

House Engrossed

public school closures; coronavirus disease.

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

CHAPTER 47

HOUSE BILL 2910

AN ACT

PROVIDING FOR PROCEDURES REGARDING PUBLIC SCHOOL CLOSURES RELATED TO THE
CORONAVIRUS DISEASE 2019; APPROPRIATING MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Public school closures; coronavirus disease 2019;
3 waivers; definition

4 A. For the benefit of students enrolled in public schools that have
5 closed as a result of the statewide closure, each public school in this
6 state shall continue to pay its employees, including hourly employees,
7 from March 16, 2020 through March 29, 2020 if an employee is committed to
8 being available to work during the employee's normal work hours. The
9 public school may not require any employee to use accrued vacation or sick
10 leave for the duration of the closure.

11 B. Notwithstanding any other law, if, following the statewide
12 school closure announced on March 15, 2020 by the governor and the
13 superintendent of public instruction in response to a state of emergency
14 declaration by the governor related to the coronavirus disease 2019
15 (COVID-19), the statewide closure of the public schools in this state is
16 lifted on or before March 29, 2020, all of the following apply:

17 1. Public schools in this state are not required to extend the
18 number of school days or add additional instructional hours after the
19 statewide closure ends to make up for the days and hours missed as a
20 result of the statewide closure and to meet the requirements prescribed in
21 sections 15-341.01, 15-391, 15-393, 15-901 and 15-902.04, Arizona Revised
22 Statutes, or any other law for the number of school days or instructional
23 hours, the number of hours a class must meet or the number of hours a
24 student must be enrolled for school finance calculations.

25 2. The testing window for the statewide assessment adopted pursuant
26 to section 15-741, Arizona Revised Statutes, is extended through May 31,
27 2020. Schools operated by a school district and charter schools are
28 encouraged to offer formative assessments.

29 3. For the 2019-2020 school year, a public school's letter grade
30 pursuant to section 15-241, Arizona Revised Statutes, is the higher of the
31 public school's 2018-2019 letter grade or the public school's 2019-2020
32 letter grade.

33 C. Notwithstanding any other law, if, following the statewide
34 school closure announced on March 15, 2020 by the governor and the
35 superintendent of public instruction in response to a state of emergency
36 declaration by the governor related to the coronavirus disease 2019
37 (COVID-19), the statewide closure of the public schools in this state is
38 not lifted on or before March 29, 2020, all of the following apply:

39 1. Public schools in this state are not required to extend the
40 number of school days or add additional instructional hours after the
41 statewide closure ends to make up for the days and hours missed as a
42 result of the first two weeks of the statewide closure during which
43 general educational opportunities as determined by each public school were
44 not provided as prescribed in paragraph 2 of this subsection and to meet
45 the requirements prescribed in sections 15-341.01, 15-391, 15-393, 15-901

1 and 15-902.04, Arizona Revised Statutes, or any other law for the number
2 of school days or instructional hours, the number of hours a class must
3 meet or the number of hours a student must be enrolled for school finance
4 calculations. If a public school complies with paragraphs 2 through 4 of
5 this subsection, the public school is deemed to meet the requirements
6 prescribed in sections 15-341.01, 15-901 and 15-902.04, Arizona Revised
7 Statutes, or any other law for the number of school days or instructional
8 hours, the number of hours a class must meet or the number of hours a
9 student must be enrolled for school finance calculations for the 2019-2020
10 school year.

11 2. Beginning on March 30, 2020, each public school in this state
12 shall offer students general educational opportunities as determined by
13 the public school for the duration of the statewide closure as a condition
14 of the public school receiving continued formula funding based on the
15 public school's one hundredth-day average daily membership. The state
16 board of education and the department of education shall determine the
17 manner in which a public school attests that it is complying with this
18 paragraph.

19 3. If the statewide closure is not lifted before the scheduled end
20 of the public school's 2019-2020 posted school year calendar, the public
21 school shall continue offering general educational opportunities as
22 determined by the public school as prescribed in paragraph 2 of this
23 subsection until the scheduled end of the public school's 2019-2020 posted
24 school year calendar.

25 4. If the statewide closure is lifted before the scheduled end of
26 the public school's 2019-2020 posted school year calendar, the public
27 school shall either:

28 (a) Resume physical operations as usual on the date that the
29 statewide closure of the public schools in this state is lifted and
30 continue operations until the scheduled end of the public school's
31 2019-2020 posted school year calendar.

32 (b) Continue offering general educational opportunities as
33 determined by the public school as prescribed in paragraph 2 of this
34 subsection until the scheduled end of the public school's 2019-2020 posted
35 school year calendar.

36 5. If the statewide closure causes the daily route mileage as
37 defined in section 15-901, Arizona Revised Statutes, of a school district
38 to be lower in fiscal year 2019-2020 than it was in fiscal year 2018-2019,
39 the daily route mileage as defined in section 15-901, Arizona Revised
40 Statutes, of the school district for fiscal year 2019-2020 for the
41 purposes of calculating the transportation support level under section
42 15-945, Arizona Revised Statutes, in fiscal year 2020-2021 shall be
43 considered the daily route mileage from the 2018-2019 fiscal year. A
44 public school's transportation fleet, including school buses, may be used

1 to perform school operations that are deemed to support students and their
2 families during the statewide closure as determined by the public school.

3 6. For the benefit of students enrolled in public schools that have
4 closed as a result of the statewide closure, each public school in this
5 state shall continue to pay all its employees, including hourly employees,
6 for the duration of the statewide closure, subject to the following:

7 (a) Before March 30, 2020, each public school employee, including
8 hourly employees, shall commit to be available to work during the
9 employee's normal work hours.

10 (b) If the public school employee is able to perform the employee's
11 work tasks remotely, the employee shall work remotely beginning March 30,
12 2020 through the duration of the statewide closure. After the statewide
13 closure is lifted, if the public school opts to resume physical operations
14 as usual as prescribed in paragraph 4, subdivision (a) of this subsection,
15 the public school employee may no longer work remotely unless otherwise
16 authorized by the public school.

17 (c) If the public school employee is unable to perform the
18 employee's work tasks remotely, the public school shall reassign the
19 employee to other tasks that the employee is able to perform and the
20 employee shall perform those tasks beginning March 30, 2020 through the
21 duration of the statewide closure. After the statewide closure is lifted,
22 if the public school opts to resume physical operations as usual as
23 prescribed in paragraph 4, subdivision (a) of this subsection, the public
24 school employee shall resume the public school employee's normal work
25 tasks unless otherwise authorized by the public school.

26 7. During the 2019-2020 school year, public schools may deviate
27 from the statutory requirements relating to special education programs.
28 Public schools shall attempt to ensure that each student who has a section
29 504 plan as defined in section 15-731, Arizona Revised Statutes, or who
30 receives special education services through an individualized education
31 program has access to these educational opportunities.

32 8. Public schools may use any monies generated during the 2019-2020
33 school year to provide summer school instruction during the summer of 2020
34 only.

35 9. The statewide assessment adopted pursuant to section 15-741,
36 Arizona Revised Statutes, is canceled.

37 10. For the 2019-2020 school year, a public school's letter grade
38 pursuant to section 15-241, Arizona Revised Statutes, is the public
39 school's 2018-2019 letter grade.

40 11. For the 2019-2020 school year, a pupil is not required to meet
41 the requirements prescribed in section 15-701, Arizona Revised Statutes,
42 to be promoted from the third grade.

43 12. The state board of education shall adopt rules for the
44 graduation of public school students from high school for the 2019-2020
45 school year. For the purposes of this paragraph, the state board of

1 education is exempt from the rulemaking requirements of title 41, chapter
2 6, Arizona Revised Statutes.

3 13. For fiscal year 2020-2021, a public school student who takes an
4 online course during June or July 2020 may generate up to a total of 1.25
5 average daily membership.

6 14. The auditor general shall work with public schools to establish
7 modified timelines for financial and performance data reporting.

8 D. On or before April 15, 2020, the Arizona department of
9 education, with the approval of the state board of education, shall apply
10 to the United States department of education or other appropriate federal
11 agency for a waiver of the federal food and nutrition, assessment and
12 accountability requirements and other issues that impact educational
13 attainment that cannot be met in the 2019-2020 school year due to the
14 state of emergency declaration by the governor related to the coronavirus
15 disease 2019 (COVID-19).

16 E. For the purposes of this section, "public school" includes
17 schools operated by a school district, charter schools, the Arizona state
18 schools for the deaf and the blind, accommodation schools as defined in
19 section 15-101, Arizona Revised Statutes, county jail or juvenile
20 detention center education programs established pursuant to section 15-913
21 or 15-913.01, Arizona Revised Statutes, and career technical education
22 districts.

23 Sec. 2. Superintendent of public instruction; school finance
24 requirements; waiver; 2019-2020 school year

25 Notwithstanding any other law, through June 30, 2021, the
26 superintendent of public instruction, only with the approval of the state
27 board of education, may waive any school finance requirement necessary to
28 implement section 1 of this act for school finance matters related to the
29 2019-2020 school year only.

30 Sec. 3. Retroactivity

31 This act applies retroactively to from and after March 15, 2020.

32 Sec. 4. Emergency

33 This act is an emergency measure that is necessary to preserve the
34 public peace, health or safety and is operative immediately as provided by
35 law.

APPROVED BY THE GOVERNOR MARCH 27, 2020.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2020.