



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

ENACTED

AMENDED

FACT SHEET FOR H.B. 2910/S.B. 1693

public school closures; coronavirus disease.

Purpose

An emergency measure outlining school procedures to address instruction, assessment and funding issues during the statewide closure of all Arizona public schools due to the coronavirus disease (COVID-19).

Background

Statute requires each public school to conduct instruction for at least 180 days each school year. The Arizona Department of Education (ADE) adjusts the amount of state aid distributed to school districts to reflect the increased number of school days as prescribed. *One hundred eighty days* is defined as 180 days or an equivalent number of minutes of instruction per school year based on a different number of days of instruction approved by the school district governing board or charter school governing body ([A.R.S. § 15-341.01](#)).

Common school students' average daily membership (ADM), and corresponding funding amounts, are fractionalized based on the number of hours the student is enrolled in an instructional program in a 180-day school year. A full-time student generates 1.0 ADM, and the full allotment of funding, for the student's school district or charter school of attendance. Part-time common school students generate 0.25, 0.5 or 0.75 ADM if enrolled in an instructional program for at least one-fourth, one-half or three-fourths of the time a full-time student must be enrolled ([A.R.S. § 15-901](#)).

The statewide assessment for English language arts, math and science was scheduled to be offered between March 30 and April 24, 2020, for students in grades 3 through 8 and grade 10. The AIMS science test was scheduled to be offered between March 23 and April 17, 2020 for students in grades 4, 8 and high school ([Arizona Department of Education](#)).

On March 15, 2020, the Governor and Superintendent of Public Instruction announced the statewide closure of all Arizona public schools from Monday, March 16, 2020 through Friday, March 27, 2020 after a state of emergency declaration by the Governor due to the outbreak of COVID-19 ([Office of the Governor](#)).

The anticipated fiscal impact to the state General Fund associated with this legislation is unknown at this time.

Provisions

Statewide School Closures

1. Specifies if school employees are available to work during their normal work hours, each Arizona public school will continue to pay its employees including hourly employees, from March 16 through March 29, 2020.

2. Prohibits public schools from requiring any employee to use accrued vacation or sick leave for the duration of the statewide school closure.
3. Establishes the following requirements if the statewide school closure is lifted by March 30, 2020:
 - a) deems Arizona public schools are not required to extend the number of school days or add instructional hours to meet a prescribed number of school days or instructional hours, or minimum class hours or student enrollment for school finance calculations;
 - b) extends the testing window for the statewide assessment through May 31, 2020, with district and charter schools encouraged to offer formative assessments; and
 - c) establishes for the 2019-2020 school year, a public school's letter grade is the higher of their 2018-2019 or 2019-2020 letter grade.
4. Establishes the following requirements if the statewide school closure is not lifted by March 30, 2020:
 - a) deems that Arizona public schools are not required to extend the number of school days or add instructional hours to make up for days and hours when general educational opportunities were not provided and to meet a prescribed number of school days or instructional hours, or minimum class hours or student enrollment for school finance calculations;
 - b) directs each public school, starting March 30, 2020, to offer general educational opportunities determined by each school for the duration of the school closure or until the scheduled end of the 2019-2020 school year;
 - c) conditions a public school's continued formula funding on a school's attestation that it is offering general educational opportunities, in a manner determined by ADE and the Arizona State Board of Education (SBE);
 - d) deems a public school in compliance with outlined requirements as meeting the prescribed number of school days or instructional hours, or minimum class hours or student enrollment for school finance calculations;
 - e) substitutes a school district's FY 2020 daily route mileage with its FY 2019 calculation to calculate its FY 2021 transportation support level, if the school closure caused a lower daily route mileage;
 - f) allows a public school to utilize its transportation fleet, including school buses, for school operations to support students and their families during the statewide closure;
 - g) directs each public school to continue to pay all its employees, including hourly employees, for the duration of the statewide closure as follows:
 - i. requires each employee, including hourly employees, to be available to work during their normal work hours;
 - ii. requires an employee to work remotely beginning March 30, 2020, if they can remotely perform their work tasks through the duration of the statewide closure;
 - iii. requires an employee to be reassigned to other tasks beginning March 30, 2020, if they are unable to remotely perform their work tasks through the duration of the statewide closure; and
 - iv. prohibits an employee from working remotely and requires them to resume their normal work tasks after the statewide closure is lifted and the school resumes physical operations, unless otherwise authorized by the school;
 - h) allows public schools, during the 2019-2020 school year, to deviate from statutory requirements for special education programs while attempting to ensure each student with a Section 504 Plan or special education services through an individualized education program has access to these educational opportunities;

- i) allows schools to utilize any monies generated during the 2019-2020 school year for 2020 summer school instruction;
 - j) cancels the annual statewide assessment;
 - k) deems a public school's 2018-2019 letter grade as the school's 2019-2020 letter grade;
 - l) exempts pupils, for the 2019-2020 school year, from grade 3 promotion requirements; and
 - m) requires SBE to adopt rules for high school graduation for the 2019-2020 school year that are exempt from rulemaking requirements.
5. Requires a public school, if the statewide closure is lifted before the scheduled end of the 2019-2020 school year calendar, to:
- a) resume normal physical operations when the statewide closure is lifted and continue operations until the scheduled end of the school year calendar; and
 - b) continue offering general educational opportunities until the scheduled end of the school year calendar.

School Funding

6. Allows a student taking an online course in June or July 2020, to generate up to 1.25 ADM in FY 2021.
7. Allows the SPI, only with SBE approval, through June 30, 2021 to waive any school finance requirement necessary to implement school closures for only finance matters relating to the 2019-2020 school year.

Exemptions and Modified Reporting Requirements

8. Directs ADE, by April 15, 2020, with SBE approval to apply to the U.S. Department of Education or other appropriate federal agency for a waiver from federal food and nutrition, assessment and accountability requirements, and other issues impacting educational attainment unable to be met in the 2019-2020 school year.
9. Requires the Auditor General to work with public schools to establish modified timelines for financial and performance data reporting.

Miscellaneous

10. Defines *public school* as schools operated by a school district, charter schools, the Arizona State Schools for the Deaf and the Blind, accommodation schools, county jail or juvenile detention center education programs and career technical education districts.
11. Becomes effective on March 27, 2020, retroactive to March 16, 2020.

Amendments Adopted by Committee of the Whole

1. Specifies school employees, who commit to being available to work during normal work hours, will continue to be paid from March 16, 2020, through March 29, 2020.
2. Prohibits public schools from requiring any employee to use accrued vacation or sick leave for the duration of the statewide school closure.

3. Requires public schools to offer general educational opportunities for students, rather than requiring general educational delivery via alternative formats.
4. Specifies if the school closure is not lifted before March 30, 2020, all school employees must commit to be available to work during normal work hours to continue to be paid during the school closure.
5. Includes individualized education programs in the special education services that each school will attempt to provide to students.
6. Applies the school closure procedures to accommodation schools and county jail or juvenile detention center education programs.
7. Allows the SPI, only with SBE approval, to waive any school finance requirements necessary to implement school closures as outlined through June 30, 2021.
8. Removes the suspension on prohibiting supplanting of federal and state monies.
9. Makes technical and conforming changes.

House Action

Rules 3/19/20 DP/C&P 7-0-0-1
3rd Read 3/19/20 60-0-0

Senate Action

Rules 3/18/20 DP/PFC 6-1-1
3rd Read 3/19/20 30-0-0
(H.B. 2910 was substituted for S.B. 1693 on
3rd Read)

Signed by the Governor 3/27/20
Chapter 47 E

Prepared by Senate Research
April 2, 2020
JO/gS