. The standards shall not require the business manager of a  
19 school district to obtain certification from the state board of education.

20 20. Impose such disciplinary action, including the issuance of a letter  
21 of censure, suspension, suspension with conditions or revocation of a  
22 certificate, upon a finding of immoral or unprofessional conduct.

23 21. Establish an assessment, data gathering and reporting system for  
24 pupil performance as prescribed in chapter 7, article 3 of this title.

25 22. Adopt a rule to promote braille literacy pursuant to section  
26 15-214.

27 23. Adopt rules prescribing procedures for the investigation by the  
28 department of education of every written complaint alleging that a  
29 certificated person has engaged in immoral conduct.

30 24. For purposes of federal law, serve as the state board for  
31 vocational and technological education and meet at least four times each year  
32 solely to execute the powers and duties of the state board for vocational and  
33 technological education.

34 25. Develop and maintain a handbook for use in the schools of this  
35 state that provides guidance for the teaching of moral, civic and ethical  
36 education. The handbook shall promote existing curriculum frameworks and  
37 shall encourage school districts to recognize moral, civic and ethical values  
38 within instructional and programmatic educational development programs for  
39 the general purpose of instilling character and ethical principles in pupils  
40 in kindergarten programs and grades one through twelve.

41 26. Require pupils to recite the following passage from the declaration  
42 of independence for pupils in grades four through six at the commencement of  
43 the first class of the day in the schools, except that a pupil shall not be  
44 required to participate if the pupil or the pupil's parent or guardian  
45 objects:

1           We hold these truths to be self-evident, that all men are  
2           created equal, that they are endowed by their creator with  
3           certain unalienable rights, that among these are life, liberty  
4           and the pursuit of happiness. That to secure these rights,  
5           governments are instituted among men, deriving their just powers  
6           from the consent of the governed. . . .

7           27. Adopt rules that provide for teacher certification reciprocity.  
8           The rules shall provide for a one year reciprocal teaching certificate with  
9           minimum requirements, including valid teacher certification from a state with  
10          substantially similar criminal history or teacher fingerprinting requirements  
11          and proof of the submission of an application for a fingerprint clearance  
12          card pursuant to title 41, chapter 12, article 3.1. **FOR TEACHERS WHO PROVIDE**  
13          **ARIZONA ONLINE INSTRUCTION PURSUANT TO SECTION 15-808, THE RULES SHALL ALLOW**  
14          **AUTOMATIC CERTIFICATION RECIPROCITY WITH OTHER STATES WITH SIMILAR PROGRAMS.**

15          28. Adopt rules that provide for the presentation of an honorary high  
16          school diploma to a person who has never obtained a high school diploma and  
17          who meets both of the following requirements:

- 18           (a) Currently resides in this state.  
19           (b) Provides documented evidence from the Arizona department of  
20          veterans' services that the person enlisted in the armed forces of the United  
21          States and served in World War I, World War II, the Korean conflict or the  
22          Vietnam conflict.

23          29. Cooperate with the Arizona-Mexico commission in the governor's  
24          office and with researchers at universities in this state to collect data and  
25          conduct projects in the United States and Mexico on issues that are within  
26          the scope of the duties of the department of education and that relate to  
27          quality of life, trade and economic development in this state in a manner  
28          that will help the Arizona-Mexico commission to assess and enhance the  
29          economic competitiveness of this state and of the Arizona-Mexico region.

30          30. Adopt rules to define and provide guidance to schools as to the  
31          activities that would constitute immoral or unprofessional conduct of  
32          certificated persons.

33          31. Adopt guidelines to encourage pupils in grades nine, ten, eleven  
34          and twelve to volunteer for twenty hours of community service before  
35          graduation from high school. A school district that complies with the  
36          guidelines adopted pursuant to this paragraph is not liable for damages  
37          resulting from a pupil's participation in community service unless the school  
38          district is found to have demonstrated wanton or reckless disregard for the  
39          safety of the pupil and other participants in community service. For the  
40          purposes of this paragraph, "community service" may include service learning.  
41          The guidelines shall include the following:

- 42           (a) A list of the general categories in which community service may be  
43          performed.  
44           (b) A description of the methods by which community service will be  
45          monitored.

1 (c) A consideration of risk assessment for community service projects.

2 (d) Orientation and notification procedures of community service  
3 opportunities for pupils entering grade nine, including the development of a  
4 notification form. The notification form shall be signed by the pupil and  
5 the pupil's parent or guardian, except that a pupil shall not be required to  
6 participate in community service if the parent or guardian notifies the  
7 principal of the pupil's school in writing that the parent or guardian does  
8 not wish the pupil to participate in community service.

9 (e) Procedures for a pupil in grade nine to prepare a written proposal  
10 that outlines the type of community service that the pupil would like to  
11 perform and the goals that the pupil hopes to achieve as a result of  
12 community service. The pupil's written proposal shall be reviewed by a  
13 faculty advisor, a guidance counselor or any other school employee who is  
14 designated as the community service program coordinator for that school. The  
15 pupil may alter the written proposal at any time before performing community  
16 service.

17 (f) Procedures for a faculty advisor, a guidance counselor or any  
18 other school employee who is designated as the community service program  
19 coordinator to evaluate and certify the completion of community service  
20 performed by pupils.

21 32. To facilitate the transfer of military personnel and their  
22 dependents to and from the public schools of this state, pursue, in  
23 cooperation with the Arizona board of regents, reciprocity agreements with  
24 other states concerning the transfer credits for military personnel and their  
25 dependents. A reciprocity agreement entered into pursuant to this paragraph  
26 shall:

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

28 (i) The transfer of student records.

29 (ii) Awarding credit for completed course work.

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

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

35 33. Adopt guidelines that school district governing boards shall use in  
36 identifying pupils who are eligible for gifted programs and in providing  
37 gifted education programs and services. The state board of education shall  
38 adopt any other guidelines and rules that it deems necessary in order to  
39 carry out the purposes of chapter 7, article 4.1 of this title.

40 34. For each of the alternative textbook formats of human-voiced audio,  
41 large-print and braille, designate alternative media producers to adapt  
42 existing standard print textbooks or to provide specialized textbooks, or  
43 both, for pupils with disabilities in this state. Each alternative media  
44 producer shall be capable of producing alternative textbooks in all relevant



1 subjects in at least one of the alternative textbook formats. The board  
2 shall post the designated list of alternative media producers on its website.

3 35. Adopt a list of approved professional development training  
4 providers for use by school districts as provided in section 15-107,  
5 subsection J. The professional development training providers shall meet the  
6 training curriculum requirements determined by the state board of education  
7 in at least the areas of school finance, governance, employment, staffing,  
8 inventory and human resources, internal controls and procurement.

9 36. Adopt rules to prohibit a person who violates the notification  
10 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
11 section 15-550, subsection C from certification pursuant to this title until  
12 the person is no longer charged or is acquitted of any offenses listed in  
13 section 41-1758.03, subsection B. The board shall also adopt rules to  
14 prohibit a person who violates the notification requirements, certification  
15 surrender requirements or fingerprint clearance card surrender requirements  
16 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,  
17 subsection D from certification pursuant to this title for at least ten years  
18 after the date of the violation.

19 37. Adopt rules for the alternative certification of teachers of  
20 nontraditional foreign languages that allow for the passing of a nationally  
21 accredited test to substitute for the education coursework required for  
22 certification.

23 38. On or before December 15, 2011, adopt and maintain a model  
24 framework for a teacher and principal evaluation instrument that includes  
25 quantitative data on student academic progress that accounts for between  
26 thirty-three per cent and fifty per cent of the evaluation outcomes and best  
27 practices for professional development and evaluator training. School  
28 districts and charter schools shall use an instrument that meets the data  
29 requirements established by the state board of education to annually evaluate  
30 individual teachers and principals beginning in school year 2012-2013.

31 39. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
32 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
33 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, THE  
34 ARIZONA E-LEARNING TASK FORCE, THE ARIZONA BOARD OF REGENTS AND UNIVERSITIES  
35 THAT PROVIDE TEACHER TRAINING PROGRAMS, DEVELOP AND ISSUE A SEPARATE  
36 CERTIFICATION ENDORSEMENT FOR TEACHERS WHO PROVIDE INSTRUCTION IN HYBRID  
37 E-LEARNING. THE HYBRID E-LEARNING ENDORSEMENT SHALL REQUIRE APPLICANTS TO  
38 DEMONSTRATE SUFFICIENT EDUCATION, TRAINING, SKILLS, KNOWLEDGE AND EXPERIENCE  
39 TO EFFECTIVELY USE HYBRID E-LEARNING TO SUPPORT PUPILS.

40 B. The state board of education may:

41 1. Contract.

42 2. Sue and be sued.

43 3. Distribute and score the tests prescribed in chapter 7, article 3  
44 of this title.

1           4. Provide for an advisory committee to conduct hearings and  
2 screenings to determine whether grounds exist to impose disciplinary action  
3 against a certificated person, whether grounds exist to reinstate a revoked  
4 or surrendered certificate and whether grounds exist to approve or deny an  
5 initial application for certification or a request for renewal of a  
6 certificate. The board may delegate its responsibility to conduct hearings  
7 and screenings to its advisory committee. Hearings shall be conducted  
8 pursuant to title 41, chapter 6, article 6.

9           5. Proceed with the disposal of any complaint requesting disciplinary  
10 action or with any disciplinary action against a person holding a certificate  
11 as prescribed in subsection A, paragraph 14 of this section after the  
12 suspension or expiration of the certificate or surrender of the certificate  
13 by the holder.

14           6. Assess costs and reasonable attorney fees against a person who  
15 files a frivolous complaint or who files a complaint in bad faith. Costs  
16 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
17 the state board in the investigation of the complaint.

18           Sec. 3. Section 15-1042, Arizona Revised Statutes, is amended to read:  
19 15-1042. Timeline; student level data; hybrid e-learning  
20 infrastructure; definition

21           A. The department of education shall notify school districts and  
22 charter schools of electronic data submission procedures and shall distribute  
23 a list of the specific student level data elements that school districts and  
24 charter schools are required to submit. The department of education shall  
25 not make any changes to the student level data elements to be collected  
26 except for the following:

27           1. Student attendance data for a joint technical education district,  
28 including entry date and exit date, for classes that count towards the  
29 student's graduation requirements as provided for in section 15-701.01.

30           2. Student attendance data for a community college, unless the college  
31 is owned, operated or chartered by an Indian tribe, including entry date and  
32 exit date, for classes that count towards the student's graduation  
33 requirements as provided for in section 15-701.01.

34           B. Each school district and charter school shall submit electronic  
35 data on a school by school basis, including student level data, to the  
36 department of education in order for the school district or charter school to  
37 receive monies for the cost of educating students pursuant to this title.

38           C. The department of education shall grant a school district or  
39 charter school an extension to the deadline for the submission of student  
40 level data or may provide for an alternative method for the submission of  
41 student level data if the school district or charter school proves that good  
42 cause exists for the extension, and the school district or charter school  
43 shall continue to receive monies for the cost of educating students pursuant  
44 to this title. The request by a school district or charter school for an  
45 extension of the deadline for the submission of student level data shall

1 include a justification for the extension and the status of current efforts  
2 towards complying with the submission of student level data.

3 D. A pupil or the parent or guardian of a pupil shall not be required  
4 to submit data that does not relate to the provision of educational services  
5 or assistance to the pupil.

6 E. Each student level data element shall include a statutory reference  
7 to the law that necessitates its collection.

8 F. Unless otherwise prescribed, school districts and charter schools  
9 shall begin to report new data elements on July 1 of the year that follows  
10 the effective date of the law that requires the collection of the data.

11 G. Student level data items submitted to the department of education  
12 by school districts pursuant to this section shall not be used to adjust  
13 funding levels or calculate the average daily membership for the purpose of  
14 funding school districts at any time other than the fortieth, one hundredth  
15 and two hundredth days of the school year.

16 H. A school district or charter school is not required to submit  
17 student level data to the department of education more often than once every  
18 twenty school days.

19 I. Notwithstanding subsection ~~1~~ 0 of this section, the student level  
20 data shall include reasons for the withdrawal if reasons are provided by the  
21 withdrawing pupil or the pupil's parent or guardian. For the purposes of  
22 this subsection, the department of education shall include in the specific  
23 student level data elements that school districts and charter schools are  
24 required to submit data relating to students who withdraw from school because  
25 the student is pregnant or because the student is the biological parent of a  
26 child.

27 J. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
28 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
29 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH SCHOOL DISTRICTS, CHARTER  
30 SCHOOLS, THE ARIZONA E-LEARNING TASK FORCE, THE GOVERNMENT INFORMATION  
31 TECHNOLOGY AGENCY, THE SCHOOL FACILITIES BOARD AND THE UNIVERSITIES UNDER THE  
32 JURISDICTION OF THE ARIZONA BOARD OF REGENTS, THE DEPARTMENT OF EDUCATION  
33 SHALL ANNUALLY UPDATE THE STUDENT LEVEL DATA SYSTEM TO ASSESS, REPORT AND  
34 SUPPORT THE STATEWIDE IMPLEMENTATION AND OPERATION OF HYBRID E-LEARNING  
35 PROGRAMS AND THE USE BY SCHOOL DISTRICTS AND CHARTER SCHOOLS OF THE STATEWIDE  
36 HYBRID E-LEARNING INFRASTRUCTURE. THE STATEWIDE INFRASTRUCTURE SHALL  
37 INCLUDE:

38 1. THE FOLLOWING INTELLECTUAL INFRASTRUCTURE CATEGORIES:

39 (a) THE SUPPORT, ACQUISITION AND USE OF DIGITAL CONTENT AND DIGITAL  
40 CURRICULA.

41 (b) DATA-DRIVEN DECISION-SUPPORT SYSTEMS.

42 (c) TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT SYSTEMS.

43 (d) RESEARCH ON HYBRID E-LEARNING.

44 (e) RELEVANT LAWS, RULES AND REGULATIONS.

45 (f) ADVOCACY AND GUIDANCE.

1           2. THE FOLLOWING PHYSICAL INFRASTRUCTURE CATEGORIES:  
2           (a) THE ESTABLISHMENT AND MAINTENANCE OF SCHOOLS THAT ARE DESIGNED TO  
3 PROVIDE A HYBRID E-LEARNING ENVIRONMENT FOR LEARNING AND TO PREPARE STUDENTS  
4 FOR THE TWENTY-FIRST CENTURY.  
5           (b) BROADBAND INTERNET ACCESS AND USAGE.  
6           K. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
7 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
8 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH SCHOOL DISTRICTS, CHARTER  
9 SCHOOLS, THE ARIZONA E-LEARNING TASK FORCE, THE GOVERNMENT INFORMATION  
10 TECHNOLOGY AGENCY, THE SCHOOL FACILITIES BOARD AND THE UNIVERSITIES UNDER THE  
11 JURISDICTION OF THE ARIZONA BOARD OF REGENTS, THE DEPARTMENT OF EDUCATION  
12 SHALL ANNUALLY UPDATE THE STUDENT LEVEL DATA SYSTEM TO ASSESS, REPORT AND  
13 SUPPORT LOCAL DECISIONS ON THE ADOPTION AND USE OF E-LEARNING PROGRAMS BY  
14 SCHOOL DISTRICTS AND CHARTER SCHOOLS AND THE LOCAL E-LEARNING  
15 INFRASTRUCTURE. THE LOCAL INFRASTRUCTURE FOR SCHOOL DISTRICTS AND CHARTER  
16 SCHOOLS SHALL INCLUDE:  
17           1. THE FOLLOWING INTELLECTUAL INFRASTRUCTURE CATEGORIES:  
18           (a) THE USE OF DIGITAL CONTENT AND DIGITAL CURRICULA.  
19           (b) DATA-DRIVEN DECISION-SUPPORT THAT RANGES FROM REAL-TIME PUPIL  
20 FORMATIVE ASSESSMENT TO SUMMATIVE ASSESSMENTS.  
21           (c) TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT SYSTEMS.  
22           (d) TECHNICAL SUPPORT.  
23           (e) HYBRID E-LEARNING FRAMEWORKS AND TECHNOLOGY PLANS.  
24           2. THE FOLLOWING PHYSICAL INFRASTRUCTURE CATEGORIES:  
25           (a) THE ESTABLISHMENT AND MAINTENANCE OF SCHOOLS THAT ARE DESIGNED TO  
26 PROVIDE A HYBRID E-LEARNING ENVIRONMENT AND TO PREPARE STUDENTS FOR THE  
27 TWENTY-FIRST CENTURY.  
28           (b) BROADBAND INTERNET ACCESS AND USAGE.  
29           (c) WORKSTATIONS.  
30           (d) INTERFACES FOR STUDENT COMPUTING AND ONLINE ACCESS.  
31           (e) DATA HANDLING SERVICES.  
32           L. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
33 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
34 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH THE ARIZONA E-LEARNING TASK  
35 FORCE AND THE AUDITOR GENERAL, THE DEPARTMENT OF EDUCATION SHALL SUBMIT A  
36 REPORT ON OR BEFORE \_\_\_\_\_, 2011 TO THE GOVERNOR, THE SPEAKER OF THE HOUSE  
37 OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE ON THE DESIGN AND FUNDING  
38 OF THE NEXT PHASE OF THE STUDENT LEVEL DATA SYSTEM TO SUPPORT THE EXPECTED  
39 NEEDS OF THIS STATE, SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR IMPLEMENTATION  
40 IN FISCAL YEAR 2011-2012. THE DEPARTMENT OF EDUCATION SHALL PROVIDE A COPY  
41 OF THIS REPORT TO THE SECRETARY OF STATE. THE REPORT SHALL:  
42           1. ASSUME THAT HYBRID E-LEARNING PROGRAMS WILL BE ADOPTED IN ALL  
43 SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE DURING THE NEXT SEVEN-YEAR  
44 PERIOD.

1           2. ASSUME THAT HYBRID E-LEARNING PROGRAMS DATA NEEDS FOR DECISION  
2 SUPPORT AT THE STATE LEVEL, SCHOOL DISTRICT LEVEL, CHARTER SCHOOL LEVEL,  
3 SCHOOL SITE LEVEL AND CLASSROOM LEVEL WILL BE ACCOMMODATED.

4           3. INCLUDE A STUDY, ASSESSMENT AND FORECAST OF THE DEVELOPMENT OF  
5 INDUSTRY STANDARDS AND OPERATIONAL COSTS ASSOCIATED WITH THE NEXT PHASE OF  
6 THE STUDENT LEVEL DATA SYSTEM.

7           ~~J.~~ M. The department of education shall adopt guidelines to remove  
8 outdated student level data collected by school districts and charter schools  
9 from the student accountability information system.

10          ~~K.~~ N. All student level data collected pursuant to this section is  
11 confidential and is not a public record. The data collected may be used for  
12 aggregate research and reporting.

13          ~~L.~~ O. For the purposes of this section, "student level data" means  
14 all data elements that are compiled and submitted for each student in this  
15 state and that are necessary for the completion of the statutory requirements  
16 of the department of education and the state board of education relating to  
17 the calculation of funding for public education, the determination of student  
18 academic progress as measured by student testing programs in this state,  
19 state and federal reporting requirements and other duties prescribed to the  
20 department of education or the state board of education by law. Student  
21 level data does not include data elements related to student behavior,  
22 discipline, criminal history, medical history, religious affiliation,  
23 personal physical descriptors or family information not authorized by the  
24 parent or guardian of the pupil.

25          Sec. 4. Section 15-1044, Arizona Revised Statutes, is amended to read:  
26 15-1044. Arizona e-learning task force: duties: strategic plan:  
27 trial implementation

28          A. The Arizona e-learning task force is established. The task force  
29 shall consist of the following members ~~who shall be appointed on or before~~  
30 ~~August 31, 2006:~~

31           1. Two representatives of the business community with expertise in  
32 technology issues, one of whom shall be appointed by the governor and one of  
33 whom shall be appointed by the speaker of the house of representatives.

34           2. Two persons who ~~shall~~ have a background in psychometrics, one of  
35 whom shall be appointed by the president of the senate and one of whom shall  
36 be appointed by the speaker of the house of representatives.

37           3. Two persons who have expertise in curriculum development, one of  
38 whom shall be appointed by the governor and one of whom shall be appointed by  
39 the president of the senate.

40           4. One teacher who provides instruction in grade six, seven, eight or  
41 nine in a public, private or charter school and who is appointed by the  
42 speaker of the house of representatives.

43           5. One person who represents a public, private or charter school that  
44 provides instruction in grade six, seven, eight or nine and who is appointed  
45 by the governor.

1           6. One person who represents an entity that has at least ten years of  
2 experience in teacher training and professional development coursework and  
3 that has provided such training and coursework to at least five thousand  
4 teachers and who is appointed by the president of the senate.

5           7. Two persons who represent higher education and who have expertise  
6 in education technology and twenty-first century learning, one of whom shall  
7 be appointed by the president of the senate and one of whom shall be  
8 appointed by the speaker of the house of representatives.

9           8. One person who has a background in online or digital format  
10 formative assessment and who is appointed by the governor.

11           9. The superintendent of public instruction or the superintendent's  
12 designee.

13           10. The director of the government information technology agency or the  
14 director's designee.

15           B. The task force shall annually elect a chairperson from among the  
16 members of the task force. The department of education shall provide staff  
17 support for the task force.

18           C. ~~The initial members appointed pursuant to subsection A, paragraphs~~  
19 ~~1 through 8 shall assign themselves by lot to terms of one, two and three~~  
20 ~~years in office. All subsequent~~ Members appointed pursuant to subsection A,  
21 paragraphs 1 through 8 serve three year terms. The chairperson shall notify  
22 the appointing authority of these terms.

23           D. The task force shall:

24           1. Examine e-learning programs in other states.

25           2. Analyze potential methods to implement e-learning programs in this  
26 state.

27           3. Develop innovative e-learning solutions.

28           4. Submit recommendations to the legislature and the state board of  
29 education on the following:

30           (a) The transformation of traditional instruction programs to  
31 e-learning programs.

32           (b) Options to equip teachers with the most effective technology and  
33 training.

34           (c) Revisions to the current system of school funding as it applies to  
35 e-learning programs.

36           (d) The coordination of a standardized data system for use by school  
37 districts that interfaces with the data warehouse system of the department of  
38 education and that provides decision support data for the school district  
39 office, school personnel, parents and pupils.

40           (e) The enhancement and expansion of the integrated data to enhance  
41 Arizona's learning web portal system within the department of education to  
42 best serve the entire educational system in this state.

43           5. Collaborate with the government information technology agency and  
44 other public and private entities to express the technology needs of schools  
45 in this state.

1           6. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
2 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
3 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, THE  
4 UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND THE  
5 STATEWIDE LABOR ORGANIZATION THAT REPRESENTS TEACHERS, EXAMINE AND DEVELOP  
6 DESIGN SPECIFICATIONS FOR TEACHER HYBRID E-LEARNING WORKSTATIONS, INCLUDING  
7 SPECIFICATIONS FOR INTERFACES, SOFTWARE, PERIPHERAL HARDWARE AND TRAINING.  
8 THE DESIGN SPECIFICATIONS DEVELOPED PURSUANT TO THIS PARAGRAPH SHALL BE  
9 SPECIFIC TO THE GRADE LEVEL OF THE INSTRUCTION PROVIDED, THE COURSE CONTENT,  
10 SPECIFIC TEACHING ENVIRONMENTS AND THE TYPE OF LEARNING PROVIDED AND SHALL BE  
11 UPDATED EACH YEAR. THE DESIGN SPECIFICATIONS MAY BE USED BY SCHOOL  
12 DISTRICTS, CHARTER SCHOOLS AND SCHOOLS TO SUPPORT THE ADOPTION OF TEACHER  
13 WORKSTATIONS.

14           ~~6.~~ 7. Annually report to the legislature regarding e-learning  
15 programs and solutions.

16           E. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
17 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
18 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH THE ARIZONA E-LEARNING TASK  
19 FORCE, THE ARIZONA DEPARTMENT OF COMMERCE OR ITS SUCCESSOR, OTHER LOCAL AND  
20 STATE GOVERNMENTAL ENTITIES, LOCAL AND STATE PUBLIC EDUCATIONAL ENTITIES,  
21 LOCAL AND STATE BUSINESS ORGANIZATIONS AND THE TECHNOLOGY INDUSTRIES IN THIS  
22 STATE, ON OR BEFORE \_\_\_\_\_, 20\_\_, THE DEPARTMENT OF EDUCATION SHALL ISSUE  
23 A REQUEST FOR PROPOSALS TO STUDY, ASSESS AND DEVELOP A DETAILED STRATEGIC  
24 PLAN AND A STRATEGIC IMPLEMENTATION PLAN TO IMPLEMENT HYBRID E-LEARNING  
25 PROGRAMS IN THIS STATE DURING THE NEXT SEVEN-YEAR PERIOD. THE DEPARTMENT OF  
26 EDUCATION SHALL AWARD A CONTRACT PURSUANT TO THIS SUBSECTION NO LATER THAN  
27 \_\_\_\_\_, 20\_\_, SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF  
28 FEDERAL MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR  
29 PRIVATE SOURCE FOR THIS PURPOSE. THE PERSON OR ENTITY THAT IS AWARDED A  
30 CONTRACT PURSUANT TO THIS SUBSECTION SHALL DELIVER THE DETAILED STRATEGIC AND  
31 IMPLEMENTATION PLANS TO THE DEPARTMENT OF EDUCATION ON OR BEFORE  
32 \_\_\_\_\_, 20\_\_.

33           F. IN COOPERATION WITH THE ARIZONA E-LEARNING TASK FORCE, ON OR BEFORE  
34 \_\_\_\_\_, 20\_\_, THE DEPARTMENT OF EDUCATION SHALL SELECT APPROXIMATELY  
35 FIFTY PUBLIC SCHOOLS OF VARIOUS GRADE CONFIGURATIONS, DEMOGRAPHIC  
36 CHARACTERISTICS AND STUDENT COUNTS TO PARTICIPATE IN A TRIAL IMPLEMENTATION  
37 THAT IS DESIGNED TO PROVIDE AT LEAST ONE COMPUTER INTERFACE PER STUDENT FOR  
38 APPROXIMATELY THIRTY THOUSAND STUDENTS IN THE PARTICIPATING SCHOOLS BEFORE  
39 THE 2013-2014 SCHOOL YEAR. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH THE  
40 SELECTION CRITERIA FOR SCHOOLS, WHICH SHALL INCLUDE THE MANNER IN WHICH THE  
41 SCHOOL WILL ASSESS ACADEMIC PERFORMANCE, MECHANISMS TO ENSURE SUSTAINABILITY,  
42 PLANS TO REDISTRIBUTE MONIES AND THE ABILITY TO SECURE MATCHING MONIES FROM  
43 OTHER SOURCES. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE GRANTS TO THE  
44 SCHOOLS THAT ARE SELECTED TO PARTICIPATE IN THE TRIAL IMPLEMENTATION PURSUANT  
45 TO THIS SUBSECTION NO LATER THAN \_\_\_\_\_, 20\_\_, SUBJECT TO

1 APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL MONIES OR PRIVATE  
2 DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE SOURCE FOR THIS  
3 PURPOSE. THE TRIAL IMPLEMENTATION SHALL USE THE STATEWIDE INFRASTRUCTURE  
4 CATEGORIES PRESCRIBED IN SECTION 15-1042, SUBSECTION J AND SHALL USE THE  
5 STUDENT LEVEL DATA SYSTEM PRESCRIBED IN THIS ARTICLE FOR ASSESSMENTS OF  
6 PARTICIPATING PUPILS AND SCHOOLS.

7 G. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
8 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
9 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, THE  
10 ARIZONA E-LEARNING TASK FORCE SHALL SUBMIT A REPORT ON OR BEFORE \_\_\_\_\_,  
11 20\_\_ TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
12 PRESIDENT OF THE SENATE THAT EXAMINES CURRENT LAWS, RULES AND REGULATIONS,  
13 THE NEED FOR NEW LAWS, RULES AND REGULATIONS AND THE NEED FOR CHANGES TO  
14 EXISTING LAWS, RULES AND REGULATIONS THAT ARE DESIGNED TO INCLUDE FLEXIBILITY  
15 IN THE USE OF MONIES, INCLUDING THE USE OF BOND MONIES TO ACQUIRE HYBRID  
16 E-LEARNING EQUIPMENT, SOFTWARE AND PHYSICAL INFRASTRUCTURE, TO ALLOW  
17 FLEXIBILITY FOR INDIVIDUAL STUDENTS TO LEARN AT THEIR OWN PACE, INCLUDING THE  
18 GRAND CANYON DIPLOMA ESTABLISHED BY SECTION 15-792.03, AND THAT COULD BE  
19 ALIGNED TO SUPPORT THE ADOPTION OF HYBRID E-LEARNING PROGRAMS IN SCHOOL  
20 DISTRICTS AND CHARTER SCHOOLS IN THIS STATE. THE REPORT SHALL RECOMMEND  
21 LEGISLATION TO ADDRESS RELEVANT CURRENT AND LONG-RANGE ISSUES PERTAINING TO  
22 THIS TOPIC. THE ARIZONA E-LEARNING TASK FORCE SHALL PROVIDE A COPY OF THIS  
23 REPORT TO THE SECRETARY OF STATE.

24 ~~E~~ H. Task force members are not eligible for compensation, but task  
25 force members who are appointed pursuant to subsection A, paragraphs 1  
26 through 8 are eligible for reimbursement of expenses pursuant to title 38,  
27 chapter 4, article 2 from monies appropriated to the department of education.

28 Sec. 5. Title 15, chapter 9, article 8, Arizona Revised Statutes, is  
29 amended by adding section 15-1046, to read:

30 15-1046. Digital curriculum institute

31 A. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
32 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
33 SOURCE FOR THIS PURPOSE, THE DEPARTMENT OF EDUCATION AND THE ARIZONA  
34 E-LEARNING TASK FORCE SHALL ESTABLISH, IN COOPERATION WITH THE STATE BOARD OF  
35 EDUCATION, A DIGITAL CURRICULUM INSTITUTE. THE DIGITAL CURRICULUM INSTITUTE  
36 SHALL EVALUATE ONLINE COURSES, DIGITAL CONTENT AND DIGITAL CURRICULA FOR USE  
37 IN KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE. THE INITIAL  
38 EVALUATION RESULTS SHALL BE PUBLISHED ON OR BEFORE DECEMBER 31, 2011 ON A  
39 WEBSITE THAT IS MAINTAINED BY THE INSTITUTE AND THAT IS ACCESSIBLE TO SCHOOL  
40 DISTRICTS AND CHARTER SCHOOLS FOR IMPLEMENTATION AT THE BEGINNING OF THE  
41 2012-2013 SCHOOL YEAR. SCHOOL DISTRICTS, CHARTER SCHOOLS AND SCHOOLS MAY USE  
42 THE EVALUATION RESULTS TO SUPPORT DECISIONS ON THE ADOPTION AND USE OF ONLINE  
43 COURSES, DIGITAL CONTENT AND DIGITAL CURRICULA BUT ARE NOT REQUIRED TO USE  
44 THE EVALUATION RESULTS. THE EVALUATION SHALL INCLUDE THE EXTENT TO WHICH THE  
45 ONLINE COURSES, DIGITAL CONTENT AND DIGITAL CURRICULA:



- 1           1. INCREASE ACADEMIC PERFORMANCE.  
2           2. SUPPORT THE ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF  
3 EDUCATION.  
4           3. ARE GRADE LEVEL APPROPRIATE.  
5           4. ARE EASY TO USE.  
6           5. MOTIVATE STUDENTS TO LEARN.  
7           6. ARE TRANSFERABLE.  
8           7. PROVIDE FORMATIVE ASSESSMENT DATA TO STUDENTS AND TEACHERS.  
9           B. THE DIGITAL CURRICULUM INSTITUTE SHALL PROVIDE TECHNICAL ASSISTANCE  
10 AND SUPPORT TO SCHOOL DISTRICT AND CHARTER SCHOOL CURRICULUM DIRECTORS AND  
11 TEACHERS IN THE CLASSROOMS ONLY AS REQUESTED. THE INSTITUTE SHALL OFFER  
12 ONLINE SUPPORT THROUGH A KNOWLEDGE-BASED WEB PORTAL.  
13           C. THE DIGITAL CURRICULUM INSTITUTE MAY SOLICIT AND ACCEPT GRANTS AND  
14 DONATIONS FROM ANY LAWFUL PUBLIC OR PRIVATE SOURCE IN ORDER TO CARRY OUT THE  
15 PURPOSES OF THIS SECTION. THE STATE BOARD OF EDUCATION SHALL DEPOSIT MONIES  
16 RECEIVED PURSUANT TO THIS SUBSECTION IN A SEPARATE ACCOUNT MAINTAINED FOR  
17 THIS PURPOSE.  
18           D. THE DIGITAL CURRICULUM INSTITUTE MAY ESTABLISH AN ADVISORY PANEL TO  
19 PROVIDE ADDITIONAL RESEARCH-BASED DATA. THE ADVISORY PANEL SHALL BE COMPOSED  
20 OF TEACHERS, PERSONS WITH EXPERTISE IN INSTRUCTIONAL TECHNOLOGY AND PERSONS  
21 WITH EXPERTISE IN DIGITAL CURRICULA.  
22           E. THE DIGITAL CURRICULUM INSTITUTE MAY USE THE SERVICES OF STATE  
23 AGENCIES, INDIVIDUALS AND ORGANIZATIONS THAT HAVE EXPERTISE IN DIGITAL  
24 CURRICULA AND EXTENSION SERVICES.  
25           Sec. 6. Section 41-3504, Arizona Revised Statutes, is amended to read:  
26 41-3504. Powers and duties of the agency; violation;  
27 classification  
28           A. ~~For budget units,~~ The agency shall:  
29           1. Develop, implement and maintain a coordinated statewide plan for  
30 information technology. This includes:  
31           (a) Adopting statewide technical, coordination and security standards  
32 for information technology.  
33           (b) Serving as statewide coordinator for information technology  
34 resources.  
35           (c) Developing a statewide disaster recovery plan.  
36           (d) Developing a list of approved agency projects by priority  
37 category.  
38           (e) Developing a detailed list of information technology assets owned,  
39 leased or employed by this state.  
40           (f) Evaluating and either approving or disapproving budget unit  
41 information technology plans. Budget units shall submit information  
42 technology plans that include quality assurance plans and disaster recovery  
43 plans to the agency each year on or before September 1. The legislative and  
44 judicial departments of state government shall submit information technology  
45 plans for information purposes.

- 1 (g) Evaluating specific information technology projects relating to  
2 the approved budget unit and statewide information technology plans. The  
3 agency shall approve or reject projects with total costs of at least  
4 twenty-five thousand dollars but not more than one million dollars and may  
5 establish conditional approval criteria including procurement purchase  
6 authority. If the total project costs exceed one million dollars, the agency  
7 shall evaluate the project and make recommendations to the committee.  
8 ~~Beginning on June 1, 1998,~~ As part of a budget request for an information  
9 technology project that has total costs of at least twenty-five thousand  
10 dollars, a budget unit shall indicate the status of review by the agency.  
11 Projects shall not be artificially divided to avoid review by the agency.
- 12 2. Require that budget units incorporate THE life cycle analysis  
13 prescribed by section 41-2553 into the information technology planning,  
14 budgeting and procurement processes.
- 15 3. Require that budget units demonstrate expertise to carry out  
16 information technology plans, either by employing staff or contracting for  
17 outside services.
- 18 4. Monitor information technology projects that the agency considers  
19 to be major or critical, including expenditure and activity reports and  
20 periodic review.
- 21 5. Temporarily suspend the expenditure of monies if the agency  
22 determines that the information technology project is at risk of failing to  
23 achieve its intended results or does not comply with the requirements of this  
24 section.
- 25 6. Continuously study emergent technology and evaluate its impact on  
26 this state's system.
- 27 7. Advise each budget unit as necessary and report to the committee on  
28 an annual basis.
- 29 8. Provide to budget units, ~~—~~ information technology consulting  
30 services it deems necessary, either directly or by procuring outside  
31 consulting services.
- 32 9. Maintain all otherwise confidential information received from a  
33 budget unit pursuant to this section as confidential.
- 34 10. Provide staff support to the committee.
- 35 11. Subject to section 35-149, accept, spend and account for grants,  
36 monies and direct payments from public or private sources and other grants of  
37 monies or property for the conduct of programs that it deems consistent with  
38 the overall purposes and objectives of the agency.
- 39 12. Adopt rules it deems necessary or desirable to further the  
40 objectives and programs of the agency.
- 41 13. Formulate policies, plans and programs to effectuate the purposes  
42 of the agency.
- 43 14. Advise and make recommendations to the governor and the legislature  
44 on all matters concerning its objectives.

1           15. Contract and enter into interagency and intergovernmental  
2 agreements pursuant to title 11, chapter 7, article 3 with any public or  
3 private party.

4           16. Have an official seal that shall be judicially noticed.

5           B. The agency shall advise the judicial and legislative branches of  
6 state government concerning information technology.

7           C. The agency may examine all books, papers, records and documents in  
8 the office of any budget unit and may require any state officer of the budget  
9 unit to furnish information or statements necessary to carry out ~~the~~  
10 ~~provisions of~~ this chapter.

11           D. The director, any member of the director's staff or any employee  
12 who knowingly divulges or makes known in any manner not permitted by law any  
13 particulars of any confidential record, document or information is guilty of  
14 a class 5 felony.

15           E. SUBJECT TO APPROPRIATION OF STATE MONIES OR RECEIPT OF FEDERAL  
16 MONIES OR PRIVATE DONATIONS OR GRANTS FROM ANY LAWFUL PUBLIC OR PRIVATE  
17 SOURCE FOR THIS PURPOSE, IN COOPERATION WITH THE DEPARTMENT OF EDUCATION, THE  
18 ARIZONA E-LEARNING TASK FORCE AND THE TELECOMMUNICATIONS INDUSTRIES IN THIS  
19 STATE, THE AGENCY SHALL SUBMIT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF  
20 REPRESENTATIVES AND THE PRESIDENT OF THE SENATE A SEMIANNUAL REPORT THAT  
21 ASSESSES THE CURRENT ADEQUACY OF BROADBAND INTERNET ACCESS IN THE SCHOOL  
22 DISTRICTS AND CHARTER SCHOOLS IN THIS STATE AND THAT FORECASTS THE  
23 ANTICIPATED NEED FOR AFFORDABLE BROADBAND ACCESS BY SCHOOL DISTRICTS AND  
24 CHARTER SCHOOLS IN THE NEXT TEN-YEAR PERIOD. THE AGENCY SHALL PROVIDE A COPY  
25 OF THIS REPORT TO THE SECRETARY OF STATE.