

REFERENCE TITLE: public school closures; coronavirus disease

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1693

Introduced by
Senators Fann: Allen S, Gowan, Gray, Kerr, Mesnard, Pace (with permission
of Committee on Rules)

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

10 1. Public schools in this state are not required to extend the
11 number of school days or add additional instructional hours after the
12 statewide closure ends to make up for the days and hours missed as a
13 result of the statewide closure and to meet the requirements prescribed in
14 sections 15-341.01, 15-901 and 15-902.04, Arizona Revised Statutes, or any
15 other law for the number of school days or instructional hours, the number
16 of hours a class must meet or the number of hours a student must be
17 enrolled for school finance calculations.

18 2. The testing window for the statewide assessment adopted pursuant
19 to section 15-741, Arizona Revised Statutes, is extended through May 31,
20 2020. Schools operated by a school district and charter schools are
21 encouraged to offer formative assessments.

22 3. For the 2019-2020 school year, a public school's letter grade
23 pursuant to section 15-241, Arizona Revised Statutes, is the higher of the
24 public school's 2018-2019 letter grade or the public school's 2019-2020
25 letter grade.

26 4. For the benefit of students enrolled in public schools that have
27 closed as a result of the statewide closure, each public school in this
28 state shall continue to pay all its employees, including hourly employees,
29 for the duration of the statewide school closure.

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

36 1. Public schools in this state are not required to extend the
37 number of school days or add additional instructional hours after the
38 statewide closure ends to make up for the days and hours missed as a
39 result of the first two weeks of the statewide closure during which
40 general education delivery via alternative formats as determined by each
41 public school was not provided as prescribed in paragraph 2 of this
42 subsection and to meet the requirements prescribed in sections 15-341.01,
43 15-901 and 15-902.04, Arizona Revised Statutes, or any other law for the
44 number of school days or instructional hours, the number of hours a class
45 must meet or the number of hours a student must be enrolled for school

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

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

16 3. If the statewide closure is not lifted before the scheduled end
17 of the public school's 2019-2020 posted school year calendar, the public
18 school shall continue offering general educational delivery via
19 alternative formats as determined by the public school as prescribed in
20 paragraph 2 of this subsection until the scheduled end of the public
21 school's 2019-2020 posted school year calendar.

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

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

29 (b) Continue offering general educational delivery via alternative
30 formats as determined by the public school as prescribed in paragraph 2 of
31 this subsection until the scheduled end of the public school's 2019-2020
32 posted school year calendar.

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

44 6. For the benefit of students enrolled in public schools that have
45 closed as a result of the statewide closure, each public school in this

1 state shall continue to pay all its employees, including hourly employees,
2 for the duration of the statewide closure, subject to the following:

3 (a) If the public school employee is able to perform the employee's
4 work tasks remotely, the employee shall work remotely beginning March 30,
5 2020 through the duration of the statewide closure. After the statewide
6 closure is lifted, if the public school opts to resume physical operations
7 as usual as prescribed in paragraph 4, subdivision (a) of this subsection,
8 the public school employee may no longer work remotely unless otherwise
9 authorized by the public school.

10 (b) If the public school employee is unable to perform the
11 employee's work tasks remotely, the public school shall reassign the
12 employee to other tasks that the employee is able to perform and the
13 employee shall perform those tasks beginning March 30, 2020 through the
14 duration of the statewide closure. After the statewide closure is lifted,
15 if the public school opts to resume physical operations as usual as
16 prescribed in paragraph 4, subdivision (a) of this subsection, the public
17 school employee shall resume the public school employee's normal work
18 tasks unless otherwise authorized by the public school.

19 7. During the 2019-2020 school year, public schools may deviate
20 from the statutory requirements relating to special education programs,
21 including implementing alternative modes of service delivery. Public
22 schools shall ensure, to the greatest extent possible, that each student
23 who has a section 504 plan as defined in section 15-731, Arizona Revised
24 Statutes, or who receives special education services has access to these
25 alternative modes of service delivery.

26 8. Public schools may use any monies generated during the 2019-2020
27 school year to provide summer school instruction during the summer of 2020
28 only.

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

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

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

37 12. The state board of education shall adopt rules for the
38 graduation of public school students from high school for the 2019-2020
39 school year. For the purposes of this paragraph, the state board of
40 education is exempt from the rulemaking requirements of title 41, chapter
41 6, Arizona Revised Statutes.

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

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

3 15. For the 2019-2020 school year, statutory prohibitions on
4 supplanting federal and state monies are suspended.

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

13 D. For the purposes of this section, "public school" includes
14 schools operated by a school district, charter schools, the Arizona state
15 schools for the deaf and the blind and career technical education
16 districts.

17 Sec. 2. Retroactivity

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

19 Sec. 3. Emergency

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