

REFERENCE TITLE: 2013-2014; K-12 education; budget reconciliation

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

## **SB 1487**

Introduced by  
Senators McComish, Driggs, Shooter (with permission of Committee on Rules)

### AN ACT

REPEALING SECTION 15-105, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-185, 15-249 AND 15-249.02, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-249.04; AMENDING SECTIONS 15-901, 15-909, 15-945 AND 15-961, ARIZONA REVISED STATUTES; REPEALING SECTION 15-962, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-962.01, 15-2002 AND 15-2011, ARIZONA REVISED STATUTES; REPEALING SECTION 15-2031, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-2032 AND 15-2041, ARIZONA REVISED STATUTES; REPEALING LAWS 2011, SECOND SPECIAL SESSION, CHAPTER 1, SECTION 135; RELATING TO KINDERGARTEN THROUGH GRADE TWELVE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal; transfer of monies

3 A. Section 15-105, Arizona Revised Statutes, is repealed.

4 B. All monies remaining in the early graduation scholarship fund  
5 established by section 15-105, Arizona Revised Statutes, are transferred on  
6 the effective date of this act to the commission for postsecondary education  
7 IGA and ISA fund for the purpose of funding a one-year continuation of the  
8 special education grant program that provides forgivable student loans to  
9 juniors and seniors who attend private postsecondary educational institutions  
10 in this state.

11 Sec. 2. Section 15-185, Arizona Revised Statutes, is amended to read:

12 15-185. Charter schools; financing; civil penalty;  
13 transportation; definitions

14 A. Financial provisions for a charter school that is sponsored by a  
15 school district governing board are as follows:

16 1. The charter school shall be included in the district's budget and  
17 financial assistance calculations pursuant to paragraph 3 of this subsection  
18 and chapter 9 of this title, except for chapter 9, article 4 of this title.  
19 The charter of the charter school shall include a description of the methods  
20 of funding the charter school by the school district. The school district  
21 shall send a copy of the charter and application, including a description of  
22 how the school district plans to fund the school, to the state board of  
23 education before the start of the first fiscal year of operation of the  
24 charter school. The charter or application shall include an estimate of the  
25 student count for the charter school for its first fiscal year of operation.  
26 This estimate shall be computed pursuant to the requirements of paragraph 3  
27 of this subsection.

28 2. A school district is not financially responsible for any charter  
29 school that is sponsored by the state board of education, the state board for  
30 charter schools, a university under the jurisdiction of the Arizona board of  
31 regents, a community college district or a group of community college  
32 districts.

33 3. A school district that sponsors a charter school may:

34 (a) Increase its student count as provided in subsection B, paragraph  
35 2 of this section during the first year of the charter school's operation to  
36 include those charter school pupils who were not previously enrolled in the  
37 school district. A charter school sponsored by a school district governing  
38 board is eligible for the **CHARTER ADDITIONAL** assistance prescribed in  
39 subsection B, paragraph 4 of this section. The ~~soft-capital~~ **DISTRICT**  
40 **ADDITIONAL ASSISTANCE** allocation as provided in section ~~15-962~~ **15-961** for the  
41 school district sponsoring the charter school shall be increased by the  
42 amount of the **CHARTER** additional assistance. The school district shall  
43 include the full amount of the **CHARTER** additional assistance in the funding  
44 provided to the charter school.

1 (b) Compute separate weighted student counts pursuant to section  
2 15-943, paragraph 2, subdivision (a) for its noncharter school versus charter  
3 school pupils in order to maintain eligibility for small school district  
4 support level weights authorized in section 15-943, paragraph 1 for its  
5 noncharter school pupils only. The portion of a district's student count  
6 that is attributable to charter school pupils is not eligible for small  
7 school district support level weights.

8 4. If a school district uses the provisions of paragraph 3 of this  
9 subsection, the school district is not eligible to include those pupils in  
10 its student count for the purposes of computing an increase in its revenue  
11 control limit and district support level as provided in section 15-948.

12 5. A school district that sponsors a charter school is not eligible to  
13 include the charter school pupils in its student count for the purpose of  
14 computing an increase in its ~~capital outlay revenue limit~~ DISTRICT ADDITIONAL  
15 ASSISTANCE as provided in section 15-961, subsection ~~C~~ B, except that if the  
16 charter school was previously a school in the district, the district may  
17 include in its student count any charter school pupils who were enrolled in  
18 the school district in the prior year.

19 6. A school district that sponsors a charter school is not eligible to  
20 include the charter school pupils in its student count for the purpose of  
21 computing the revenue control limit which is used to determine the maximum  
22 budget increase as provided in chapter 4, article 4 of this title unless the  
23 charter school is located within the boundaries of the school district.

24 7. If a school district converts one or more of its district public  
25 schools to a charter school and receives assistance as prescribed in  
26 subsection B, paragraph 4 of this section, and subsequently converts the  
27 charter school back to a district public school, the school district shall  
28 repay the state the total additional assistance received for the charter  
29 school for all years that the charter school was in operation. The repayment  
30 shall be in one lump sum and shall be reduced from the school district's  
31 current year equalization assistance. The school district's general budget  
32 limit shall be reduced by the same lump sum amount in the current year.

33 B. Financial provisions for a charter school that is sponsored by the  
34 state board of education, the state board for charter schools, a university,  
35 a community college district or a group of community college districts are as  
36 follows:

37 1. The charter school shall calculate a base support level as  
38 prescribed in section 15-943, except that section 15-941 does not apply to  
39 these charter schools.

40 2. Notwithstanding paragraph 1 of this subsection, the student count  
41 shall be determined initially using an estimated student count based on  
42 actual registration of pupils before the beginning of the school year. After  
43 the first one hundred days or two hundred days in session, as applicable, the  
44 charter school shall revise the student count to be equal to the actual  
45 average daily membership, as defined in section 15-901, of the charter

1 school. Before the one hundredth day or two hundredth day in session, as  
2 applicable, the state board of education, the state board for charter  
3 schools, the sponsoring university, the sponsoring community college district  
4 or the sponsoring group of community college districts may require a charter  
5 school to report periodically regarding pupil enrollment and attendance, and  
6 the department of education may revise its computation of equalization  
7 assistance based on the report. A charter school shall revise its student  
8 count, base support level and additional assistance before May 15. A charter  
9 school that overestimated its student count shall revise its budget before  
10 May 15. A charter school that underestimated its student count may revise  
11 its budget before May 15.

12 3. A charter school may utilize section 15-855 for the purposes of  
13 this section. The charter school and the department of education shall  
14 prescribe procedures for determining average daily membership.

15 4. Equalization assistance for the charter school shall be determined  
16 by adding the amount of the base support level and CHARTER additional  
17 assistance. The amount of the CHARTER additional assistance is one thousand  
18 ~~six~~ FIVE hundred ~~fifty-four~~ SEVENTY-EIGHT dollars ~~forty-one~~ NINE cents per  
19 student count in kindergarten programs and grades one through eight and one  
20 thousand ~~nine~~ EIGHT hundred ~~twenty-eight~~ THIRTY-NINE dollars ~~nineteen~~  
21 TWENTY-THREE cents per student count in grades nine through twelve.

22 5. The state board of education shall apportion state aid from the  
23 appropriations made for such purposes to the state treasurer for disbursement  
24 to the charter schools in each county in an amount as determined by this  
25 paragraph. The apportionments shall be made as prescribed in section 15-973,  
26 subsection B.

27 6. The charter school shall not charge tuition for pupils who reside  
28 in this state, levy taxes or issue bonds. A charter school may admit pupils  
29 who are not residents of this state and shall charge tuition for those pupils  
30 in the same manner prescribed in section 15-823.

31 7. Not later than noon on the day preceding each apportionment date  
32 established by paragraph 5 of this subsection, the superintendent of public  
33 instruction shall furnish to the state treasurer an abstract of the  
34 apportionment and shall certify the apportionment to the department of  
35 administration, which shall draw its warrant in favor of the charter schools  
36 for the amount apportioned.

37 C. If a pupil is enrolled in both a charter school and a public school  
38 that is not a charter school, the sum of the daily membership, which includes  
39 enrollment as prescribed in section 15-901, subsection A, paragraph 1,  
40 subdivisions (a) and (b) and daily attendance as prescribed in section  
41 15-901, subsection A, paragraph 5, for that pupil in the school district and  
42 the charter school shall not exceed 1.0, except that if the pupil is enrolled  
43 in both a charter school and a joint technical education district and resides  
44 within the boundaries of a school district participating in the joint  
45 technical education district, the sum of the average daily membership for

1 that pupil in the charter school and the joint technical education district  
2 shall not exceed 1.25. If a pupil is enrolled in both a charter school and a  
3 public school that is not a charter school, the department of education shall  
4 direct the average daily membership to the school with the most recent  
5 enrollment date. Upon validation of actual enrollment in both a charter  
6 school and a public school that is not a charter school and if the sum of the  
7 daily membership or daily attendance for that pupil is greater than 1.0, the  
8 sum shall be reduced to 1.0 and shall be apportioned between the public  
9 school and the charter school based on the percentage of total time that the  
10 pupil is enrolled or in attendance in the public school and the charter  
11 school, except that if the pupil is enrolled in both a charter school and a  
12 joint technical education district and resides within the boundaries of a  
13 school district participating in the joint technical education district, the  
14 sum of the average daily membership for that pupil in the charter school and  
15 the joint technical education district shall be reduced to 1.25 and shall be  
16 apportioned between the charter school and the joint technical education  
17 district based on the percentage of total time that the pupil is enrolled or  
18 in attendance in the charter school and the joint technical education  
19 district. The uniform system of financial records shall include guidelines  
20 for the apportionment of the pupil enrollment and attendance as provided in  
21 this section.

22 D. Charter schools are allowed to accept grants and gifts to  
23 supplement their state funding, but it is not the intent of the charter  
24 school law to require taxpayers to pay twice to educate the same pupils. The  
25 base support level for a charter school or for a school district sponsoring a  
26 charter school shall be reduced by an amount equal to the total amount of  
27 monies received by a charter school from a federal or state agency if the  
28 federal or state monies are intended for the basic maintenance and operations  
29 of the school. The superintendent of public instruction shall estimate the  
30 amount of the reduction for the budget year and shall revise the reduction to  
31 reflect the actual amount before May 15 of the current year. If the  
32 reduction results in a negative amount, the negative amount shall be used in  
33 computing all budget limits and equalization assistance, except that:

34 1. Equalization assistance shall not be less than zero.

35 2. For a charter school sponsored by the state board of education, the  
36 state board for charter schools, a university, a community college district  
37 or a group of community college districts, the total of the base support  
38 level and the additional assistance shall not be less than zero.

39 3. For a charter school sponsored by a school district, the base  
40 support level for the school district shall not be reduced by more than the  
41 amount that the charter school increased the district's base support  
42 level, ~~capital outlay revenue limit~~ and ~~soft capital~~ DISTRICT ADDITIONAL  
43 ASSISTANCE allocation.

1 E. If a charter school was a district public school in the prior year  
2 and is now being operated for or by the same school district and sponsored by  
3 the state board of education, the state board for charter schools, a  
4 university, a community college district, a group of community college  
5 districts or a school district governing board, the reduction in subsection D  
6 of this section applies. The reduction to the base support level of the  
7 charter school or the sponsoring district of the charter school shall equal  
8 the sum of the base support level and the additional assistance received in  
9 the current year for those pupils who were enrolled in the traditional public  
10 school in the prior year and are now enrolled in the charter school in the  
11 current year.

12 F. Equalization assistance for charter schools shall be provided as a  
13 single amount based on average daily membership without categorical  
14 distinctions between maintenance and operations or capital.

15 G. At the request of a charter school, the county school  
16 superintendent of the county where the charter school is located may provide  
17 the same educational services to the charter school as prescribed in section  
18 15-308, subsection A. The county school superintendent may charge a fee to  
19 recover costs for providing educational services to charter schools.

20 H. If the sponsor of the charter school determines at a public meeting  
21 that the charter school is not in compliance with federal law, with the laws  
22 of this state or with its charter, the sponsor of a charter school may submit  
23 a request to the department of education to withhold up to ten per cent of  
24 the monthly apportionment of state aid that would otherwise be due the  
25 charter school. The department of education shall adjust the charter  
26 school's apportionment accordingly. The sponsor shall provide written notice  
27 to the charter school at least seventy-two hours before the meeting and shall  
28 allow the charter school to respond to the allegations of noncompliance at  
29 the meeting before the sponsor makes a final determination to notify the  
30 department of education of noncompliance. The charter school shall submit a  
31 corrective action plan to the sponsor on a date specified by the sponsor at  
32 the meeting. The corrective action plan shall be designed to correct  
33 deficiencies at the charter school and to ensure that the charter school  
34 promptly returns to compliance. When the sponsor determines that the charter  
35 school is in compliance, the department of education shall restore the full  
36 amount of state aid payments to the charter school.

37 I. In addition to the withholding of state aid payments pursuant to  
38 subsection H of this section, the sponsor of a charter school may impose a  
39 civil penalty of one thousand dollars per occurrence if a charter school  
40 fails to comply with the fingerprinting requirements prescribed in section  
41 15-183, subsection C or section 15-512. The sponsor of a charter school  
42 shall not impose a civil penalty if it is the first time that a charter  
43 school is out of compliance with the fingerprinting requirements and if the  
44 charter school provides proof within forty-eight hours of written  
45 notification that an application for the appropriate fingerprint check has

1 been received by the department of public safety. The sponsor of the charter  
2 school shall obtain proof that the charter school has been notified, and the  
3 notification shall identify the date of the deadline and shall be signed by  
4 both parties. The sponsor of a charter school shall automatically impose a  
5 civil penalty of one thousand dollars per occurrence if the sponsor  
6 determines that the charter school subsequently violates the fingerprinting  
7 requirements. Civil penalties pursuant to this subsection shall be assessed  
8 by requesting the department of education to reduce the amount of state aid  
9 that the charter school would otherwise receive by an amount equal to the  
10 civil penalty. The amount of state aid withheld shall revert to the state  
11 general fund at the end of the fiscal year.

12 J. A charter school may receive and spend monies distributed by the  
13 department of education pursuant to section 42-5029, subsection E and section  
14 37-521, subsection B.

15 K. If a school district transports or contracts to transport pupils to  
16 the Arizona state schools for the deaf and the blind during any fiscal year,  
17 the school district may transport or contract with a charter school to  
18 transport sensory impaired pupils during that same fiscal year to a charter  
19 school if requested by the parent of the pupil and if the distance from the  
20 pupil's place of actual residence within the school district to the charter  
21 school is less than the distance from the pupil's place of actual residence  
22 within the school district to the campus of the Arizona state schools for the  
23 deaf and the blind.

24 L. Notwithstanding any other law, a university under the jurisdiction  
25 of the Arizona board of regents, a community college district or a group of  
26 community college districts shall not include any student in the student  
27 count of the university, community college district or group of community  
28 college districts for state funding purposes if that student is enrolled in  
29 and attending a charter school sponsored by the university, community college  
30 district or group of community college districts.

31 M. The governing body of a charter school shall transmit a copy of its  
32 proposed budget or the summary of the proposed budget and a notice of the  
33 public hearing to the department of education for posting on the department  
34 of education's website no later than ten days before the hearing and meeting.  
35 If the charter school maintains a website, the charter school governing body  
36 shall post on its website a copy of its proposed budget or the summary of the  
37 proposed budget and a notice of the public hearing.

38 N. The governing body of a charter school shall collaborate with the  
39 private organization that is approved by the state board of education  
40 pursuant to section 15-792.02 to provide approved board examination systems  
41 for the charter school.

42 O. If permitted by federal law, a charter school may opt out of  
43 federal grant opportunities if the charter holder or the appropriate  
44 governing body of the charter school determines that the federal requirements  
45 impose unduly burdensome reporting requirements.

1 P. For the purposes of this section:

2 1. "Monies intended for the basic maintenance and operations of the  
3 school" means monies intended to provide support for the educational program  
4 of the school, except that it does not include supplemental assistance for a  
5 specific purpose or title VIII of the elementary and secondary education act  
6 of 1965 monies. The auditor general shall determine which federal or state  
7 monies meet the definition in this paragraph.

8 2. "Operated for or by the same school district" means the charter  
9 school is either governed by the same district governing board or operated by  
10 the district in the same manner as other traditional schools in the district  
11 or is operated by an independent party that has a contract with the school  
12 district. The auditor general and the department of education shall  
13 determine which charter schools meet the definition in this subsection.

14 Sec. 3. Section 15-249, Arizona Revised Statutes, is amended to read:  
15 15-249. Department of education; education learning and  
16 accountability system; reports; reviews

17 A. Subject to appropriation of state monies, or receipt of federal  
18 monies, private donations or grants from any lawful public or private source  
19 for this purpose, the department of education, in coordination with the data  
20 governance commission established by section 15-249.01, shall develop and  
21 implement the education learning and accountability system to collect,  
22 compile, maintain and report student level data for students attending public  
23 educational institutions that provide instruction to pupils in preschool  
24 programs, kindergarten programs, grades one through twelve and postsecondary  
25 educational programs in this state.

26 B. The education learning and accountability system shall:

27 1. Maintain longitudinal, student level data, including student  
28 demographic, grade level, assessment, teacher assignment and other data  
29 required to meet state and federal reporting requirements.

30 2. Incorporate the student accountability information system  
31 prescribed in chapter 9, article 8 of this title.

32 3. Be accessible through commonly used internet web browsers to carry  
33 out the data collection, compilation and reporting duties prescribed in this  
34 title.

35 C. The department of education may contract with a third party to  
36 carry out the purposes of this section.

37 D. The department of education, in coordination with the data  
38 governance commission, shall develop a detailed plan to develop and implement  
39 the education learning and accountability system. **THE DEPARTMENT SHALL**  
40 **CONTRACT WITH AN INDEPENDENT THIRD PARTY TO REVIEW AND EVALUATE THE PLAN AND**  
41 **TO MONITOR AND EVALUATE THE IMPLEMENTATION.**

42 E. The department of education **AND THE INDEPENDENT EVALUATOR** shall  
43 present the plan **AND THE INDEPENDENT EVALUATION** developed pursuant to  
44 subsection D of this section to the ~~state board of education~~ **JOINT**  
45 **LEGISLATIVE BUDGET COMMITTEE** for review and approval. The department of



1 education AND THE INDEPENDENT EVALUATOR shall continue to provide quarterly  
2 reports to the ~~state board of education~~ JOINT LEGISLATIVE BUDGET COMMITTEE,  
3 or on request, for review and approval of the ~~state board of education~~ JOINT  
4 LEGISLATIVE BUDGET COMMITTEE, on the development and implementation of the  
5 education learning and accountability system. All reports provided shall  
6 include progress and expenditures to date, timelines, ~~and~~ cost estimates for  
7 completion AND PLANS FOR ONGOING SYSTEMS MAINTENANCE AND OPERATIONS.

8 F. Any contract awarded pursuant to subsection C of this section shall  
9 allow the superintendent of public instruction to renew the contracts for two  
10 subsequent periods of not more than three years each and shall prescribe the  
11 circumstances under which the superintendent of public instruction may  
12 terminate the contracts. The contracts shall allow this state to cancel any  
13 contract at any time after the first year of operation, without penalty to  
14 this state, on ninety days' written notice and shall require the contractor  
15 to be in compliance at all times with state and federal law.

16 G. Any contract awarded pursuant to subsection C of this section may  
17 provide for annual contract price or cost adjustments, except that any  
18 adjustments may be made only once each year effective on the anniversary of  
19 the contract's effective date. Any adjustment made pursuant to the terms of  
20 the contract must be applied to the total payments made to the contractor for  
21 the previous contract year and shall not exceed the percentage change in the  
22 average consumer price index as published by the United States department of  
23 labor, bureau of labor statistics between that figure for the latest calendar  
24 year and the next previous calendar year. Any price or cost adjustments that  
25 are different than those authorized in this subsection may be made only if  
26 the legislature specifically authorizes the adjustments and appropriates  
27 monies for that purpose, if required.

28 H. The superintendent of public instruction shall not award a contract  
29 pursuant to this section unless:

30 1. The superintendent of public instruction receives an acceptable  
31 proposal pursuant to any request for proposals. For the purposes of this  
32 paragraph, "acceptable proposal" means a proposal that substantially meets  
33 all of the requirements or conditions prescribed in this section and in the  
34 request for proposals.

35 2. The proposal offers a level and quality of services that equal or  
36 exceed the services that would be provided by this state.

37 3. The contractor provides audited financial statements for the  
38 previous five years, or for each year that the contractor has been in  
39 operation if fewer than five years, and provides other financial information  
40 as requested.

41 I. The sovereign immunity of this state does not apply to any  
42 contractor who is a party to any contract pursuant to this section. The  
43 contractor or any agent of the contractor may not plead the defense of  
44 sovereign immunity in any action arising out of the performance of the  
45 contract.

1 J. The terms of any contract pursuant to this section are subject to  
2 review by the joint legislative budget committee before placement of any  
3 advertisement that solicits a response to a request for proposals. Any  
4 proposed modification or amendment to the contract is subject to prior review  
5 by the joint legislative budget committee.

6 K. During the first year of operation under a contract executed  
7 pursuant to this section, the contracting entity shall submit monthly reports  
8 to the department of education as prescribed by the department. After the  
9 first year of operation under the contract, the contracting entity shall  
10 submit quarterly reports to the department as prescribed by the department.  
11 THE DEPARTMENT SHALL FURNISH COPIES OF ALL REPORTS TO THE INDEPENDENT  
12 EVALUATOR.

13 L. At the end of the second year of a contract executed pursuant to  
14 this section, an independent evaluator selected ~~by the superintendent of~~  
15 ~~public instruction~~ PURSUANT TO SUBSECTION D OF THIS SECTION shall conduct and  
16 complete a performance review to determine if the contracting entity has met  
17 the goals specified in the contract. The independent evaluator shall submit  
18 a report of the independent evaluator's findings to the governor, the  
19 president of the senate and the speaker of the house of representatives on or  
20 before May 1, and shall provide a copy of this report to the secretary of  
21 state.

22 M. THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH SCHOOL DISTRICTS AND  
23 CHARTER SCHOOLS TO PROVIDE SERVICES FROM THE COMPLETED EDUCATION LEARNING AND  
24 ACCOUNTABILITY SYSTEM AND COLLECT SERVICE FEES. BEGINNING JULY 1, 2014, THE  
25 DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE  
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES AN ANNUAL REPORT REGARDING THE  
27 AGREEMENTS EXECUTED PURSUANT TO THIS SECTION. THE REPORT SHALL INCLUDE THE  
28 NUMBER OF PARTICIPATING SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE SERVICES  
29 BEING PROVIDED, ESTIMATED COST SAVINGS CREATED BY THE AGREEMENTS AND  
30 PROJECTED PARTICIPATION IN FUTURE YEARS. THE DEPARTMENT SHALL SUBMIT A COPY  
31 OF THIS REPORT TO THE SECRETARY OF STATE.

32 Sec. 4. Section 15-249.02, Arizona Revised Statutes, is amended to  
33 read:

34 15-249.02. Education learning and accountability fund;  
35 appropriation; subaccounts

36 A. The education learning and accountability fund is established  
37 consisting of legislative appropriations and fees collected from universities  
38 and community college districts, SERVICE FEES, PRIVATE DONATIONS AND GRANTS  
39 FROM ANY LAWFUL PUBLIC OR PRIVATE SOURCE in support of the education learning  
40 and accountability system for public education. The department of education  
41 shall administer the fund. Monies in the fund are exempt from the provisions  
42 of section 35-190 relating to lapsing of appropriations. ~~All monies~~  
43 ~~deposited in the fund for fiscal year 2011-2012 are appropriated for use in~~  
44 ~~fiscal year 2011-2012 and fiscal year 2012-2013.~~ Monies in the fund may only  
45 be used for the purposes prescribed in section 15-249 and are subject to the

1 requirements for review by the joint legislative budget committee prescribed  
2 in that section.

3 B. The general fund subaccount is established within the education  
4 learning and accountability fund consisting of appropriations from the state  
5 general fund that are deposited into the fund. Monies in the subaccount are  
6 continuously appropriated.

7 C. The university and community college fee subaccount is established  
8 within the education learning and accountability fund consisting of fees  
9 collected from universities and community college districts that are  
10 deposited into the fund. Monies in the subaccount are subject to legislative  
11 appropriation.

12 D. THE SERVICE FEE, DONATION AND GRANT SUBACCOUNT IS ESTABLISHED  
13 WITHIN THE EDUCATION LEARNING AND ACCOUNTABILITY FUND CONSISTING OF SERVICE  
14 FEES COLLECTED PURSUANT TO SECTION 15-249, SUBSECTION M, PRIVATE DONATIONS  
15 AND GRANTS THAT ARE DEPOSITED INTO THE FUND. MONIES IN THE SUBACCOUNT ARE  
16 SUBJECT TO LEGISLATIVE APPROPRIATION.

17 Sec. 5. Title 15, chapter 2, article 2, Arizona Revised Statutes, is  
18 amended by adding section 15-249.04, to read:

19 15-249.04. Report; school district overrides

20 ON OR BEFORE NOVEMBER 30 OF EACH YEAR, THE DEPARTMENT OF EDUCATION  
21 SHALL ELECTRONICALLY SUBMIT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE AND THE  
22 GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING A REPORT THAT LISTS THE  
23 AMOUNT BUDGETED BY INDIVIDUAL SCHOOL DISTRICTS FOR THE CURRENT FISCAL YEAR  
24 FOR EACH TYPE OF OVERRIDE CONDUCTED PURSUANT TO SECTION 15-481 OR 15-482.

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

26 15-901. Definitions

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

28 1. "Average daily membership" means the total enrollment of fractional  
29 students and full-time students, minus withdrawals, of each school day  
30 through the first one hundred days or two hundred days in session, as  
31 applicable, for the current year. Withdrawals include students formally  
32 withdrawn from schools and students absent for ten consecutive school days,  
33 except for excused absences identified by the department of education. For  
34 the purposes of this section, school districts and charter schools shall  
35 report student absence data to the department of education at least once  
36 every sixty days in session. For computation purposes, the effective date of  
37 withdrawal shall be retroactive to the last day of actual attendance of the  
38 student or excused absence.

39 (a) "Fractional student" means:

40 (i) For common schools, a preschool child who is enrolled in a program  
41 for preschool children with disabilities of at least three hundred sixty  
42 minutes each week or a kindergarten student at least five years of age before  
43 January 1 of the school year and enrolled in a school kindergarten program  
44 that meets at least three hundred fifty-six hours for a one hundred eighty  
45 day school year, or the instructional hours prescribed in this section.

1 Lunch periods and recess periods may not be included as part of the  
2 instructional hours unless the child's individualized education program  
3 requires instruction during those periods and the specific reasons for such  
4 instruction are fully documented. In computing the average daily membership,  
5 preschool children with disabilities and kindergarten students shall be  
6 counted as one-half of a full-time student. For common schools, a part-time  
7 student is a student enrolled for less than the total time for a full-time  
8 student as defined in this section. A part-time common school student shall  
9 be counted as one-fourth, one-half or three-fourths of a full-time student if  
10 the student is enrolled in an instructional program that is at least  
11 one-fourth, one-half or three-fourths of the time a full-time student is  
12 enrolled as defined in subdivision (b) of this paragraph.

13 (ii) For high schools, a part-time student who is enrolled in less  
14 than four subjects that count toward graduation as defined by the state board  
15 of education, each of which, if taught each school day for the minimum number  
16 of days required in a school year, would meet a minimum of one hundred  
17 twenty-three hours a year, or the equivalent, in a recognized high school.  
18 The average daily membership of a part-time high school student shall be 0.75  
19 if the student is enrolled in an instructional program of three subjects that  
20 meet at least five hundred forty hours for a one hundred eighty day school  
21 year, or the instructional hours prescribed in this section. The average  
22 daily membership of a part-time high school student shall be 0.5 if the  
23 student is enrolled in an instructional program of two subjects that meet at  
24 least three hundred sixty hours for a one hundred eighty day school year, or  
25 the instructional hours prescribed in this section. The average daily  
26 membership of a part-time high school student shall be 0.25 if the student is  
27 enrolled in an instructional program of one subject that meets at least one  
28 hundred eighty hours for a one hundred eighty day school year, or the  
29 instructional hours prescribed in this section.

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

31 (i) For common schools, a student who is at least six years of age  
32 before January 1 of a school year, who has not graduated from the highest  
33 grade taught in the school district and who is regularly enrolled in a course  
34 of study required by the state board of education. First, second and third  
35 grade students, ungraded students at least six, but under nine, years of age  
36 by September 1 or ungraded group B children with disabilities who are at  
37 least five, but under six, years of age by September 1 must be enrolled in an  
38 instructional program that meets for a total of at least seven hundred twelve  
39 hours for a one hundred eighty day school year, or the instructional hours  
40 prescribed in this section. Fourth, fifth and sixth grade students or  
41 ungraded students at least nine, but under twelve, years of age by September  
42 1 must be enrolled in an instructional program that meets for a total of at  
43 least eight hundred ninety hours for a one hundred eighty day school year, or  
44 the instructional hours prescribed in this section. Seventh and eighth grade  
45 students or ungraded students at least twelve, but under fourteen, years of

1 age by September 1 must be enrolled in an instructional program that meets  
2 for at least one thousand hours. Lunch periods and recess periods may not be  
3 included as part of the instructional hours unless the student is a child  
4 with a disability and the child's individualized education program requires  
5 instruction during those periods and the specific reasons for such  
6 instruction are fully documented.

7 (ii) For high schools, ~~except as provided in section 15-105,~~ a student  
8 not graduated from the highest grade taught in the school district, or an  
9 ungraded student at least fourteen years of age by September 1, and enrolled  
10 in at least an instructional program of four or more subjects that count  
11 toward graduation as defined by the state board of education, each of which,  
12 if taught each school day for the minimum number of days required in a school  
13 year, would meet a minimum of one hundred twenty-three hours a year, or the  
14 equivalent, that meets for a total of at least seven hundred twenty hours for  
15 a one hundred eighty day school year, or the instructional hours prescribed  
16 in this section in a recognized high school. A full-time student shall not  
17 be counted more than once for computation of average daily membership. The  
18 average daily membership of a full-time high school student shall be 1.0 if  
19 the student is enrolled in at least four subjects that meet at least seven  
20 hundred twenty hours for a one hundred eighty day school year, or the  
21 equivalent instructional hours prescribed in this section.

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

25 (iv) Except as otherwise provided by law, for any student who is  
26 concurrently enrolled in a school district and a charter school, the average  
27 daily membership shall be apportioned between the school district and the  
28 charter school and shall not exceed 1.0. The apportionment shall be based on  
29 the percentage of total time that the student is enrolled in or in attendance  
30 at the school district and the charter school.

31 (v) Except as otherwise provided by law, for any student who is  
32 concurrently enrolled, pursuant to section 15-808, in a school district and  
33 Arizona online instruction or a charter school and Arizona online  
34 instruction, the average daily membership shall be apportioned between the  
35 school district and Arizona online instruction or the charter school and  
36 Arizona online instruction and shall not exceed 1.0. The apportionment shall  
37 be based on the percentage of total time that the student is enrolled in or  
38 in attendance at the school district and Arizona online instruction or the  
39 charter school and Arizona online instruction.

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

42 2. "Budget year" means the fiscal year for which the school district  
43 is budgeting and that immediately follows the current year.

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

4           (a) Grades one through eight.

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

6           4. "Current year" means the fiscal year in which a school district is  
7 operating.

8           5. "Daily attendance" means:

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

10           (i) Of a kindergarten program or ungraded, but not group B children  
11 with disabilities, and at least five, but under six, years of age by  
12 September 1 attends at least three-quarters of the instructional time  
13 scheduled for the day. If the total instruction time scheduled for the year  
14 is at least three hundred forty-six hours but is less than six hundred  
15 ninety-two hours, such attendance shall be counted as one-half day of  
16 attendance. If the instructional time scheduled for the year is at least six  
17 hundred ninety-two hours, "daily attendance" means days in which a pupil  
18 attends at least one-half of the instructional time scheduled for the day.  
19 Such attendance shall be counted as one-half day of attendance.

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

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

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

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

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

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

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

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

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

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

26 (g) For school districts that maintain school for an approved  
27 year-round school year operation, attendance shall be based on a computation,  
28 as prescribed by the superintendent of public instruction, of the one hundred  
29 eighty days' equivalency or two hundred days' equivalency, as applicable, of  
30 instructional time as approved by the superintendent of public instruction  
31 during which each pupil is enrolled.

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

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

37 (b) The total number of miles driven daily on routes approved by the  
38 superintendent of public instruction for which a private party, a political  
39 subdivision or a common or a contract carrier is reimbursed for bringing an  
40 eligible student from the place of his residence to a school transportation  
41 pickup point or to the school of attendance and from the school  
42 transportation scheduled return point or from the school of attendance to his  
43 residence. Daily route mileage includes the total number of miles necessary  
44 to drive to transport eligible students from and to their residence as  
45 provided in this paragraph.

1           7. "District support level" means the base support level plus the  
2 transportation support level.

3           8. "Eligible students" means:

4           (a) Students who are transported by or for a school district and who  
5 qualify as full-time students or fractional students, except students for  
6 whom transportation is paid by another school district or a county school  
7 superintendent, and:

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

16           (ii) For high school students, whose place of actual residence within  
17 the school district is more than one and one-half miles from the school  
18 facility of attendance or students who are admitted pursuant to section  
19 15-816.01 and who meet the economic eligibility requirements established  
20 under the national school lunch and child nutrition acts (42 United States  
21 Code sections 1751 through 1785) for free or reduced price lunches and whose  
22 actual place of residence outside the school district boundaries is more than  
23 one and one-half miles from the school facility of attendance.

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

27           (c) Children with disabilities, as defined by section 15-761, who are  
28 transported by or for the school district or who are admitted pursuant to  
29 chapter 8, article 1.1 of this title and who qualify as full-time students or  
30 fractional students regardless of location or residence within the school  
31 district or children with disabilities whose transportation is required by  
32 the pupil's individualized education program.

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

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

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

41           11. "High school district" means a political subdivision of this state  
42 offering instruction to students for grades nine through twelve or that  
43 portion of the budget of a common school district that is allocated to  
44 teaching high school subjects with permission of the state board of  
45 education.



1           12. "Revenue control limit" means the base revenue control limit plus  
2 the transportation revenue control limit.

3           13. "Student count" means average daily membership as prescribed in  
4 this subsection for the fiscal year before the current year, except that for  
5 the purpose of budget preparation student count means average daily  
6 membership as prescribed in this subsection for the current year.

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

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

11           16. "Total students transported" means all eligible students  
12 transported from their place of residence to a school transportation pickup  
13 point or to the school of attendance and from the school of attendance or  
14 from the school transportation scheduled return point to their place of  
15 residence.

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

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

20           1. "Base" means the revenue level per student count specified by the  
21 legislature.

22           2. "Base level" means the following amounts plus the percentage  
23 increases to the base level as provided in sections 15-902.02, 15-918.04,  
24 15-919.04 and 15-952, except that if a school district or charter school is  
25 eligible for an increase in the base level as provided in two or more of  
26 these sections, the base level amount shall be calculated by compounding  
27 rather than adding the sum of one plus the percentage of the increase from  
28 those different sections:

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

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

33           (c) For fiscal years 2009-2010, 2010-2011, 2011-2012 and 2012-2013,  
34 three thousand two hundred sixty-seven dollars seventy-two cents.

35           (d) **FOR FISCAL YEAR 2013-2014, THREE THOUSAND THREE HUNDRED TWENTY-SIX**  
36 **DOLLARS FIFTY-FOUR CENTS.**

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

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

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

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

5           7. "ED, MIID, SLD, SLI and OHI" means programs for children with  
6 emotional disabilities, mild intellectual disabilities, a specific learning  
7 disability, a speech/language impairment and other health impairments. A  
8 preschool child who is categorized as SLI under this paragraph is not  
9 eligible to receive funding pursuant to section 15-943, paragraph 2,  
10 subdivision (b).

11           8. "ED-P" means programs for children with emotional disabilities who  
12 are enrolled in private special education programs as prescribed in section  
13 15-765, subsection D, paragraph 1 or in an intensive school district program  
14 as provided in section 15-765, subsection D, paragraph 2.

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

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

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

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

26           11. "Group A" means educational programs for career exploration, a  
27 specific learning disability, an emotional disability, a mild intellectual  
28 disability, remedial education, a speech/language impairment, developmental  
29 delay, homebound, bilingual, other health impairments and gifted pupils.

30           12. "Group B" means educational improvements for pupils in kindergarten  
31 programs and grades one through three, educational programs for autism, a  
32 hearing impairment, a moderate intellectual disability, multiple  
33 disabilities, multiple disabilities with severe sensory impairment,  
34 orthopedic impairments, preschool severe delay, a severe intellectual  
35 disability and emotional disabilities for school age pupils enrolled in  
36 private special education programs or in school district programs for  
37 children with severe disabilities or visual impairment and English learners  
38 enrolled in a program to promote English language proficiency pursuant to  
39 section 15-752.

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

41           14. "Homebound" or "hospitalized" means a pupil who is capable of  
42 profiting from academic instruction but is unable to attend school due to  
43 illness, disease, accident or other health conditions, who has been examined  
44 by a competent medical doctor and who is certified by that doctor as being  
45 unable to attend regular classes for a period of not less than three school

1 months or a pupil who is capable of profiting from academic instruction but  
2 is unable to attend school regularly due to chronic or acute health problems,  
3 who has been examined by a competent medical doctor and who is certified by  
4 that doctor as being unable to attend regular classes for intermittent  
5 periods of time totaling three school months during a school year. The  
6 medical certification shall state the general medical condition, such as  
7 illness, disease or chronic health condition, that is the reason that the  
8 pupil is unable to attend school. Homebound or hospitalized includes a  
9 student who is unable to attend school for a period of less than three months  
10 due to a pregnancy if a competent medical doctor, after an examination,  
11 certifies that the student is unable to attend regular classes due to risk to  
12 the pregnancy or to the student's health.

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

14 16. "K-3 Reading" means reading programs for pupils in kindergarten  
15 programs and grades one, two and three.

16 17. "MD-R, A-R and SID-R" means resource programs for pupils with  
17 multiple disabilities, autism and severe intellectual disability.

18 18. "MD-SC, A-SC and SID-SC" means self-contained programs for pupils  
19 with multiple disabilities, autism and severe intellectual disability.

20 19. "MD-SSI" means a program for pupils with multiple disabilities with  
21 severe sensory impairment.

22 20. "MOID" means programs for pupils with moderate intellectual  
23 disability.

24 21. "OI-R" means a resource program for pupils with orthopedic  
25 impairments.

26 22. "OI-SC" means a self-contained program for pupils with orthopedic  
27 impairments.

28 23. "PSD" means preschool programs for children with disabilities as  
29 provided in section 15-771.

30 24. "P-SD" means programs for children who meet the definition of  
31 preschool severe delay as provided in section 15-771.

32 25. "Qualifying tax rate" means the qualifying tax rate specified in  
33 section 15-971 applied to the assessed valuation used for primary property  
34 taxes.

35 26. "Small isolated school district" means a school district that meets  
36 all of the following:

37 (a) Has a student count of fewer than six hundred in kindergarten  
38 programs and grades one through eight or grades nine through twelve.

39 (b) Contains no school that is fewer than thirty miles by the most  
40 reasonable route from another school, or, if road conditions and terrain make  
41 the driving slow or hazardous, fifteen miles from another school that teaches  
42 one or more of the same grades and is operated by another school district in  
43 this state.

44 (c) Is designated as a small isolated school district by the  
45 superintendent of public instruction.

1 27. "Small school district" means a school district that meets all of  
2 the following:

3 (a) Has a student count of fewer than six hundred in kindergarten  
4 programs and grades one through eight or grades nine through twelve.

5 (b) Contains at least one school that is fewer than thirty miles by  
6 the most reasonable route from another school that teaches one or more of the  
7 same grades and is operated by another school district in this state.

8 (c) Is designated as a small school district by the superintendent of  
9 public instruction.

10 28. "Transportation revenue control limit" means the transportation  
11 revenue control limit computed as prescribed in section 15-946.

12 29. "Transportation support level" means the support level for pupil  
13 transportation operating expenses as provided in section 15-945.

14 30. "VI" means programs for pupils with visual impairments.

15 31. "Voc. Ed." means career and technical education and vocational  
16 education programs, as defined in section 15-781.

17 Sec. 7. Section 15-909, Arizona Revised Statutes, is amended to read:

18 15-909. Financial provisions for accommodation schools;  
19 definition

20 A. An accommodation school shall compute a revenue control limit, A  
21 DISTRICT SUPPORT LEVEL ~~a capital outlay revenue limit~~ and a ~~soft capital~~  
22 DISTRICT ADDITIONAL ASSISTANCE allocation limit for each fiscal year of  
23 operation.

24 B. For the purpose of computing a revenue control limit, A DISTRICT  
25 SUPPORT LEVEL ~~a capital outlay revenue limit~~ and a ~~soft capital~~ DISTRICT  
26 ADDITIONAL ASSISTANCE allocation limit, "accommodation school" ~~means:~~ HAS THE  
27 SAME MEANING PRESCRIBED IN SECTION 15-101.

28 ~~1. A common school district within a high school district if the~~  
29 ~~school does not offer instruction in grade nine, ten, eleven or twelve or has~~  
30 ~~not received permission to offer instruction in high school subjects as~~  
31 ~~provided in section 15-447.~~

32 ~~2. A unified school district if the school offers instruction in grade~~  
33 ~~nine, ten, eleven or twelve and has received permission to offer instruction~~  
34 ~~in high school subjects as provided in section 15-447.~~

35 C. State aid shall be apportioned as provided in section 15-973 to  
36 each county accommodation school.

37 Sec. 8. Section 15-945, Arizona Revised Statutes, is amended to read:

38 15-945. Transportation support level

39 A. The support level for to and from school for each school district  
40 for the current year shall be computed as follows:

41 1. Determine the approved daily route mileage of the school district  
42 for the fiscal year prior to the current year.

1           2. Multiply the figure obtained in paragraph 1 of this subsection by  
 2 one hundred eighty, or for a school district that elects to provide two  
 3 hundred days of instruction pursuant to section 15-902.04, multiply the  
 4 figure obtained in paragraph 1 of this subsection by two hundred.

5           3. Determine the number of eligible students transported in the fiscal  
 6 year prior to the current year.

7           4. Divide the amount determined in paragraph 1 of this subsection by  
 8 the amount determined in paragraph 3 of this subsection to determine the  
 9 approved daily route mileage per eligible student transported.

10          5. Determine the classification in column 1 of this paragraph for the  
 11 quotient determined in paragraph 4 of this subsection. Multiply the product  
 12 obtained in paragraph 2 of this subsection by the corresponding state support  
 13 level for each route mile as provided in column 2 of this paragraph.

<u>Column 1</u>	<u>Column 2</u>
15 Approved Daily Route	State Support Level per
16 Mileage per Eligible	Route Mile for
17 <u>Student Transported</u>	Fiscal Year <del>2012-2013</del> 2013-2014
18 0.5 or less	<del>2.42</del> 2.46
19 More than 0.5 through 1.0	<del>1.97</del> 2.01
20 More than 1.0	<del>2.42</del> 2.46

21          6. Add the amount spent during the prior fiscal year for bus tokens  
 22 and bus passes for students who qualify as eligible students as defined in  
 23 section 15-901.

24          B. The support level for academic education, career and technical  
 25 education, vocational education and athletic trips for each school district  
 26 for the current year is computed as follows:

27           1. Determine the classification in column 1 of paragraph 2 of this  
 28 subsection for the quotient determined in subsection A, paragraph 4 of this  
 29 section.

30           2. Multiply the product obtained in subsection A, paragraph 5 of this  
 31 section by the corresponding state support level for academic education,  
 32 career and technical education, vocational education and athletic trips as  
 33 provided in column 2, 3 or 4 of this paragraph, whichever is appropriate for  
 34 the type of district.

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
36 Approved Daily Route	District Type	District Type	District Type
37 Mileage per Eligible	<u>02 or 03</u>	<u>04</u>	<u>05</u>
38 <u>Student Transported</u>			
39 0.5 or less	0.15	0.10	0.25
40 More than 0.5 through 1.0	0.15	0.10	0.25
41 More than 1.0	0.18	0.12	0.30

42 For the purposes of this paragraph, "district type 02" means a unified school  
 43 district or an accommodation school that offers instruction in grades nine  
 44 through twelve, "district type 03" means a common school district not within  
 45 a high school district, "district type 04" means a common school district

1 within a high school district or an accommodation school that does not offer  
2 instruction in grades nine through twelve and "district type 05" means a high  
3 school district.

4 C. The support level for extended school year services for pupils with  
5 disabilities is computed as follows:

6 1. Determine the sum of the following:

7 (a) The total number of miles driven by all buses of a school district  
8 while transporting eligible pupils with disabilities on scheduled routes from  
9 their residence to the school of attendance and from the school of attendance  
10 to their residence on routes for extended school year services in accordance  
11 with section 15-881.

12 (b) The total number of miles driven on routes approved by the  
13 superintendent of public instruction for which a private party, a political  
14 subdivision or a common or a contract carrier is reimbursed for bringing an  
15 eligible pupil with a disability from the place of the pupil's residence to a  
16 school transportation pickup point or to the school facility of attendance  
17 and from the school transportation scheduled return point or from the school  
18 facility to the pupil's residence for extended school year services in  
19 accordance with section 15-881.

20 2. Multiply the sum determined in paragraph 1 of this subsection by  
21 the state support level for the district determined as provided in subsection  
22 A, paragraph 5 of this section.

23 D. The transportation support level for each school district for the  
24 current year is the sum of the support level for to and from school as  
25 determined in subsection A of this section, the support level for academic  
26 education, career and technical education, vocational education and athletic  
27 trips as determined in subsection B of this section and the support level for  
28 extended school year services for pupils with disabilities as determined in  
29 subsection C of this section.

30 E. The state support level for each approved route mile, as provided  
31 in subsection A, paragraph 5 of this section, shall be adjusted by the growth  
32 rate prescribed by law, subject to appropriation.

33 Sec. 9. Section 15-961, Arizona Revised Statutes, is amended to read:

34 ~~15-961.~~ District additional assistance; growth rate

35 A. ~~A capital outlay revenue limit~~ **DISTRICT ADDITIONAL ASSISTANCE** per  
36 student count is established ~~for fiscal year 2009-2010~~ as follows:

37 1. For school districts with a student count of less than one hundred  
38 for kindergarten programs and grades one through eight, ~~two hundred~~  
39 ~~seventy-two dollars seventy-five cents~~ **TWO HUNDRED TEN DOLLARS EIGHTEEN**  
40 **CENTS**. For school districts with a student count of one hundred or more and  
41 less than six hundred for kindergarten programs and grades one through eight,  
42 multiply ~~one hundred ninety-four dollars ninety-five cents~~ **ONE HUNDRED FIFTY**  
43 **DOLLARS TWENTY-THREE CENTS** by the weight ~~which~~ **THAT** corresponds to the  
44 student count for kindergarten programs and grades one through eight for the  
45 school district as provided in section 15-943, paragraph 1, subdivision (a),

1 column 3. For a school district with a student count of six hundred or more  
2 in kindergarten programs and grades one through eight, the limit is ~~two~~  
3 ~~hundred twenty five dollars seventy six cents~~ ONE HUNDRED SEVENTY-THREE  
4 DOLLARS NINETY-SEVEN CENTS.

5 2. For school districts with a student count of less than one hundred  
6 for grades nine through twelve, ~~three hundred twenty nine dollars forty one~~  
7 ~~cents~~ TWO HUNDRED FIFTY-THREE DOLLARS EIGHT-FOUR CENTS. For school districts  
8 with a student count of one hundred or more and less than six hundred for  
9 grades nine through twelve, multiply ~~two hundred eleven dollars twenty nine~~  
10 ~~cents~~ ONE HUNDRED SIXTY-TWO DOLLARS EIGHTY-TWO CENTS by the weight ~~which~~ THAT  
11 corresponds to the student count for grades nine through twelve for the  
12 school district as provided in section 15-943, paragraph 1, subdivision (b),  
13 column 3. For a school district with a student count of six hundred or more  
14 in grades nine through twelve, the limit is ~~two hundred sixty seven dollars~~  
15 ~~ninety four cents~~ TWO HUNDRED SIX DOLLARS FORTY-SEVEN CENTS.

16 3. For programs for preschool children with disabilities, ~~two hundred~~  
17 ~~twenty five dollars seventy six cents~~ ONE HUNDRED SEVENTY-THREE DOLLARS  
18 NINETY-SEVEN CENTS.

19 ~~B. For fiscal year 2009-2010 and each year thereafter, the capital~~  
20 ~~outlay revenue limit prescribed in subsection A of this section shall be~~  
21 ~~adjusted by the growth rate prescribed by law, subject to appropriation.~~

22 ~~C. B. For fiscal year 1985-1986 and each year thereafter, the capital~~  
23 ~~outlay revenue limit~~ DISTRICT ADDITIONAL ASSISTANCE for a school district  
24 shall be computed as follows:

25 1. Select the applicable ~~capital outlay revenue limit or limits~~  
26 DISTRICT ADDITIONAL ASSISTANCE per student count for the school district.

27 2. Multiply the amount or amounts selected in paragraph 1 of this  
28 subsection by the appropriate student count of the school district. The  
29 student count of the school district shall not include any pupils in a  
30 charter school sponsored by the district pursuant to section 15-185,  
31 subsection A, paragraph 3.

32 3. If a school district's student count used for the budget year is  
33 greater than one hundred five per cent of the student count used for the  
34 current year's budget, increase the adjusted ~~capital outlay revenue limit~~  
35 DISTRICT ADDITIONAL ASSISTANCE determined in paragraph 2 of this subsection  
36 by the actual percentage increase in the school district's student count.

37 ~~D. C. For fiscal year 2009-2010 and each year thereafter,~~ An amount  
38 for the purchase of required textbooks and related printed subject matter  
39 materials shall be used to increase the ~~capital outlay revenue limit~~ DISTRICT  
40 ADDITIONAL ASSISTANCE for a school district as determined in subsection ~~C~~ B,  
41 paragraph 2 or 3 of this section, whichever is applicable. ~~For fiscal year~~  
42 ~~2009-2010, multiply~~ THIS AMOUNT SHALL EQUAL the student count in grades nine  
43 through twelve MULTIPLIED by ~~sixty nine dollars sixty eight cents~~ FIFTY-FIVE  
44 DOLLARS TWO CENTS.

1 D. FOR A SCHOOL DISTRICT WITH A STUDENT COUNT OF LESS THAN ONE  
2 THOUSAND ONE HUNDRED STUDENTS, ADD AN AMOUNT EQUAL TO THE STUDENT COUNT  
3 MULTIPLIED BY ONE HUNDRED TWENTY-EIGHT DOLLARS.

4 Sec. 10. Repeal

5 Section 15-962, Arizona Revised Statutes, is repealed.

6 Sec. 11. Section 15-962.01, Arizona Revised Statutes, is amended to  
7 read:

8 15-962.01. Additional district assistance allocation for joint  
9 technical education districts

10 ~~A.~~ The ~~capital outlay revenue limit~~ DISTRICT ADDITIONAL ASSISTANCE for  
11 a joint technical education district shall be the amount for students in  
12 grades nine through twelve for districts with a student count of six hundred  
13 or more as prescribed in section 15-961.

14 ~~B.~~ The ~~soft capital allocation for a joint technical education~~  
15 ~~district shall be the amount for students in grades nine through twelve for~~  
16 ~~districts with a student count of six hundred or more as prescribed in~~  
17 ~~section 15-962.~~

18 ~~C.~~ ~~Joint technical education districts shall establish a district soft~~  
19 ~~capital allocation fund and shall use the monies only for the purposes~~  
20 ~~prescribed in section 15-962, subsection D. The ending unexpended budget~~  
21 ~~balance in the district's soft capital allocation fund may be used in~~  
22 ~~following fiscal years for short-term capital items. Districts shall provide~~  
23 ~~to the superintendent of public instruction an itemized accounting on forms~~  
24 ~~provided by the department of education that details the expenditures of soft~~  
25 ~~capital allocation monies at each school in the joint technical education~~  
26 ~~district. The superintendent of public instruction shall forward a copy of~~  
27 ~~the report to the school facilities board established by section 15-2001.~~

28 Sec. 12. Section 15-2002, Arizona Revised Statutes, is amended to  
29 read:

30 15-2002. Powers and duties; executive director; staffing;  
31 report

32 A. The school facilities board shall:

33 1. Make assessments of school facilities and equipment deficiencies  
34 and approve the distribution of grants as appropriate.

35 ~~2. Develop a database for administering the building renewal formula~~  
36 ~~prescribed in section 15-2031 and administer the distribution of monies to~~  
37 ~~school districts for building renewal.~~

38 ~~3.~~ 2. Inspect school buildings at least once every five years to  
39 ensure compliance with the building adequacy standards prescribed in section  
40 15-2011 and routine preventative maintenance guidelines as prescribed in this  
41 section with respect to construction of new buildings and maintenance of  
42 existing buildings. The school facilities board shall randomly select twenty  
43 school districts every thirty months and inspect them pursuant to this  
44 paragraph.



1           ~~4.~~ 3. Review and approve student population projections submitted by  
2 school districts to determine to what extent school districts are entitled to  
3 monies to construct new facilities pursuant to section 15-2041. The board  
4 shall make a final determination within six months of the receipt of an  
5 application by a school district for monies from the new school facilities  
6 fund.

7           ~~5.~~ 4. Certify that plans for new school facilities meet the building  
8 adequacy standards prescribed in section 15-2011.

9           ~~6.~~ 5. Develop prototypical elementary and high school designs. The  
10 board shall review the design differences between the schools with the  
11 highest academic productivity scores and the schools with the lowest academic  
12 productivity scores. The board shall also review the results of a valid and  
13 reliable survey of parent quality rating in the highest performing schools  
14 and the lowest performing schools in this state. The survey of parent  
15 quality rating shall be administered by the department of education. The  
16 board shall consider the design elements of the schools with the highest  
17 academic productivity scores and parent quality ratings in the development of  
18 elementary and high school designs. The board shall develop separate school  
19 designs for elementary, middle and high schools with varying pupil  
20 capacities.

21           ~~7.~~ 6. Develop application forms, reporting forms and procedures to  
22 carry out the requirements of this article.

23           ~~8.~~ 7. Review and approve or reject requests submitted by school  
24 districts to take actions pursuant to section 15-341, subsection G.

25           ~~9.~~ 8. Submit electronically an annual report ~~by~~ ON OR BEFORE December  
26 15 to the speaker of the house of representatives, the president of the  
27 senate, the superintendent of public instruction, the ~~director of the Arizona~~  
28 ~~state library, archives and public records~~ SECRETARY OF STATE and the  
29 governor that includes the following information:

30           (a) A detailed description of the amount of monies distributed by the  
31 school facilities board in the previous fiscal year.

32           (b) A list of each capital project that received monies from the  
33 school facilities board during the previous fiscal year, a brief description  
34 of each project that was funded and a summary of the board's reasons for the  
35 distribution of monies for the project.

36           (c) A summary of the findings and conclusions of the building  
37 maintenance inspections conducted pursuant to this article during the  
38 previous fiscal year.

39           (d) A summary of the findings of common design elements and  
40 characteristics of the highest performing schools and the lowest performing  
41 schools based on academic productivity, including the results of the parent  
42 quality rating survey. For the purposes of this subdivision, "academic  
43 productivity" means academic year advancement per calendar year as measured  
44 with student-level data using the statewide nationally standardized  
45 norm-referenced achievement test.

1           ~~10-~~ 9. ~~By~~ ON OR BEFORE December 1 of each year, report electronically  
 2 to the joint committee on capital review the amounts necessary to fulfill the  
 3 requirements of sections 15-2022,~~15-2031~~ and 15-2041 for the following  
 4 fiscal year and the estimated amounts necessary to fulfill the requirements  
 5 of sections 15-2022,~~15-2031~~ and 15-2041 for the fiscal year following the  
 6 next fiscal year. The board shall provide copies of the report to the  
 7 president of the senate, the speaker of the house of representatives and the  
 8 governor.

9           ~~11-~~ 10. Adopt minimum school facility adequacy guidelines to provide  
 10 the minimum quality and quantity of school buildings and the facilities and  
 11 equipment necessary and appropriate to enable pupils to achieve the  
 12 educational goals of the Arizona state schools for the deaf and the blind.  
 13 The school facilities board shall establish minimum school facility adequacy  
 14 guidelines applicable to the Arizona state schools for the deaf and the  
 15 blind.

16           ~~12-~~ 11. In each even-numbered year, report electronically to the joint  
 17 committee on capital review the amounts necessary to fulfill the requirements  
 18 of ~~sections 15-2031 and~~ SECTION 15-2041 for the Arizona state schools for the  
 19 deaf and the blind for the following two fiscal years. The Arizona state  
 20 schools for the deaf and the blind shall incorporate the findings of the  
 21 report in any request for ~~building renewal monies and~~ new school facilities  
 22 monies. Any monies provided to the Arizona state schools for the deaf and  
 23 the blind for ~~building renewal and for~~ new school facilities are subject to  
 24 legislative appropriation.

25           ~~13-~~ 12. ~~By~~ ON OR BEFORE June 15 of each year, submit electronically  
 26 detailed information regarding demographic assumptions, a proposed  
 27 construction schedule and new school construction cost estimates for  
 28 individual projects approved in the current fiscal year and expected project  
 29 approvals for the upcoming fiscal year to the joint committee on capital  
 30 review for its review. A copy of the report shall also be submitted  
 31 electronically to the governor's office of strategic planning and budgeting.  
 32 The joint legislative budget committee staff, the governor's office of  
 33 strategic planning and budgeting staff and the school facilities board staff  
 34 shall agree on the format of the report.

35           ~~14-~~ 13. Every two years, provide school districts with information on  
 36 improving and maintaining the indoor environmental quality in school  
 37 buildings.

38           B. The school facilities board may contract for the following services  
 39 in compliance with the procurement practices prescribed in title 41,  
 40 chapter 23:

- 41           1. Private services.
- 42           2. Construction project management services.
- 43           3. Assessments for school buildings to determine if the buildings have
- 44           outlived their useful life pursuant to section 15-2041, subsection G.

1           4. Services related to land acquisition and development of a school  
2 site.

3           C. The governor shall appoint an executive director of the school  
4 facilities board pursuant to section 38-211. The executive director is  
5 eligible to receive compensation as determined pursuant to section 38-611 and  
6 may hire and fire necessary staff subject to title 41, chapter 4, article 4  
7 and as approved by the legislature in the budget. The executive director  
8 shall have demonstrated competency in school finance, facilities design or  
9 facilities management, either in private business or government service. The  
10 executive director serves at the pleasure of the governor. The staff of the  
11 school facilities board is exempt from title 41, chapter 4, articles 5 and 6.  
12 The executive director:

13           1. Shall analyze applications for monies submitted to the board by  
14 school districts.

15           2. Shall assist the board in developing forms and procedures for the  
16 distribution and review of applications and the distribution of monies to  
17 school districts.

18           3. May review or audit, or both, the expenditure of monies by a school  
19 district for deficiencies corrections, ~~building renewal~~ and new school  
20 facilities.

21           4. Shall assist the board in the preparation of the board's annual  
22 report.

23           5. Shall research and provide reports on issues of general interest to  
24 the board.

25           6. May aid school districts in the development of reasonable and  
26 cost-effective school designs in order to avoid statewide duplicated efforts  
27 and unwarranted expenditures in the area of school design.

28           7. May assist school districts in facilitating the development of  
29 multijurisdictional facilities.

30           8. Shall assist the board in any other appropriate matter or method as  
31 directed by the members of the board.

32           9. Shall establish procedures to ensure compliance with the notice and  
33 hearing requirements prescribed in section 15-905. The notice and hearing  
34 procedures adopted by the board shall include the requirement, with respect  
35 to the board's consideration of any application filed after July 1, 2001 or  
36 after December 31 of the year in which the property becomes territory in the  
37 vicinity of a military airport or ancillary military facility as defined in  
38 section 28-8461 for monies to fund the construction of new school facilities  
39 proposed to be located in territory in the vicinity of a military airport or  
40 ancillary military facility, that the military airport receive notification  
41 of the application by first class mail at least thirty days before any  
42 hearing concerning the application.

43           10. May expedite any request for monies in which the local match was  
44 not obtained for a project that received preliminary approval by the state  
45 board for school capital facilities.

1           11. Shall expedite any request for monies in which the school district  
2 governing board submits an application that shows an immediate need for a new  
3 school facility.

4           12. Shall make a determination as to administrative completion within  
5 one month after the receipt of an application by a school district for monies  
6 from the new school facilities fund.

7           13. Shall provide technical support to school districts as requested by  
8 school districts in connection with the construction of new school facilities  
9 and the maintenance of existing school facilities and may contract directly  
10 with construction project managers pursuant to subsection B of this section.  
11 This paragraph does not restrict a school district from contracting with a  
12 construction project manager using district or state resources.

13           D. When appropriate, the school facilities board shall review and use  
14 the statewide school facilities inventory and needs assessment conducted by  
15 the joint committee on capital review and issued in July, 1995.

16           E. The school facilities board shall contract with one or more private  
17 building inspectors to complete an initial assessment of school facilities  
18 and equipment and shall inspect each school building in this state at least  
19 once every five years to ensure compliance with section 15-2011. A copy of  
20 the inspection report, together with any recommendations for building  
21 maintenance, shall be provided to the school facilities board and the  
22 governing board of the school district.

23           F. The school facilities board may consider appropriate combinations  
24 of facilities or uses in making assessments of and curing deficiencies  
25 pursuant to subsection A, paragraph 1 of this section and in certifying plans  
26 for new school facilities pursuant to subsection A, paragraph 5 of this  
27 section.

28           G. The board shall not award any monies to fund new facilities that  
29 are financed by class A bonds that are issued by the school district.

30           H. The board shall not distribute monies to a school district for  
31 replacement or repair of facilities if the costs associated with the  
32 replacement or repair are covered by insurance or a performance or payment  
33 bond.

34           I. The board may contract for construction services and materials that  
35 are necessary to correct existing deficiencies in school district facilities.  
36 The board may procure the construction services necessary pursuant to this  
37 subsection by any method, including construction-manager-at-risk,  
38 design-build, design-bid-build or job-order-contracting as provided by title  
39 41, chapter 23. The construction planning and services performed pursuant to  
40 this subsection are exempt from section 41-791.01.

41           J. The school facilities board may enter into agreements with school  
42 districts to allow school facilities board staff and contractors access to  
43 school property for the purposes of performing the construction services  
44 necessary pursuant to subsection I of this section.

1 K. Each school district shall develop routine preventative maintenance  
2 guidelines for its facilities. The guidelines shall include plumbing  
3 systems, electrical systems, heating, ventilation and air conditioning  
4 systems, special equipment and other systems and for roofing systems shall  
5 recommend visual inspections performed by district staff for signs of  
6 structural stress and weakness. The guidelines shall be submitted to the  
7 school facilities board for review and approval. If on inspection by the  
8 school facilities board it is determined that a school district facility was  
9 inadequately maintained pursuant to the school district's routine  
10 preventative maintenance guidelines, the school district shall ~~use building~~  
11 ~~renewal monies pursuant to section 15-2031, subsection L to~~ return the  
12 building to compliance with the school district's routine preventative  
13 maintenance guidelines. ~~Once the district is in compliance, it no longer is~~  
14 ~~required to use building renewal monies for preventative maintenance.~~

15 L. The school facilities board may temporarily transfer monies between  
16 the capital reserve fund established by section 15-2003, the emergency  
17 deficiencies correction fund established by section 15-2022, ~~the building~~  
18 ~~renewal fund established by section 15-2031~~ and the new school facilities  
19 fund established by section 15-2041 if all of the following conditions are  
20 met:

21 1. The transfer is necessary to avoid a temporary shortfall in the  
22 fund into which the monies are transferred.

23 2. The transferred monies are restored to the fund where the monies  
24 originated as soon as practicable after the temporary shortfall in the other  
25 fund has been addressed.

26 3. The school facilities board reports to the joint committee on  
27 capital review the amount of and the reason for any monies transferred.

28 M. After notifying each school district, and if a written objection  
29 from the school district is not received by the school facilities board  
30 within thirty days of the notification, the school facilities board may  
31 access public utility company records of power, water, natural gas, telephone  
32 and broadband usage to assemble consistent and accurate data on utility  
33 consumption at school facilities to determine the effectiveness of facility  
34 design, operation and maintenance measures intended to reduce energy and  
35 water consumption and costs. Any public utility that provides service to a  
36 school district in this state shall provide the data requested by the school  
37 facilities board pursuant to this subsection.

38 N. The school facilities board shall not require a common school  
39 district that provides instruction to pupils in grade nine to obtain approval  
40 from the school facilities board to reconfigure its school facilities. A  
41 common school district that provides instruction to pupils in grade nine is  
42 not entitled to additional monies from the school facilities board for  
43 facilities to educate pupils in grade nine.



1           4. For a school district that provides instruction to up to four  
2 hundred pupils in grades nine through twelve, one hundred twenty-five square  
3 feet per pupil in grades nine through twelve.

4           5. For a school district that provides instruction to more than four  
5 hundred and up to one thousand pupils in grades nine through twelve, one  
6 hundred twenty square feet per pupil in grades nine through twelve or fifty  
7 thousand square feet, whichever is more.

8           6. For a school district that provides instruction to more than one  
9 thousand and up to one thousand eight hundred pupils in grades nine through  
10 twelve, one hundred twelve square feet per pupil in grades nine through  
11 twelve or one hundred twenty thousand square feet, whichever is more.

12           7. For a school district that provides instruction to more than one  
13 thousand eight hundred pupils in grades nine through twelve, ninety-four  
14 square feet per pupil in grades nine through twelve or two hundred one  
15 thousand six hundred square feet, whichever is more.

16           D. The school facilities board may modify the square footage  
17 requirements prescribed in subsection C of this section or modify the amount  
18 of monies awarded to cure the square footage deficiency pursuant to this  
19 section for particular school districts based on extraordinary circumstances  
20 for any of the following considerations:

21           1. The number of pupils served by the school district.

22           2. Geographic factors.

23           3. Grade configurations other than those prescribed in subsection C of  
24 this section.

25           E. In measuring the square footage per pupil requirements of  
26 subsection C of this section, the school facilities board shall:

27           1. Use the most recent one hundredth day average daily membership.

28           2. For each school, use the lesser of either:

29           (a) Total gross square footage.

30           (b) Student capacity multiplied by the appropriate square footage per  
31 pupil prescribed by subsection C of this section.

32           3. Consider the total space available in all schools in use in the  
33 school district, except that the school facilities board shall allow an  
34 exclusion of the square footage for certain schools and the pupils within the  
35 schools' boundaries if the school district demonstrates to the board's  
36 satisfaction unusual or excessive busing of pupils or unusual attendance  
37 boundary changes between schools.

38           4. Compute the gross square footage of all buildings by measuring from  
39 exterior wall to exterior wall. Square footage used solely for district  
40 administration, storage of vehicles and other nonacademic purposes shall be  
41 excluded from the gross square footage.

42           5. Include all portable and modular buildings.

43           6. Include in the net square footage new construction funded wholly or  
44 partially by the school facilities board based on the square footage funded  
45 by the school facilities board. If the new construction is to exceed the

1 square footage funded by the school facilities board, the excess square  
2 footage shall not be included in the net square footage if any of the  
3 following applies:

4 (a) The excess square footage was constructed before July 1, 2002 or  
5 funded by a class B bond, impact aid revenue bond or capital outlay override  
6 approved by the voters after August 1, 1998 and before June 30, 2002 or  
7 funded from unrestricted capital outlay expended before June 30, 2002.

8 (b) The excess square footage of new school facilities does not exceed  
9 twenty-five per cent of the minimum square footage requirements pursuant to  
10 subsection C of this section.

11 (c) The excess square footage of expansions to school facilities does  
12 not exceed twenty-five per cent of the minimum square footage requirements  
13 pursuant to subsection C of this section.

14 ~~7. Require that excess square footage that is constructed after July~~  
15 ~~1, 2002 and that is not excluded pursuant to paragraph 6 of this subsection~~  
16 ~~meets the minimum school facility adequacy guidelines in order to be eligible~~  
17 ~~for building renewal monies as computed in section 15-2031.~~

18 ~~8.~~ 7. Exclude square footage built under a developer agreement  
19 according to section 15-342, paragraph 33 until the school facilities board  
20 provides funding for the square footage under section 15-2041, subsection 0.

21 ~~9.~~ 8. Include square footage that a school district has leased to  
22 another entity, including square footage leased to a charter school that is  
23 sponsored by a school district pursuant to section 15-183.

24 F. The school facilities board shall adopt rules establishing minimum  
25 school facility adequacy guidelines. The guidelines shall provide the  
26 minimum quality and quantity of school buildings and facilities and equipment  
27 necessary and appropriate to enable pupils to achieve the academic standards  
28 pursuant to section 15-203, subsection A, paragraphs 12 and 13 and sections  
29 15-701 and 15-701.01. At a minimum, the school facilities board shall  
30 address all of the following in developing these guidelines:

- 31 1. School sites.
- 32 2. Classrooms.
- 33 3. Libraries and media centers, or both.
- 34 4. Cafeterias.
- 35 5. Auditoriums, multipurpose rooms or other multiuse space.
- 36 6. Technology.
- 37 7. Transportation.
- 38 8. Facilities for science, arts and physical education.
- 39 9. Other facilities and equipment that are necessary and appropriate  
40 to achieve the academic standards prescribed pursuant to section 15-203,  
41 subsection A, paragraphs 12 and 13 and sections 15-701 and 15-701.01.
- 42 10. Appropriate combinations of facilities or uses listed in this  
43 section.



1 G. The board shall consider the facilities and equipment of the  
2 schools with the highest academic productivity scores, as prescribed in  
3 section 15-2002, subsection A, paragraph ~~9~~ 8, subdivision (d), and the  
4 highest parent quality ratings in the establishment of the guidelines.

5 H. The school facilities board may consider appropriate combinations  
6 of facilities or uses in making assessments of and curing existing  
7 deficiencies pursuant to section 15-2002, subsection A, paragraph 1 and in  
8 certifying plans for new school facilities pursuant to section 15-2002,  
9 subsection A, paragraph ~~5~~ 4.

10 I. For the purposes of this section, "student capacity" means the  
11 capacity adjusted to include any additions to or deletions of space,  
12 including modular or portable buildings at the school. The school facilities  
13 board shall determine the student capacity for each school in conjunction  
14 with each school district, recognizing each school's allocation of space as  
15 of July 1, 1998, to achieve the academic standards prescribed pursuant to  
16 section 15-203, subsection A, paragraphs 12 and 13 and sections 15-701 and  
17 15-701.01.

18 Sec. 14. Repeal

19 Section ~~15-2031~~, Arizona Revised Statutes, is repealed.

20 Sec. 15. Section 15-2032, Arizona Revised Statutes, is amended to  
21 read:

22 ~~15-2032~~. School facilities board building renewal grant fund;  
23 definitions

24 A. ~~Notwithstanding section 15-2031~~, The building renewal grant fund is  
25 established consisting of monies appropriated to the fund by the legislature.  
26 The school facilities board shall administer the fund and distribute monies  
27 to school districts for the purpose of maintaining the adequacy of existing  
28 school facilities. Monies in the fund are exempt from the provisions of  
29 section 35-190 relating to lapsing of appropriations.

30 B. The school facilities board shall distribute monies from the fund  
31 based on grant requests from school districts to fund primary building  
32 renewal projects. Project requests shall be prioritized by the school  
33 facilities board, with priority given to school districts that have provided  
34 routine preventative maintenance on the facility, and to school districts  
35 that can provide a match of monies provided by the fund. The school  
36 facilities board shall approve only projects that will be completed within  
37 twelve months, unless similar projects on average take longer to complete.

38 C. School districts that receive monies from the fund shall use these  
39 monies on projects for buildings or any part of a building in the school  
40 facilities board's database for any of the following:

- 41 1. Major renovations and repairs to a building.
- 42 2. Upgrading systems and areas that will maintain or extend the useful  
43 life of the building.
- 44 3. Infrastructure costs.

1 D. Monies received from the fund shall not be used for any of the  
2 following purposes:

- 3 1. New construction.
- 4 2. Remodeling interior space for aesthetic or preferential reasons.
- 5 3. Exterior beautification.
- 6 4. Demolition.

7 ~~5. The purchase of soft capital items pursuant to section 15-962.~~

8 ~~6.~~ 5. Routine preventative maintenance.

9 ~~7.~~ 6. Any project in a building, or part of a building, that is being  
10 leased to another entity, including a charter school that is sponsored by a  
11 school district pursuant to section 15-183.

12 E. ACCOMMODATION SCHOOLS ARE NOT ELIGIBLE FOR MONIES FROM THE BUILDING  
13 RENEWAL GRANT FUND.

14 ~~E.~~ F. For the purposes of this section:

15 1. "Primary building renewal projects" means projects that are  
16 necessary for buildings owned by school districts that are required to meet  
17 the minimum adequacy standards for student capacity and that fall below the  
18 minimum school facility adequacy guidelines, as adopted by the school  
19 facilities board pursuant to section 15-2011, for school districts that have  
20 provided routine preventative maintenance to the school facility.

21 2. "Routine preventative maintenance" means services that are  
22 performed on a regular schedule at intervals ranging from four times a year  
23 to once every three years and that are intended to extend the useful life of  
24 a building system and reduce the need for major repairs.

25 3. "Student capacity" has the same meaning prescribed in section  
26 15-2011.

27 Sec. 16. Section 15-2041, Arizona Revised Statutes, is amended to  
28 read:

29 15-2041. New school facilities fund; capital plan; report

30 A. A new school facilities fund is established consisting of monies  
31 appropriated by the legislature and monies credited to the fund pursuant to  
32 section 37-221. The school facilities board shall administer the fund and  
33 distribute monies, as a continuing appropriation, to school districts for the  
34 purpose of constructing new school facilities and for contracted expenses  
35 pursuant to section 15-2002, subsection B, paragraphs 2, 3 and 4. On June 30  
36 of each fiscal year, any unobligated contract monies in the new school  
37 facilities fund shall be transferred to the capital reserve fund established  
38 by section 15-2003.

39 B. The school facilities board shall prescribe a uniform format for  
40 use by the school district governing board in developing and annually  
41 updating a capital plan that consists of each of the following:

42 1. Enrollment projections for the next five years for elementary  
43 schools and eight years for middle and high schools, including a description  
44 of the methods used to make the projections.

1           2. A description of new schools or additions to existing schools  
2 needed to meet the building adequacy standards prescribed in section 15-2011.  
3 The description shall include:

4           (a) The grade levels and the total number of pupils that the school or  
5 addition is intended to serve.

6           (b) The year in which it is necessary for the school or addition to  
7 begin operations.

8           (c) A timeline that shows the planning and construction process for  
9 the school or addition.

10          3. Long-term projections of the need for land for new schools.

11          4. Any other necessary information required by the school facilities  
12 board to evaluate a school district's capital plan.

13          5. If a school district pays tuition for all or a portion of the  
14 school district's high school pupils to another school district, the capital  
15 plan shall indicate the number of pupils for which the district pays tuition  
16 to another district. If a school district accepts pupils from another school  
17 district pursuant to section 15-824, subsection A, the school district shall  
18 indicate the projections for this population separately. This paragraph does  
19 not apply to a small isolated school district as defined in section 15-901.

20          C. If the capital plan indicates a need for a new school or  
21 addition to an existing school within the next four years or a need for land  
22 within the next ten years, the school district shall submit its plan to the  
23 school facilities board by September 1 and shall request monies from the new  
24 school facilities fund for the new construction or land. The school  
25 facilities board may require a school district to sell land that was  
26 previously purchased entirely with monies provided by the school facilities  
27 board if the school facilities board determines that the property is no  
28 longer needed within the ten year period specified in this subsection for a  
29 new school or no longer needed within that ten year period for an addition to  
30 an existing school. Monies provided for land shall be in addition to any  
31 monies provided pursuant to subsection D of this section.

32          D. The school facilities board shall distribute monies from the new  
33 school facilities fund as follows:

34           1. The school facilities board shall review and evaluate the  
35 enrollment projections. ~~and~~ ON OR BEFORE MARCH 1, FOLLOWING THE SUBMISSION  
36 OF THE ENROLLMENT PROJECTIONS, THE SCHOOL FACILITIES BOARD SHALL either  
37 approve the projections as submitted or revise the projections. In  
38 determining new construction requirements, the school facilities board shall  
39 determine the net new growth of pupils that will require additional square  
40 footage that exceeds the building adequacy standards prescribed in section  
41 15-2011. If the projected growth and the existing number of pupils exceed  
42 three hundred fifty pupils who are served in a school district other than the  
43 pupil's resident school district, the school facilities board, the receiving  
44 school district and the resident school district shall develop a capital  
45 facilities plan on how to best serve those pupils. A small isolated school

1 district as defined in section 15-901 is not required to develop a capital  
2 facilities plan pursuant to this paragraph.

3 2. If the approved projections indicate that additional space ~~will not~~  
4 ~~be needed within the next two years for elementary schools or three years for~~  
5 ~~middle or high schools~~ **WOULD NOT HAVE BEEN NEEDED DURING THE CURRENT SCHOOL**  
6 **YEAR** in order to meet the building adequacy standards prescribed in section  
7 15-2011, the request shall be held for consideration by the school facilities  
8 board for possible future funding and the school district shall annually  
9 submit an updated plan until the additional space is needed.

10 3. If the approved projections indicate that additional space ~~will be~~  
11 ~~needed within the next two years for elementary schools or three years for~~  
12 ~~middle or high schools~~ **WOULD HAVE BEEN NEEDED DURING THE CURRENT SCHOOL YEAR**  
13 in order to meet the building adequacy standards prescribed in section  
14 15-2011, the school facilities board shall provide an amount as follows:

15 (a) Determine the number of pupils requiring additional square footage  
16 to meet building adequacy standards. This amount for elementary schools  
17 shall not be less than the number of new pupils for whom space will be needed  
18 in the next year and shall not exceed the number of new pupils for whom space  
19 will be needed in the next five years. This amount for middle and high  
20 schools shall not be less than the number of new pupils for whom space will  
21 be needed in the next four years and shall not exceed the number of new  
22 pupils for whom space will be needed in the next eight years.

23 (b) Multiply the number of pupils determined in subdivision (a) of  
24 this paragraph by the square footage per pupil. The square footage per pupil  
25 is ninety square feet per pupil for preschool children with disabilities,  
26 kindergarten programs and grades one through six, one hundred square feet for  
27 grades seven and eight, one hundred thirty-four square feet for a school  
28 district that provides instruction in grades nine through twelve for fewer  
29 than one thousand eight hundred pupils and one hundred twenty-five square  
30 feet for a school district that provides instruction in grades nine through  
31 twelve for at least one thousand eight hundred pupils. The total number of  
32 pupils in grades nine through twelve in the district shall determine the  
33 square footage factor to use for net new pupils. The school facilities board  
34 may modify the square footage requirements prescribed in this subdivision for  
35 particular schools based on any of the following factors:

36 (i) The number of pupils served or projected to be served by the  
37 school district.

38 (ii) Geographic factors.

39 (iii) Grade configurations other than those prescribed in this  
40 subdivision.

41 (iv) Compliance with minimum school facility adequacy requirements  
42 established pursuant to section 15-2011.

43 (c) Multiply the product obtained in subdivision (b) of this paragraph  
44 by the cost per square foot. The cost per square foot is ninety dollars for  
45 preschool children with disabilities, kindergarten programs and grades one

1 through six, ninety-five dollars for grades seven and eight and one hundred  
2 ten dollars for grades nine through twelve. The cost per square foot shall  
3 be adjusted annually for construction market considerations based on an index  
4 identified or developed by the joint legislative budget committee as  
5 necessary but not less than once each year. The school facilities board  
6 shall multiply the cost per square foot by 1.05 for any school district  
7 located in a rural area. The school facilities board may only modify the  
8 base cost per square foot prescribed in this subdivision for particular  
9 schools based on geographic conditions or site conditions. For the purposes  
10 of this subdivision, "rural area" means an area outside a thirty-five mile  
11 radius of a boundary of a municipality with a population of more than fifty  
12 thousand persons.

13 (d) Once the school district governing board obtains approval from the  
14 school facilities board for new facility construction funds, additional  
15 portable or modular square footage created for the express purpose of  
16 providing temporary space for pupils until the completion of the new facility  
17 shall not be included by the school facilities board for the purpose of new  
18 construction funding calculations. On completion of the new facility  
19 construction project, if the portable or modular facilities continue in use,  
20 the portable or modular facilities shall be included as prescribed by this  
21 chapter, unless the school facilities board approves their continued use for  
22 the purpose of providing temporary space for pupils until the completion of  
23 the next new facility that has been approved for funding from the new school  
24 facilities fund.

25 4. For projects approved after December 31, 2001, and notwithstanding  
26 paragraph 3 of this subsection, a unified school district that does not have  
27 a high school is not eligible to receive high school space as prescribed by  
28 section 15-2011 and this section unless the unified district qualifies for  
29 geographic factors prescribed by paragraph 3, subdivision (b), item (ii) of  
30 this subsection.

31 5. If a joint technical education district leases a building from a  
32 school district, that building shall be included in the school district's  
33 square footage calculation for the purposes of new construction pursuant to  
34 this section.

35 6. If a school district leases a building to another entity, including  
36 a charter school that is sponsored by a school district pursuant to section  
37 15-183, that building shall be included in the school district's square  
38 footage calculation for purposes of new construction pursuant to this  
39 section.

40 E. Monies for architectural and engineering fees, project management  
41 services and preconstruction services shall be distributed on the completion  
42 of the analysis by the school facilities board of the school district's  
43 request. After receiving monies pursuant to this subsection, the school  
44 district shall submit a design development plan for the school or addition to  
45 the school facilities board before any monies for construction are

1 distributed. If the school district's request meets the building adequacy  
2 standards, the school facilities board may review and comment on the  
3 district's plan with respect to the efficiency and effectiveness of the plan  
4 in meeting state square footage and facility standards before distributing  
5 the remainder of the monies. If the school facilities board modifies the  
6 cost per square foot as prescribed in subsection D, paragraph 3, subdivision  
7 (c) of this section, the school facilities board may deduct the cost of  
8 project management services and preconstruction services from the required  
9 cost per square foot. The school facilities board may decline to fund the  
10 project if the square footage is no longer required due to revised enrollment  
11 projections.

12 F. The school facilities board shall distribute the monies needed for  
13 land for new schools so that land may be purchased at a price that is less  
14 than or equal to fair market value and in advance of the construction of the  
15 new school. If necessary, the school facilities board may distribute monies  
16 for land to be leased for new schools if the duration of the lease exceeds  
17 the life expectancy of the school facility by at least fifty per cent. A  
18 school district shall not use land purchased or partially purchased with  
19 monies provided by the school facilities board for a purpose other than a  
20 site for a school facility without obtaining prior written approval from the  
21 school facilities board. A school district shall not lease, sell or take any  
22 action that would diminish the value of land purchased or partially purchased  
23 with monies provided by the school facilities board without obtaining prior  
24 written approval from the school facilities board. The proceeds derived  
25 through the sale of any land purchased or partially purchased, or the sale of  
26 buildings funded or partially funded, with monies provided by the school  
27 facilities board shall be returned to the state fund from which it was  
28 appropriated and to any other participating entity on a proportional basis.  
29 Except as provided in section 15-342, paragraph 33, if a school district  
30 acquires real property by donation at an appropriate school site approved by  
31 the school facilities board, the school facilities board shall distribute an  
32 amount equal to twenty per cent of the fair market value of the donated real  
33 property that can be used for academic purposes. The school district shall  
34 place the monies in the unrestricted capital outlay fund and increase the  
35 unrestricted capital budget limit by the amount of monies placed in the fund.  
36 Monies distributed under this subsection shall be distributed from the new  
37 school facilities fund. A school district that receives monies from the new  
38 school facilities fund for a donation of land pursuant to section 15-342,  
39 paragraph 33 shall not receive monies from the school facilities board for  
40 the donation of real property pursuant to this subsection. A school district  
41 shall not pay a consultant a percentage of the value of any of the following:

42 1. Donations of real property, services or cash from any of the  
43 following:

44 (a) Entities that have offered to provide construction services to the  
45 school district.

1 (b) Entities that have been contracted to provide construction  
2 services to the school district.

3 (c) Entities that build residential units in that school district.

4 (d) Entities that develop land for residential use in that school  
5 district.

6 2. Monies received from the school facilities board on behalf of the  
7 school district.

8 3. Monies paid by the school facilities board on behalf of the school  
9 district.

10 G. In addition to distributions to school districts based on pupil  
11 growth projections, a school district may submit an application to the school  
12 facilities board for monies from the new school facilities fund if one or  
13 more school buildings have outlived their useful life. If the school  
14 facilities board determines that the school district needs to build a new  
15 school building for these reasons, the school facilities board shall remove  
16 the square footage computations that represent the building from the  
17 computation of the school district's total square footage for purposes of  
18 this section. If the square footage recomputation reflects that the school  
19 district no longer meets building adequacy standards, the school district  
20 qualifies for a distribution of monies from the new school construction  
21 formula in an amount determined pursuant to subsection D of this section.  
22 ~~Buildings removed from a school district's total square footage pursuant to~~  
23 ~~this subsection shall not be included in the computation of monies from the~~  
24 ~~building renewal fund established by section 15-2031.~~ The school facilities  
25 board may only modify the base cost per square foot prescribed in this  
26 subsection under extraordinary circumstances for geographic factors or site  
27 conditions.

28 H. School districts that receive monies from the new school facilities  
29 fund shall establish a district new school facilities fund and shall use the  
30 monies in the district new school facilities fund only for the purposes  
31 prescribed in this section. By October 15 of each year, each school district  
32 shall report to the school facilities board the projects funded at each  
33 school in the previous fiscal year with monies from the district new school  
34 facilities fund and shall provide an accounting of the monies remaining in  
35 the new school facilities fund at the end of the previous fiscal year.

36 I. If a school district has surplus monies received from the new  
37 school facilities fund, the school district may use the surplus monies only  
38 for capital purposes for the project for up to one year after completion of  
39 the project. If the school district possesses surplus monies from the new  
40 school construction project that have not been expended within one year of  
41 the completion of the project, the school district shall return the surplus  
42 monies to the school facilities board for deposit in the new school  
43 facilities fund.

1 J. The board's consideration of any application filed after December  
2 31 of the year in which the property becomes territory in the vicinity of a  
3 military airport or ancillary military facility as defined in section 28-8461  
4 for monies to fund the construction of new school facilities proposed to be  
5 located in territory in the vicinity of a military airport or ancillary  
6 military facility shall include, if after notice is transmitted to the  
7 military airport pursuant to section 15-2002 and before the public hearing  
8 the military airport provides comments and an analysis concerning  
9 compatibility of the proposed school facilities with the high noise or  
10 accident potential generated by military airport or ancillary military  
11 facility operations that may have an adverse effect on public health and  
12 safety, consideration and analysis of the comments and analysis provided by  
13 the military airport before making a final determination.

14 K. If a school district uses its own project manager for new school  
15 construction, the members of the school district governing board and the  
16 project manager shall sign an affidavit stating that the members and the  
17 project manager understand and will follow the minimum adequacy requirements  
18 prescribed in section 15-2011.

19 L. The school facilities board shall establish a separate account in  
20 the new school facilities fund designated as the litigation account to pay  
21 attorney fees, expert witness fees and other costs associated with litigation  
22 in which the school facilities board pursues the recovery of damages for  
23 deficiencies correction that resulted from alleged construction defects or  
24 design defects that the school facilities board believes caused or  
25 contributed to a failure of the school building to conform to the building  
26 adequacy requirements prescribed in section 15-2011. Attorney fees paid  
27 pursuant to this subsection shall not exceed the market rate for similar  
28 types of litigation. On or before December 1 of each year, the school  
29 facilities board shall report to the joint committee on capital review the  
30 costs associated with current and potential litigation that may be paid from  
31 the litigation account.

32 M. Until the state board of education and the auditor general adopt  
33 rules pursuant to section 15-213, subsection I, the school facilities board  
34 may allow school districts to contract for construction services and  
35 materials through the qualified select bidders list method of project  
36 delivery for new school facilities pursuant to this section.

37 N. The school facilities board shall submit electronically a report on  
38 project management services and preconstruction services to the governor, the  
39 president of the senate and the speaker of the house of representatives by  
40 December 31 of each year. The report shall compare projects that use project  
41 management and preconstruction services with those that do not. The report  
42 shall address cost, schedule and other measurable components of a  
43 construction project. School districts, construction manager at risk firms  
44 and project management firms that participate in a school facilities board



1 funded project shall provide the information required by the school  
 2 facilities board in relation to this report.

3 0. If a school district constructs new square footage according to  
 4 section 15-342, paragraph 33, the school facilities board shall review the  
 5 design plans and location of any new school facility submitted by school  
 6 districts and another party to determine whether the design plans comply with  
 7 the adequacy standards prescribed in section 15-2011 and the square footage  
 8 per pupil requirements pursuant to subsection D, paragraph 3, subdivision (b)  
 9 of this section. When the school district qualifies for a distribution of  
 10 monies from the new school facilities fund according to this section, the  
 11 school facilities board shall distribute monies to the school district from  
 12 the new school facilities fund for the square footage constructed under  
 13 section 15-342, paragraph 33 at the same cost per square foot established by  
 14 this section that was in effect at the time of the beginning of the  
 15 construction of the school facility. Before the school facilities board  
 16 distributes any monies pursuant to this subsection, the school district shall  
 17 demonstrate to the school facilities board that the facilities to be funded  
 18 pursuant to this section meet the minimum adequacy standards prescribed in  
 19 section 15-2011. The agreement entered into pursuant to section 15-342,  
 20 paragraph 33 shall set forth the procedures for the allocation of these funds  
 21 to the parties that participated in the agreement.

22 **P. ACCOMMODATION SCHOOLS ARE NOT ELIGIBLE FOR MONIES FROM THE NEW**  
 23 **SCHOOL FACILITIES FUND.**

24 Sec. 17. Repeal

25 Laws 2011, second special session, chapter 1, section 135, is repealed.

26 Sec. 18. Joint technical education district equalization  
 27 funding; fiscal year 2013-2014

28 Notwithstanding section 15-393, Arizona Revised Statutes, or any other  
 29 law, the department of education shall fund state aid for joint technical  
 30 education districts with a student count of more than two thousand students  
 31 for fiscal year 2013-2014 at ninety-one per cent of the amount that otherwise  
 32 would be provided by law.

33 Sec. 19. School facilities board; new construction moratorium

34 A. Notwithstanding sections 15-2011 and 15-2041, Arizona Revised  
 35 Statutes, as amended by this act, for fiscal year 2013-2014, the school  
 36 facilities board shall not authorize or award funding for the design or  
 37 construction of any new school facility and shall not authorize or award  
 38 funding for school site acquisitions. This subsection does not apply to a  
 39 facility that is to be constructed for a unified school district that has  
 40 received final approval from the school facilities board before January 1,  
 41 2013, that had an average daily membership of fewer than one thousand five  
 42 hundred pupils in fiscal year 2011-2012 and that is located in a county with  
 43 a population of fewer than one hundred fifty thousand persons.

1 B. During fiscal year 2013-2014, school districts shall submit capital  
2 plans according to section 15-2041, subsection C, Arizona Revised Statutes.  
3 The school facilities board may review and award new school facilities as  
4 outlined in section 15-2041, Arizona Revised Statutes, subject to future  
5 appropriations.

6 C. This section does not apply to lease-to-own transactions entered  
7 into by the school facilities board pursuant to Laws 2009, third special  
8 session, chapter 12, section 75, as amended by Laws 2010, seventh special  
9 session, chapter 8, section 6.

10 D. This section does not prevent the school facilities board from  
11 distributing monies for construction projects that began construction before  
12 fiscal year 2008-2009.

13 E. It is the intent of the legislature to evaluate long-term funding  
14 for new school facilities on review of additional demographic data and other  
15 information as submitted by school districts during the capital review  
16 process specified in subsection B of this section.

17 Sec. 20. Deposits in the education learning and accountability  
18 fund

19 On or before December 31, 2013, each community college district shall  
20 transmit six dollars per full-time student equivalent according to the most  
21 recent audit and each university under the jurisdiction of the Arizona board  
22 of regents shall transmit six dollars per actual university full-time  
23 equivalent student to the department of education for deposit in the  
24 education learning and accountability fund established by section 15-249.02,  
25 Arizona Revised Statutes.

26 Sec. 21. School facilities board: refinancing or refunding  
27 agreement

28 A. Notwithstanding section 15-2004, subsection M, section 15-2005,  
29 subsection M and section 15-2006, Arizona Revised Statutes, the school  
30 facilities board may enter into a refinancing or refunding agreement in  
31 fiscal year 2013-2014 that will reduce the school facilities board's fiscal  
32 year 2013-2014 and fiscal year 2014-2015 lease-purchase payments by a  
33 combined total of at least \$4,000,000 but that will not increase or decrease  
34 the total amount of the school facilities board's lease-purchase payments in  
35 any other fiscal year by more than \$100,000.

36 B. Before the school facilities board enters into a refinancing or  
37 refunding agreement pursuant to subsection A of this section, the agreement's  
38 proposed terms shall be submitted for review by the joint committee on  
39 capital review.

40 C. The school facilities board shall revert any unexpended monies  
41 appropriated to the new school facilities debt service special line item in  
42 fiscal year 2013-2014 to the state general fund on or before June 30, 2014.

1           Sec. 22. Limitation on amount of bonded indebtedness; intent

2           A. Notwithstanding section 15-1021, Arizona Revised Statutes, for  
3 fiscal year 2013-2014 the percentage limitation prescribed in section  
4 15-1021, subsection B, Arizona Revised Statutes, is increased to ten per cent  
5 for any bonds approved by the voters of the school district, except that the  
6 total amount of class A and class B bonds issued by a school district shall  
7 not exceed the debt limitations prescribed in article IX, section 8,  
8 Constitution of Arizona.

9           B. Notwithstanding section 15-1021, Arizona Revised Statutes, for  
10 fiscal year 2013-2014 the percentage limitation prescribed in section  
11 15-1021, subsection D, Arizona Revised Statutes, is increased to twenty per  
12 cent for any bonds approved by the voters of the school district, except that  
13 the total amount of class A and class B bonds issued by a unified school  
14 district shall not exceed the debt limitations prescribed in article IX,  
15 section 8.1, Constitution of Arizona.

16           C. It is the intent of the legislature that, if a school district uses  
17 this section, the revenue that results from the temporary additional bonding  
18 capacity prescribed in this section be used only for capital purposes and not  
19 be used for maintenance and operation expenses, as provided in section  
20 15-491, Arizona Revised Statutes.

21           Sec. 23. Department of education; request for proposals; ELL  
22 hardware and software; pilot program; funding;  
23 delayed repeal

24           A. The department of education shall develop and administer a  
25 three-year pilot program on online English language learner instruction.

26           B. The department of education shall issue a request for information  
27 to entities that specialize in hardware and software designed to provide  
28 online instruction to pupils who are classified as English language learners.  
29 After reviewing and analyzing the information provided, the department shall  
30 issue a request for proposals to entities that specialize in hardware and  
31 software designed to provide online instruction to pupils who are classified  
32 as English language learners. The department shall award a contract to the  
33 entity that will provide the hardware and software in the most efficient and  
34 cost-effective manner. The department shall award a contract pursuant to  
35 this section on or before December 31, 2013. Before execution of the  
36 contract pursuant to this subsection, the department shall submit a detailed  
37 summary of the pilot program costs, including the proposed contract, to the  
38 joint legislative budget committee for review.

39           C. School districts and charter schools shall submit applications to  
40 participate in the pilot program to the department of education on or before  
41 a date prescribed by the department. On or before December 31, 2013, the  
42 department shall select school districts and charter schools to participate  
43 in the pilot program. School districts and charter schools that are selected  
44 to participate in the pilot program shall provide online English language

1 learner instruction with the hardware and software provided by the entity  
2 selected by the department pursuant to subsection B of this section.

3 D. The department of education may fund the pilot program in fiscal  
4 years 2013-2014, 2014-2015 and 2015-2016 with up to three million dollars  
5 each year from the Arizona structured English immersion fund established by  
6 section 15-756.04, Arizona Revised Statutes.

7 E. On or before November 15, 2016, the department of education shall  
8 submit to the governor, the president of the senate and the speaker of the  
9 house of representatives a report that summarizes the results of the pilot  
10 program. The department of education shall provide a copy of the report to  
11 the secretary of state.

12 F. This section is repealed from and after January 1, 2017.

13 Sec. 24. Charter school conversions; moratorium; retroactivity

14 A. Notwithstanding section 15-183, Arizona Revised Statutes, or any  
15 other law, a school district may not convert an existing district school to a  
16 charter school through June 30, 2014.

17 B. This section is effective retroactively to from and after April  
18 30, 2013.

19 Sec. 25. Education learning and accountability fund service  
20 fee, donation and grant subaccount; appropriation;  
21 fiscal year 2013-2014

22 For fiscal year 2013-2014, all monies deposited into the education  
23 learning and accountability fund service fee, donation and grant subaccount  
24 pursuant to section 15-249.02, Arizona Revised Statutes, as amended by this  
25 act, are appropriated for use after review of the expenditure plan by the  
26 joint legislative budget committee.

27 Sec. 26. Soft capital carryforward balances; transfer

28 Notwithstanding any other law, a school district shall transfer any  
29 budget capacity and cash remaining in its soft capital allocation fund at the  
30 end of fiscal year 2012-2013 to its maintenance and operations fund or its  
31 unrestricted capital outlay fund.

32 Sec. 27. Existing capital outlay revenue limit overrides

33 Notwithstanding section 15-481, subsection Z, Arizona Revised Statutes,  
34 a budget in excess of the capital outlay revenue limit that was approved by  
35 the voters in a school district before the effective date of this act shall  
36 remain in effect until the end of the period authorized pursuant to the  
37 previous election.

38 Sec. 28. Budget reductions; soft capital overexpenditures

39 Beginning in fiscal year 2013-2014, a school district that overexpended  
40 its soft capital allocation in fiscal year 2012-2013 or in a prior fiscal  
41 year shall apply any correction required for that overexpenditure pursuant to  
42 section 15-905, subsection L or M, Arizona Revised Statutes, to its  
43 maintenance and operation or unrestricted capital budgets.

1           Sec. 29. Retroactivity

2           Section 26 of this act, relating to soft capital carryforward balances,  
3 is effective retroactively to from and after June 30, 2013.

4           Sec. 30. Conforming changes; budget forms and procedures

5           For fiscal year 2013-2014, the department of education and auditor  
6 general may modify school budgeting forms and procedures in order to conform  
7 with the establishment of district additional assistance pursuant to section  
8 15-961, Arizona Revised Statutes, as amended by this act, and the associated  
9 repeal by this act of section 15-962, Arizona Revised Statutes, pertaining to  
10 soft capital funding.

11          Sec. 31. Conforming legislation

12          The legislative council staff shall prepare proposed legislation  
13 conforming the Arizona Revised Statutes to the provisions of this act for  
14 consideration in the fifty-first legislature, second regular session.