

REFERENCE TITLE: **schools; compulsory attendance; minimum age**

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

HB 2524

Introduced by
Representative Lieberman

AN ACT

**AMENDING SECTIONS 15-342, 15-802, 15-803, 15-805, 15-808, 15-821, 15-901
AND 15-901.02, ARIZONA REVISED STATUTES; RELATING TO SCHOOL ATTENDANCE.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-342, Arizona Revised Statutes, is amended to
3 read:
4 15-342. Discretionary powers
5 The governing board may:
6 1. Expel pupils for misconduct.
7 2. Exclude from grades one through eight children under ~~six~~ FIVE
8 years of age.
9 3. Make such separation of groups of pupils as it deems advisable.
10 4. Maintain such special schools during vacation as deemed
11 necessary for the benefit of the pupils of the school district.
12 5. Permit a superintendent or principal or representatives of the
13 superintendent or principal to travel for a school purpose, as determined
14 by a majority vote of the board. The board may permit members and
15 members-elect of the board to travel within or without the school district
16 for a school purpose and receive reimbursement. Any expenditure for
17 travel and subsistence pursuant to this paragraph shall be as provided in
18 title 38, chapter 4, article 2. The designated post of duty referred to
19 in section 38-621 shall be construed, for school district governing board
20 members, to be the member's actual place of residence, as opposed to the
21 school district office or the school district boundaries. Such
22 expenditures shall be a charge against the budgeted school district funds.
23 The governing board of a school district shall prescribe procedures and
24 amounts for reimbursement of lodging and subsistence expenses.
25 Reimbursement amounts shall not exceed the maximum amounts established
26 pursuant to section 38-624, subsection C.
27 6. Construct or provide in rural districts housing facilities for
28 teachers and other school employees that the board determines are
29 necessary for the operation of the school.
30 7. Sell or lease to the state, a county, a city, another school
31 district or a tribal government agency any school property required for a
32 public purpose, provided the sale or lease of the property will not affect
33 the normal operations of a school within the school district.
34 8. Annually budget and expend funds for membership in an
35 association of school districts within this state.
36 9. Enter into leases or lease-purchase agreements for school
37 buildings or grounds, or both, as lessor or as lessee, for periods of less
38 than twenty years subject to voter approval for construction of school
39 buildings as prescribed in section 15-341, subsection A, paragraph 7.
40 10. Subject to chapter 16 of this title, sell school sites or enter
41 into leases or lease-purchase agreements for school buildings and grounds,
42 as lessor or as lessee, for a period of twenty years or more, but not to
43 exceed ninety-nine years, if authorized by a vote of the school district
44 electors in an election called by the governing board as provided in
45 section 15-491, except that authorization by the school district electors

1 in an election is not required if one of the following requirements is
2 met:

3 (a) The market value of the school property is less than \$50,000 or
4 the property is procured through a renewable energy development agreement,
5 an energy performance contract, which among other items includes a
6 renewable energy power service agreement, or a simplified energy
7 performance contract pursuant to section 15-213.01.

8 (b) The buildings and sites are completely funded with monies
9 distributed by the school facilities board.

10 (c) The transaction involves the sale of improved or unimproved
11 property pursuant to an agreement with the school facilities board in
12 which the school district agrees to sell the improved or unimproved
13 property and transfer the proceeds of the sale to the school facilities
14 board in exchange for monies from the school facilities board for the
15 acquisition of a more suitable school site. For a sale of property
16 acquired by a school district prior to July 9, 1998, a school district
17 shall transfer to the school facilities board that portion of the proceeds
18 that equals the cost of the acquisition of a more suitable school site.
19 If there are any remaining proceeds after the transfer of monies to the
20 school facilities board, a school district shall only use those remaining
21 proceeds for future land purchases approved by the school facilities
22 board, or for capital improvements not funded by the school facilities
23 board for any existing or future facility.

24 (d) The transaction involves the sale of improved or unimproved
25 property pursuant to a formally adopted plan and the school district uses
26 the proceeds of this sale to purchase other property that will be used for
27 similar purposes as the property that was originally sold, provided that
28 the sale proceeds of the improved or unimproved property are used within
29 two years after the date of the original sale to purchase the replacement
30 property. If the sale proceeds of the improved or unimproved property are
31 not used within two years after the date of the original sale to purchase
32 replacement property, the sale proceeds shall be used towards payment of
33 any outstanding bonded indebtedness. If any sale proceeds remain after
34 paying for outstanding bonded indebtedness, or if the district has no
35 outstanding bonded indebtedness, sale proceeds shall be used to reduce the
36 district's primary tax levy. A school district shall not use this
37 subdivision unless all of the following conditions exist:

38 (i) The school district is the sole owner of the improved or
39 unimproved property that the school district intends to sell.

40 (ii) The school district did not purchase the improved or
41 unimproved property that the school district intends to sell with monies
42 that were distributed pursuant to chapter 16 of this title.

43 (iii) The transaction does not violate section 15-341,
44 subsection G.

1 11. Review the decision of a teacher to promote a pupil to a grade
2 or retain a pupil in a grade in a common school or to pass or fail a pupil
3 in a course in high school. The pupil has the burden of proof to overturn
4 the decision of a teacher to promote, retain, pass or fail the pupil. In
5 order to sustain the burden of proof, the pupil shall demonstrate to the
6 governing board that the pupil has mastered the academic standards adopted
7 by the state board of education pursuant to sections 15-701 and 15-701.01.
8 If the governing board overturns the decision of a teacher pursuant to
9 this paragraph, the governing board shall adopt a written finding that the
10 pupil has mastered the academic standards. Notwithstanding title 38,
11 chapter 3, article 3.1, the governing board shall review the decision of a
12 teacher to promote a pupil to a grade or retain a pupil in a grade in a
13 common school or to pass or fail a pupil in a course in high school in
14 executive session unless a parent or legal guardian of the pupil or the
15 pupil, if emancipated, disagrees that the review should be conducted in
16 executive session and then the review shall be conducted in an open
17 meeting. If the review is conducted in executive session, the board shall
18 notify the teacher of the date, time and place of the review and shall
19 allow the teacher to be present at the review. If the teacher is not
20 present at the review, the board shall consult with the teacher before
21 making its decision. Any request, including the written request as
22 provided in section 15-341, the written evidence presented at the review
23 and the written record of the review, including the decision of the
24 governing board to accept or reject the teacher's decision, shall be
25 retained by the governing board as part of its permanent records.

26 12. Provide transportation or site transportation loading and
27 unloading areas for any child or children if deemed for the best interest
28 of the district, whether within or without the district, county or state.

29 13. Enter into intergovernmental agreements and contracts with
30 school districts or other governing bodies as provided in section 11-952.
31 Intergovernmental agreements and contracts between school districts or
32 between a school district and other governing bodies as provided in
33 section 11-952 are exempt from competitive bidding under the procurement
34 rules adopted by the state board of education pursuant to section 15-213.

35 14. Include in the curricula it prescribes for high schools in the
36 school district career and technical education, vocational education and
37 technology education programs and career and technical, vocational and
38 technology program improvement services for the high schools, subject to
39 approval by the state board of education. The governing board may
40 contract for the provision of career and technical, vocational and
41 technology education as provided in section 15-789.

42 15. Suspend a teacher or administrator from the teacher's or
43 administrator's duties without pay for a period of time of not to exceed
44 ten school days, if the board determines that suspension is warranted

1 pursuant to section 15-341, subsection A, ~~paragraphs~~ PARAGRAPH 21 and
2 OR 22.

3 16. Dedicate school property within an incorporated city or town to
4 such city or town or within a county to that county for use as a public
5 right-of-way if both of the following apply:

6 (a) Pursuant to an ordinance adopted by such city, town or county,
7 there will be conferred upon the school district privileges and benefits
8 that may include benefits related to zoning.

9 (b) The dedication will not affect the normal operation of any
10 school within the district.

11 17. Enter into option agreements for the purchase of school sites.

12 18. Donate surplus or outdated learning materials, educational
13 equipment and furnishings to nonprofit community organizations where the
14 governing board determines that the anticipated cost of selling the
15 learning materials, educational equipment or furnishings equals or exceeds
16 the estimated market value of the materials.

17 19. Prescribe policies for the assessment of reasonable fees for
18 students to use district-provided parking facilities. The fees are to be
19 applied by the district solely against costs incurred in operating or
20 securing the parking facilities. Any policy adopted by the governing
21 board pursuant to this paragraph shall include a fee waiver provision in
22 appropriate cases of need or economic hardship.

23 20. Establish alternative educational programs that are consistent
24 with the laws of this state to educate pupils, including pupils who have
25 been reassigned pursuant to section 15-841, subsection E or F.

26 21. Require a period of silence to be observed at the commencement
27 of the first class of the day in the schools. If a governing board
28 chooses to require a period of silence to be observed, the teacher in
29 charge of the room in which the first class is held shall announce that a
30 period of silence not to exceed one minute in duration will be observed
31 for meditation, and during that time no activities shall take place and
32 silence shall be maintained.

33 22. Require students to wear uniforms.

34 23. Exchange unimproved property or improved property, including
35 school sites, where the governing board determines that the improved
36 property is unnecessary for the continued operation of the school district
37 without requesting authorization by a vote of the school district electors
38 if the governing board determines that the exchange is necessary to
39 protect the health, safety or welfare of pupils or when the governing
40 board determines that the exchange is based on sound business principles
41 for either:

1 (a) Unimproved or improved property of equal or greater value.

2 (b) Unimproved property that the owner contracts to improve if the
3 value of the property ultimately received by the school district is of
4 equal or greater value.

5 24. For common and high school pupils, assess reasonable fees for
6 optional extracurricular activities and programs conducted when the common
7 or high school is not in session, except that no fees shall be charged for
8 pupils' access to or use of computers or related materials. For high
9 school pupils, the governing board may assess reasonable fees for fine
10 arts and vocational education courses and for optional services, equipment
11 and materials offered to the pupils beyond those required to successfully
12 complete the basic requirements of any other course, except that no fees
13 shall be charged for pupils' access to or use of computers or related
14 materials. Fees assessed pursuant to this paragraph shall be adopted at a
15 public meeting after notice has been given to all parents of pupils
16 enrolled at schools in the district and shall not exceed the actual costs
17 of the activities, programs, services, equipment or materials. The
18 governing board shall authorize principals to waive the assessment of all
19 or part of a fee assessed pursuant to this paragraph if it creates an
20 economic hardship for a pupil. For the purposes of this paragraph,
21 "extracurricular activity" means any optional, noncredit, educational or
22 recreational activity that supplements the education program of the
23 school, whether offered before, during or after regular school hours.

24 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and
25 9, construct school buildings and purchase or lease school sites, without
26 a vote of the school district electors, if the buildings and sites are
27 totally funded from one or more of the following:

28 (a) Monies in the unrestricted capital outlay fund, except that the
29 estimated cost shall not exceed \$250,000 for a district that utilizes
30 section 15-949.

31 (b) Monies distributed from the school facilities board established
32 by section 15-2001.

33 (c) Monies specifically donated for the purpose of constructing
34 school buildings.

35 This paragraph shall not be construed to eliminate the requirement for an
36 election to raise revenues for a capital outlay override pursuant to
37 section 15-481 or a bond election pursuant to section 15-491.

38 26. Conduct a background investigation that includes a fingerprint
39 check conducted pursuant to section 41-1750, subsection G for certificated
40 personnel and personnel who are not paid employees of the school district,
41 as a condition of employment. A school district may release the results
42 of a background check to another school district for employment purposes.
43 The school district may charge the costs of fingerprint checks to its
44 fingerprinted employee, except that the school district may not charge the

1 costs of fingerprint checks for personnel who are not paid employees of
2 the school district.

3 27. Unless otherwise prohibited by law, sell advertising as
4 follows:

5 (a) Advertisements shall be age appropriate and not contain
6 promotion of any substance that is illegal for minors such as alcohol,
7 tobacco and drugs or gambling. Advertisements shall comply with the state
8 sex education policy of abstinence.

9 (b) Advertising approved by the governing board for the exterior of
10 school buses may appear only on the sides of the bus in the following
11 areas:

12 (i) The signs shall be below the seat level rub rail and not extend
13 above the bottom of the side windows.

14 (ii) The signs shall be at least three inches from any required
15 lettering, lamp, wheel well or reflector behind the service door or stop
16 signal arm.

17 (iii) The signs shall not extend from the body of the bus so as to
18 allow a handhold or present a danger to pedestrians.

19 (iv) The signs shall not interfere with the operation of any door
20 or window.

21 (v) The signs shall not be placed on any emergency doors.

22 (c) The school district shall establish an advertisement fund that
23 is composed of revenues from the sale of advertising. The monies in an
24 advertisement fund are not subject to reversion.

25 28. Assess reasonable damage deposits to pupils in grades seven
26 through twelve for the use of textbooks, musical instruments, band
27 uniforms or other equipment required for academic courses. The governing
28 board shall adopt policies on any damage deposits assessed pursuant to
29 this paragraph at a public meeting called for this purpose after providing
30 notice to all parents of pupils in grades seven through twelve in the
31 school district. Principals of individual schools within the district may
32 waive the damage deposit requirement for any textbook or other item if the
33 payment of the damage deposit would create an economic hardship for the
34 pupil. The school district shall return the full amount of the damage
35 deposit for any textbook or other item if the pupil returns the textbook
36 or other item in reasonably good condition within the time period
37 prescribed by the governing board. For the purposes of this paragraph,
38 "in reasonably good condition" means the textbook or other item is in the
39 same or a similar condition as it was when the pupil received it, plus
40 ordinary wear and tear.

41 29. Notwithstanding section 15-1105, expend surplus monies in the
42 civic center school fund for maintenance and operations or unrestricted
43 capital outlay, if sufficient monies are available in the fund after
44 meeting the needs of programs established pursuant to section 15-1105.

1 30. Notwithstanding section 15-1143, expend surplus monies in the
2 community school program fund for maintenance and operations or
3 unrestricted capital outlay, if sufficient monies are available in the
4 fund after meeting the needs of programs established pursuant to section
5 15-1142.

6 31. Adopt guidelines for standardization of the format of the
7 school report cards required by section 15-746 for schools within the
8 district.

9 32. Adopt policies that require parental notification when a law
10 enforcement officer interviews a pupil on school grounds. Policies
11 adopted pursuant to this paragraph shall not impede a peace officer from
12 the performance of the peace officer's duties. If the school district
13 governing board adopts a policy that requires parental notification:

14 (a) The policy may provide reasonable exceptions to the parental
15 notification requirement.

16 (b) The policy shall set forth whether and under what circumstances
17 a parent may be present when a law enforcement officer interviews the
18 pupil, including reasonable exceptions to the circumstances under which a
19 parent may be present when a law enforcement officer interviews the pupil,
20 and shall specify a reasonable maximum time after a parent is notified
21 that an interview of a pupil by a law enforcement officer may be delayed
22 to allow the parent to be present.

23 33. Enter into voluntary partnerships with any party to finance
24 with funds other than school district funds and cooperatively design
25 school facilities that comply with the adequacy standards prescribed in
26 section 15-2011 and the square footage per pupil requirements pursuant to
27 section 15-2041, subsection D, paragraph 3, subdivision (b). The design
28 plans and location of any such school facility shall be submitted to the
29 school facilities board for approval pursuant to section 15-2041,
30 subsection 0. If the school facilities board approves the design plans
31 and location of any such school facility, the party in partnership with
32 the school district may cause to be constructed and the district may begin
33 operating the school facility before monies are distributed from the
34 school facilities board pursuant to section 15-2041. Monies distributed
35 from the new school facilities fund to a school district in a partnership
36 with another party to finance and design the school facility shall be paid
37 to the school district pursuant to section 15-2041. The school district
38 shall reimburse the party in partnership with the school district from the
39 monies paid to the school district pursuant to section 15-2041, in
40 accordance with the voluntary partnership agreement. Before the school
41 facilities board distributes any monies pursuant to this subsection, the
42 school district shall demonstrate to the school facilities board that the
43 facilities to be funded pursuant to section 15-2041, subsection 0 meet the
44 minimum adequacy standards prescribed in section 15-2011. If the cost to
45 construct the school facility exceeds the amount that the school district

1 receives from the new school facilities fund, the partnership agreement
 2 between the school district and the other party shall specify that, except
 3 as otherwise provided by the other party, any such excess costs shall be
 4 the responsibility of the school district. The school district governing
 5 board shall adopt a resolution in a public meeting that an analysis has
 6 been conducted on the prospective effects of the decision to operate a new
 7 school with existing monies from the school district's maintenance and
 8 operations budget and how this decision may affect other schools in the
 9 school district. If a school district acquires land by donation at an
 10 appropriate school site approved by the school facilities board and a
 11 school facility is financed and built on the land pursuant to this
 12 paragraph, the school facilities board shall distribute an amount equal to
 13 twenty percent of the fair market value of the land that can be used for
 14 academic purposes. The school district shall place the monies in the
 15 unrestricted capital outlay fund and increase the unrestricted capital
 16 budget limit by the amount of the monies placed in the fund. Monies
 17 distributed under this paragraph shall be distributed from the new school
 18 facilities fund pursuant to section 15-2041. If a school district
 19 acquires land by donation at an appropriate school site approved by the
 20 school facilities board and a school facility is financed and built on the
 21 land pursuant to this paragraph, the school district shall not receive
 22 monies from the school facilities board for the donation of real property
 23 pursuant to section 15-2041, subsection F. It is unlawful for:

24 (a) A county, city or town to require as a condition of any land
 25 use approval that a landowner or landowners that entered into a
 26 partnership pursuant to this paragraph provide any contribution, donation
 27 or gift, other than a site donation, to a school district. This
 28 subdivision only applies to the property in the voluntary partnership
 29 agreement pursuant to this paragraph.

30 (b) A county, city or town to require as a condition of any land
 31 use approval that the landowner or landowners located within the
 32 geographic boundaries of the school subject to the voluntary partnership
 33 pursuant to this paragraph provide any donation or gift to the school
 34 district except as provided in the voluntary partnership agreement
 35 pursuant to this paragraph.

36 (c) A community facilities district established pursuant to title
 37 48, chapter 4, article 6 to be used for reimbursement of financing the
 38 construction of a school pursuant to this paragraph.

39 (d) A school district to enter into an agreement pursuant to this
 40 paragraph with any party other than a master planned community party. Any
 41 land area consisting of at least three hundred twenty acres that is the
 42 subject of a development agreement with a county, city or town entered
 43 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a
 44 master planned community. For the purposes of this subdivision, "master
 45 planned community" means a land area consisting of at least three hundred

1 twenty acres, which may be noncontiguous, that is the subject of a zoning
2 ordinance approved by the governing body of the county, city or town in
3 which the land is located that establishes the use of the land area as a
4 planned area development or district, planned community development or
5 district, planned unit development or district or other land use category
6 or district that is recognized in the local ordinance of such county, city
7 or town and that specifies the use of such land is for a master planned
8 development.

9 34. Enter into an intergovernmental agreement with a presiding
10 judge of the juvenile court to implement a law-related education program
11 as defined in section 15-154. The presiding judge of the juvenile court
12 may assign juvenile probation officers to participate in a law-related
13 education program in any school district in the county. The cost of
14 juvenile probation officers who participate in the program implemented
15 pursuant to this paragraph shall be funded by the school district.

16 35. Offer to sell outdated learning materials, educational
17 equipment or furnishings at a posted price commensurate with the value of
18 the items to pupils who are currently enrolled in that school district
19 before those materials are offered for public sale.

20 36. If the school district is a small school district as defined in
21 section 15-901, and if permitted by federal law, opt out of federal grant
22 opportunities if the governing board determines that the federal
23 requirements impose unduly burdensome reporting requirements.

24 37. Prescribe and enforce policies and procedures for the emergency
25 administration of inhalers by trained employees of the school district and
26 nurses who are under contract with the school district pursuant to section
27 15-158.

28 38. Develop policies and procedures to allow principals to budget
29 for or assist with budgeting federal, state and local monies.

30 Sec. 2. Section 15-802, Arizona Revised Statutes, is amended to
31 read:

32 15-802. School instruction; exceptions; violations;
33 classification; definitions

34 A. Every child between the ages of ~~six~~ FIVE and sixteen years shall
35 attend a school and shall be provided instruction in at least the subjects
36 of reading, grammar, mathematics, social studies and science. The person
37 who has custody of the child shall choose a public, private or charter
38 school or a homeschool as defined in this section to provide instruction
39 or shall sign a contract to participate in an Arizona empowerment
40 scholarship account pursuant to section 15-2402.

41 B. The parent or person who has custody shall do the following:

42 1. If the child will attend a public, private or charter school,
43 enroll the child in and ensure that the child attends ~~a~~ THE public,
44 private or charter school for the full time school is in session. In
45 accordance with guidelines adopted by the department of education, school

1 districts and charter schools shall require and maintain verifiable
2 documentation of residency in this state for pupils who enroll in the
3 school district or charter school. If a child attends a school that is
4 operated on a year-round basis, the child shall regularly attend during
5 school sessions that total not less than one hundred eighty school days or
6 two hundred school days, as applicable, or the equivalent as approved by
7 the superintendent of public instruction.

8 2. If the child will attend a private school or homeschool, file an
9 affidavit of intent with the county school superintendent stating that the
10 child is attending a regularly organized private school or is being
11 provided with instruction in a homeschool. The affidavit of intent shall
12 include:

13 (a) The child's name.

14 (b) The child's date of birth.

15 (c) The current address of the school the child is attending.

16 (d) The names, telephone numbers and addresses of the persons who
17 currently have custody of the child.

18 3. If the child will attend homeschool, the child has not reached
19 eight years of age by September 1 of the school year and the person who
20 has custody of the child does not desire to begin home instruction until
21 the child has reached eight years of age, file an affidavit of intent
22 pursuant to paragraph 2 of this subsection stating that the person who has
23 custody of the child does not desire to begin homeschool instruction.

24 C. An affidavit of intent shall be filed within thirty days from
25 the time the child begins to attend a private school or homeschool and is
26 not required thereafter unless the private school or the homeschool
27 instruction is terminated and then resumed. The person who has custody of
28 the child shall notify the county school superintendent within thirty days
29 of the termination that the child is no longer being instructed at a
30 private school or a homeschool. If the private school or homeschool
31 instruction is resumed, the person who has custody of the child shall file
32 another affidavit of intent with the county school superintendent within
33 thirty days.

34 D. A person is excused from the duties prescribed by subsection A
35 or B of this section if any of the following is shown to the satisfaction
36 of the school principal or the school principal's designee:

37 1. The child is in such physical or mental condition that
38 instruction is inexpedient or impracticable.

39 2. The child has completed the high school course of study
40 necessary for completion of grade ten as prescribed by the state board of
41 education.

42 3. The child has presented reasons for nonattendance at a public
43 school that are satisfactory to the school principal or the school
44 principal's designee. For the purposes of this paragraph, the principal's
45 designee may be the school district governing board.

1 4. The child is over fourteen years of age and is employed, with
2 the consent of the person who has custody of the child, at some lawful
3 wage earning occupation.

4 5. The child is enrolled in a work training, career education,
5 career and technical education, vocational education or manual training
6 program that meets the educational standards established and approved by
7 the department of education.

8 6. The child was either:

9 (a) Suspended and not directed to participate in an alternative
10 education program.

11 (b) Expelled from a public school as provided in article 3 of this
12 chapter.

13 7. The child is enrolled in an education program provided by a
14 state educational or other institution.

15 E. Unless otherwise exempted in this section or section 15-803, a
16 parent of a child between ~~six~~ FIVE and sixteen years of age or a person
17 who has custody of a child, who does not provide instruction in a
18 homeschool and who fails to enroll or fails to ensure that the child
19 attends a public, private or charter school pursuant to this section or
20 fails to sign a contract to participate in an ARIZONA empowerment
21 scholarship account pursuant to section 15-2402 is guilty of a class 3
22 misdemeanor. A parent who fails to comply with the duty to file an
23 affidavit of intent to provide instruction in a homeschool is guilty of a
24 petty offense.

25 F. If a child will be educated pursuant to an ARIZONA empowerment
26 scholarship account pursuant to section 15-2402, the department of
27 education shall provide a list of students participating in ARIZONA
28 empowerment scholarship accounts to the school superintendent of the
29 county where the pupil resides.

30 G. For the purposes of this section:

31 1. "Educated pursuant to an ARIZONA empowerment scholarship
32 account" means a child whose parent has signed a contract pursuant to
33 section 15-2402 to educate the child outside of any school district or
34 charter school and in which the parent may but is not required to enroll
35 the child in a private school or to educate the child through any of the
36 methods specified in section 15-2402.

37 2. "Homeschool" means a nonpublic school conducted primarily by the
38 parent, guardian or other person who has custody of the child or nonpublic
39 instruction provided in the child's home.

40 3. "Private school" means a nonpublic institution, other than the
41 child's home, where academic instruction is provided for at least the same
42 number of days and hours each year as a public school.

1 Sec. 3. Section 15-803, Arizona Revised Statutes, is amended to
2 read:

3 15-803. School attendance; exemptions; definitions

4 A. It is unlawful for any child who is between ~~six~~ FIVE and sixteen
5 years of age to fail to attend school during the hours school is in
6 session, unless either:

7 1. The child is excused pursuant to section 15-802, subsection D or
8 section 15-901, subsection A, paragraph 5, subdivision (c).

9 2. The child is accompanied by a parent or a person authorized by a
10 parent.

11 3. The child is provided with instruction in a homeschool.

12 B. A child who is habitually truant or who has excessive absences
13 may be adjudicated an incorrigible child as defined in section 8-201.
14 Absences may be considered excessive when the number of absent days
15 exceeds ten ~~percent~~ PERCENT of the number of required attendance days
16 prescribed in section 15-802, subsection B, paragraph 1.

17 C. For the purposes of this section:

18 1. "Habitually truant" means a truant child who is truant for at
19 least five school days within a school year.

20 2. "Truant" means an unexcused absence for at least one class
21 period during the day.

22 3. "Truant child" means a child who is between ~~six~~ FIVE and sixteen
23 years of age and who is not in attendance at a public or private school
24 during the hours that school is in session, unless excused as provided by
25 this section.

26 Sec. 4. Section 15-805, Arizona Revised Statutes, is amended to
27 read:

28 15-805. Attendance officer; powers and duties

29 A. The attendance officer may enforce the law relating to:

30 1. School attendance of children between the ages of ~~six~~ FIVE and
31 sixteen years.

32 2. The provisions of section 15-802, subsection E, and section
33 15-803.

34 3. Employment of children between the ages of ~~six~~ FIVE and sixteen
35 years.

36 B. The attendance officer may:

37 1. Issue a citation to an adult or child who is alleged to be in
38 violation of laws specified in subsection A of this section to appear
39 before a court of competent jurisdiction and shall advise the person to
40 whom the citation is issued that failure to appear at the time and place
41 specified in the citation may result in the issuance of a warrant for the
42 person's arrest. A citation that is issued to a child under eighteen
43 years of age shall require the child's parent or person having custody to
44 appear with the child at the time and place specified in the
45 citation. The attendance officer shall notify the child's parent or

1 person having custody that the citation was issued and that the parent or
2 person having custody is required to appear in court with the child and
3 shall give proof of the notice to the court.

4 2. Issue a citation on an Arizona traffic ticket and complaint form
5 for any violation of laws specified in subsection A of this section.

6 3. Report a violation of a law specified in subsection A of this
7 section to the local law enforcement agency and request an investigation
8 of the violation. The law enforcement agency shall, when sufficient cause
9 exists, refer the matter for prosecution.

10 4. Enter all places where children may be employed to investigate
11 and enforce the law.

12 Sec. 5. Section 15-808, Arizona Revised Statutes, is amended to
13 read:

14 15-808. Arizona online instruction; reports; definitions

15 A. Arizona online instruction shall be instituted to meet the needs
16 of pupils in the information age. The state board of education shall
17 select district public schools and state-approved charter authorizers
18 shall sponsor charter schools to be online course providers or online
19 schools. The state board of education and state-approved charter
20 authorizers shall develop standards for the approval of online course
21 providers and online schools based on the following criteria:

22 1. The depth and breadth of curriculum choices.

23 2. The variety of educational methodologies employed by the school
24 and the means of addressing the unique needs and learning styles of
25 targeted pupil populations, including computer-assisted learning systems,
26 virtual classrooms, virtual laboratories, electronic field trips, ~~e-mail~~
27 EMAIL, virtual tutoring, online help desk, group chat sessions and
28 noncomputer-based activities performed under the direction of a
29 certificated teacher.

30 3. The availability of an intranet or private network to safeguard
31 pupils against predatory and pornographic elements of the internet.

32 4. The availability of filtered research access to the internet.

33 5. The availability of private individual ~~e-mail~~ EMAIL between
34 pupils, teachers, administrators and parents in order to protect the
35 confidentiality of pupil records and information.

36 6. The availability of faculty members who are experienced with
37 computer networks, the internet and computer animation.

38 7. The extent to which the school intends to develop partnerships
39 with universities, community colleges and private businesses.

40 8. The services offered to populations with developmental
41 disabilities.

42 9. The grade levels that will be served.

43 B. Each new school that provides online instruction shall provide
44 online instruction on a probationary status. After a new school that
45 provides online instruction has clearly demonstrated the academic

1 integrity of its instruction through the actual improvement of the
2 academic performance of its students, the school may apply to be removed
3 from probationary status. The state board of education or the
4 state-approved charter authorizer that sponsored the charter school shall
5 remove from Arizona online instruction any probationary school that fails
6 to clearly demonstrate improvement in academic performance within three
7 years measured against goals in the approved application and the state's
8 accountability system. All pupils who participate in Arizona online
9 instruction shall reside in this state. Pupils who participate in Arizona
10 online instruction are subject to the testing requirements prescribed in
11 chapter 7, article 3 of this title. On enrollment, the school shall
12 notify the parents or guardians of the pupil of the state testing
13 requirements. If a pupil fails to comply with the testing requirements
14 and the school administers the tests pursuant to this subsection to less
15 than ninety-five percent of the pupils in Arizona online instruction, the
16 pupil shall not be allowed to participate in Arizona online instruction.

17 C. The state board of education and state-approved charter
18 authorizers shall develop annual reporting mechanisms for schools that
19 participate in Arizona online instruction.

20 D. The department of education shall compile the information
21 submitted in the annual reports by schools participating in Arizona online
22 instruction. The department of education shall submit the compiled report
23 to the governor, the speaker of the house of representatives and the
24 president of the senate by November 15 of each year.

25 E. Each school selected for Arizona online instruction shall ensure
26 that a daily log is maintained for each pupil who participates in Arizona
27 online instruction. The daily log shall describe the amount of time spent
28 by each pupil participating in Arizona online instruction pursuant to this
29 section on academic tasks. The daily log shall be used by the school
30 district or charter school to qualify the pupils who participate in
31 Arizona online instruction in the school's average daily attendance
32 calculations pursuant to subsection F of this section.

33 F. If a pupil is enrolled in a school district or charter school
34 and also participates in Arizona online instruction, the sum of the
35 average daily membership, which includes enrollment as prescribed in
36 section 15-901, subsection A, paragraph 1, subdivisions (a) and (b) and
37 daily attendance as prescribed in section 15-901, subsection A, paragraph
38 5, for that pupil in the school district or charter school and in Arizona
39 online instruction shall not exceed 1.0. If the pupil is enrolled in a
40 school district or a charter school and also participates in Arizona
41 online instruction and the sum of the daily membership or daily attendance
42 for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and
43 shall be apportioned between the school district, unless the school
44 district is a career technical education district subject to the
45 apportionment requirements of section 15-393, or charter school and

1 Arizona online instruction based on the percentage of total time that the
2 pupil is enrolled or in attendance in the school district or charter
3 school and Arizona online instruction. The uniform system of financial
4 records shall include guidelines for the apportionment of the pupil
5 enrollment and attendance as provided in this subsection. Pupils in
6 Arizona online instruction do not incur absences for purposes of this
7 subsection and may generate an average daily attendance of 1.0 for
8 attendance hours during any hour of the day, during any day of the week
9 and at any time between July 1 and June 30 of each fiscal year. For
10 kindergarten programs and grades one through eight, average daily
11 membership shall be calculated by dividing the instructional hours as
12 reported in the daily log required in subsection E of this section by the
13 applicable hourly requirements prescribed in section 15-901. For grades
14 nine through twelve, average daily membership shall be calculated by
15 dividing the instructional hours as reported in the daily log required in
16 subsection E of this section by nine hundred. The average daily
17 membership of a pupil who participates in online instruction shall not
18 exceed 1.0. Average daily membership shall not be calculated on the one
19 hundredth day of instruction for the purposes of this section. Funding
20 shall be determined as follows:

21 1. A pupil who is enrolled full-time in Arizona online instruction
22 shall be funded for online instruction at ninety-five percent of the base
23 support level that would be calculated for that pupil if that pupil were
24 enrolled as a full-time student in a school district or charter school
25 that does not participate in Arizona online instruction. Charter
26 additional assistance and district additional assistance shall be
27 calculated in the same manner they would be calculated if the student were
28 enrolled in a district or charter school that does not participate in
29 Arizona online instruction.

30 2. A pupil who is enrolled part-time in Arizona online instruction
31 shall be funded for online instruction at eighty-five percent of the base
32 support level that would be calculated for that pupil if that pupil were
33 enrolled as a part-time student in a school district or charter school
34 that does not participate in Arizona online instruction. Charter
35 additional assistance and district additional assistance shall be
36 calculated in the same manner they would be calculated if the student were
37 enrolled in a district or charter school that does not participate in
38 Arizona online instruction.

39 G. If the academic achievement of a pupil declines while the pupil
40 is participating in Arizona online instruction, the pupil's parents, the
41 pupil's teachers and the principal or head teacher of the school shall
42 confer to evaluate whether the pupil should be allowed to continue to
43 participate in Arizona online instruction.

44 H. To ensure the academic integrity of pupils who participate in
45 online instruction, Arizona online instruction shall include multiple

1 diverse assessment measures and the proctored administration of required
2 state standardized tests.

3 I. A school district or charter school may not charge a fee to a
4 pupil who takes an examination in a particular course to obtain academic
5 credit, pursuant to section 15-701.01, subsection I, from the school
6 district or charter school if the academic credit for a course was
7 previously earned in an Arizona online instruction course or at any public
8 school in this state. Any test administered pursuant to this subsection
9 shall be an assessment that is aligned to the course-relevant state
10 academic standards.

11 J. For the purposes of this section:

12 1. "Full-time student" means:

13 (a) A student who is at least ~~five~~ FOUR years of age before
14 September 1 of a school year and who is enrolled in a school kindergarten
15 program that meets at least three hundred forty-six hours during the
16 school year.

17 (b) A student who is at least ~~six~~ FIVE years of age before
18 September 1 of a school year, who has not graduated from the highest grade
19 taught in the school and who is regularly enrolled in a course of study
20 required by the state board of education. For first, second and third
21 grade students, the instructional program shall meet at least seven
22 hundred twelve hours. For fourth, fifth and sixth grade students, the
23 instructional program shall meet at least eight hundred ninety hours
24 during the school year.

25 (c) Seventh and eighth grade students or ungraded students who are
26 at least twelve, but under fourteen, years of age on or before September 1
27 and who are enrolled in an instructional program of courses that meets at
28 least one thousand sixty-eight hours during the school year.

29 (d) For high schools, a student who has not graduated from the
30 highest grade taught in the school district, or an ungraded student who is
31 at least fourteen years of age on or before September 1, and who is
32 enrolled in at least four courses throughout the year that meet at least
33 nine hundred hours during the school year. A full-time student shall not
34 be counted more than once for computation of average daily membership.

35 2. "Online course provider" means a school other than an online
36 school that is selected by the state board of education or a
37 state-approved charter authorizer to participate in Arizona online
38 instruction pursuant to this section and that provides at least one online
39 academic course that is approved by the state board of education.

40 3. "Online school" means a school that provides at least four
41 online academic courses or one or more online courses for the equivalent
42 of at least five hours each day for one hundred eighty school days and
43 that is a charter school that is sponsored by a state-approved charter
44 authorizer or a district public school that is selected by the state board
45 of education to participate in Arizona online instruction.

1 4. "Part-time student" means:

2 (a) Any student who is enrolled in a program that does not meet the
3 definition in paragraph 1 of this subsection shall be funded at
4 eighty-five percent of the base support level that would be calculated for
5 that pupil if that pupil were enrolled as a part-time student in a school
6 district or charter school that does not participate in Arizona online
7 instruction.

8 (b) A part-time student of seventy-five percent average daily
9 membership shall be enrolled in at least three subjects throughout the
10 year that offer for first, second and third grade students at least five
11 hundred thirty-four instructional hours in a school year and for fourth,
12 fifth and sixth grade students at least six hundred sixty-eight
13 instructional hours in a school year. A part-time student of fifty
14 percent average daily membership shall be enrolled in at least two
15 subjects throughout the year that offer for first, second and third grade
16 students at least three hundred fifty-six instructional hours in a school
17 year and for fourth, fifth and sixth grade students at least four hundred
18 forty-five instructional hours in a school year. A part-time student of
19 twenty-five percent average daily membership shall be enrolled in at least
20 one subject throughout the year that offers for first, second and third
21 grade students at least one hundred seventy-eight instructional hours in a
22 school year and for fourth, fifth and sixth grade students at least two
23 hundred twenty-three instructional hours in a school year.

24 (c) For seventh and eighth grade students, a part-time student of
25 seventy-five percent average daily membership shall be enrolled in at
26 least three subjects throughout the year that offer at least eight hundred
27 one instructional hours in a school year. A part-time student of fifty
28 percent average daily membership shall be enrolled in at least two
29 subjects throughout the year that offer at least five hundred thirty-four
30 instructional hours in a school year. A part-time student of twenty-five
31 percent average daily membership shall be enrolled in at least one subject
32 throughout the year that offers at least two hundred sixty-seven
33 instructional hours in a school year.

34 (d) For high school students, a part-time student of seventy-five
35 percent average daily membership shall be enrolled in at least three
36 subjects throughout the year that offer at least six hundred seventy-five
37 instructional hours in a school year. A part-time student of fifty
38 percent average daily membership shall be enrolled in at least two
39 subjects throughout the year that offer at least four hundred fifty
40 instructional hours in a school year. A part-time student of twenty-five
41 percent average daily membership shall be enrolled in at least one subject
42 throughout the year that offers at least two hundred twenty-five
43 instructional hours in a school year.

44 5. "State-approved charter authorizer" means any charter school
45 sponsor authorized pursuant to section 15-183.

1 Sec. 6. Section 15-821, Arizona Revised Statutes, is amended to
2 read:

3 15-821. Admission of children; required age

4 A. Unless otherwise provided by article 1.1 of this chapter or by
5 any other law, all schools shall admit children who are between the ages
6 of ~~six~~ FIVE and twenty-one years, who reside in the school district and
7 who meet the requirements for enrollment in one of the grades or programs
8 offered in the school. A school may refuse to admit a child who has
9 graduated from a high school with a recognized diploma.

10 B. If a preschool program for children with disabilities is
11 maintained, a child is eligible for admission as prescribed in section
12 15-771.

13 C. If a kindergarten program is maintained, a child is eligible for
14 admission to kindergarten if the child is ~~five~~ FOUR years of age. A child
15 is deemed ~~five~~ FOUR years of age if the child reaches the age of ~~five~~ FOUR
16 before September 1 of the current school year. A child is eligible for
17 admission to first grade if the child is ~~six~~ FIVE years of age. A child
18 is deemed ~~six~~ FIVE years of age if the child reaches the age of ~~six~~ FIVE
19 before September 1 of the current school year. The governing board may
20 admit children who have not reached the required age as prescribed by this
21 subsection if it is determined to be in the best interest of the children.
22 For children entering the first grade, such determination shall be based
23 upon one or more consultations with the parent, parents, guardian or
24 guardians, the children, the teacher and the school principal. Such
25 children must reach the required age of ~~five~~ FOUR for kindergarten and ~~six~~
26 FIVE for first grade by January 1 of the current school year.

27 D. Notwithstanding any other law, a child who resides with a family
28 member other than the child's parent while awaiting the outcome of a legal
29 guardianship or custody proceeding is deemed to reside in the school
30 district where that family member resides if the family member provides
31 written documentary proof of one of the following:

32 1. The family member is attempting to obtain legal guardianship of
33 the child in an unresolved and uncontested guardianship proceeding
34 commenced in superior court. The family member shall provide
35 documentation to the school district within thirty days of enrollment that
36 the family member is attempting to obtain legal guardianship of the child.
37 On obtaining legal guardianship, the family member shall provide
38 documentation to the school district.

39 2. The family member is attempting to obtain custody of the child
40 in an unresolved and uncontested child custody proceeding commenced in
41 superior court. The family member shall provide documentation to the
42 school district within thirty days of enrollment that the family member is
43 attempting to obtain custody of the child. On obtaining custody, the
44 family member shall provide documentation to the school district.

1 Sec. 7. Section 15-901, Arizona Revised Statutes, is amended to
2 read:

3 15-901. Definitions

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

5 1. "Average daily membership" means the total enrollment of
6 fractional students and full-time students, minus withdrawals, of each
7 school day through the first one hundred days or two hundred days in
8 session, as applicable, for the current year. Withdrawals include
9 students who are formally withdrawn from schools and students who are
10 absent for ten consecutive school days, except for excused absences
11 identified by the department of education. For the purposes of this
12 section, school districts and charter schools shall report student absence
13 data to the department of education at least once every sixty days in
14 session. For computation purposes, the effective date of withdrawal shall
15 be retroactive to the last day of actual attendance of the student or
16 excused absence.

17 (a) "Fractional student" means:

18 (i) For common schools, a preschool child who is enrolled in a
19 program for preschool children with disabilities of at least three hundred
20 sixty minutes each week that meets at least two hundred sixteen hours over
21 the minimum number of days or a kindergarten student who is at least ~~five~~
22 ~~FOUR~~ years of age before January 1 of the school year and enrolled in a
23 school kindergarten program that meets at least three hundred fifty-six
24 hours for a one hundred eighty-day school year, or the instructional hours
25 prescribed in this section. In computing the average daily membership,
26 preschool children with disabilities and kindergarten students shall be
27 counted as one-half of a full-time student. For common schools, a
28 part-time student is a student enrolled for less than the total time for a
29 full-time student as defined in this section. A part-time common school
30 student shall be counted as one-fourth, one-half or three-fourths of a
31 full-time student if the student is enrolled in an instructional program
32 that is at least one-fourth, one-half or three-fourths of the time a
33 full-time student is enrolled as defined in subdivision (b) of this
34 paragraph. The hours in which a student is scheduled to attend a common
35 school during the regular school day shall be included in the calculation
36 of the average daily membership for that student.

37 (ii) For high schools, a part-time student who is enrolled in less
38 than four subjects that count toward graduation as defined by the state
39 board of education, each of which, if taught each school day for the
40 minimum number of days required in a school year, would meet a minimum of
41 one hundred twenty-three hours a year, or the equivalent, in a recognized
42 high school. The average daily membership of a part-time high school
43 student shall be 0.75 if the student is enrolled in an instructional
44 program of three subjects that meet at least five hundred forty hours for
45 a one hundred eighty-day school year, or the instructional hours

1 prescribed in this section. The average daily membership of a part-time
 2 high school student shall be 0.5 if the student is enrolled in an
 3 instructional program of two subjects that meet at least three hundred
 4 sixty hours for a one hundred eighty-day school year, or the instructional
 5 hours prescribed in this section. The average daily membership of a
 6 part-time high school student shall be 0.25 if the student is enrolled in
 7 an instructional program of one subject that meets at least one hundred
 8 eighty hours for a one hundred eighty-day school year, or the
 9 instructional hours prescribed in this section. The hours in which a
 10 student is scheduled to attend a high school during the regular school day
 11 shall be included in the calculation of the average daily membership for
 12 that student.

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

14 (i) For common schools, a student who is at least ~~six~~ FIVE years of
 15 age before January 1 of a school year, who has not graduated from the
 16 highest grade taught in the school district and who is regularly enrolled
 17 in a course of study required by the state board of education. First,
 18 second and third grade students or ungraded group B children with
 19 disabilities who are at least ~~five~~ FOUR, but under ~~six~~ FIVE, years of age
 20 by September 1 must be enrolled in an instructional program that meets for
 21 a total of at least seven hundred twelve hours for a one hundred
 22 eighty-day school year, or the instructional hours prescribed in this
 23 section. Fourth, fifth, sixth, seventh and eighth grade students must be
 24 enrolled in an instructional program that meets for a total of at least
 25 eight hundred ninety hours for a one hundred eighty-day school year, or
 26 the instructional hours prescribed in this section, including the
 27 equivalent number of instructional hours for schools that operate on a one
 28 hundred forty-four-day school year. The hours in which a student is
 29 scheduled to attend a common school during the regular school day shall be
 30 included in the calculation of the average daily membership for that
 31 student.

32 (ii) For high schools, a student who has not graduated from the
 33 highest grade taught in the school district and who is enrolled in at
 34 least an instructional program of four or more subjects that count toward
 35 graduation as defined by the state board of education, each of which, if
 36 taught each school day for the minimum number of days required in a school
 37 year, would meet a minimum of one hundred twenty-three hours a year, or
 38 the equivalent, that meets for a total of at least seven hundred twenty
 39 hours for a one hundred eighty-day school year, or the instructional hours
 40 prescribed in this section in a recognized high school. A full-time
 41 student shall not be counted more than once for computation of average
 42 daily membership. The average daily membership of a full-time high school
 43 student shall be 1.0 if the student is enrolled in at least four subjects
 44 that meet at least seven hundred twenty hours for a one hundred eighty-day
 45 school year, or the equivalent instructional hours prescribed in this

1 section. The hours in which a student is scheduled to attend a high
2 school during the regular school day shall be included in the calculation
3 of the average daily membership for that student.

4 (iii) If a child who has not reached ~~five~~ FOUR years of age before
5 September 1 of the current school year is admitted to kindergarten and
6 repeats kindergarten in the following school year, a school district or
7 charter school is not eligible to receive basic state aid on behalf of
8 that child during the child's second year of kindergarten. If a child who
9 has not reached ~~five~~ FOUR years of age before September 1 of the current
10 school year is admitted to kindergarten but does not remain enrolled, a
11 school district or charter school may receive a portion of basic state aid
12 on behalf of that child in the subsequent year. A school district or
13 charter school may charge tuition for any child who is ineligible for
14 basic state aid pursuant to this item.

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

18 (v) Except as otherwise provided by law, for any student who is
19 concurrently enrolled in a school district and a charter school, the
20 average daily membership shall be apportioned between the school district
21 and the charter school and shall not exceed 1.0. The apportionment shall
22 be based on the percentage of total time that the student is enrolled in
23 or in attendance at the school district and the charter school.

24 (vi) Except as otherwise provided by law, for any student who is
25 concurrently enrolled, pursuant to section 15-808, in a school district
26 and Arizona online instruction or a charter school and Arizona online
27 instruction, the average daily membership shall be apportioned between the
28 school district and Arizona online instruction or the charter school and
29 Arizona online instruction and shall not exceed 1.0. The apportionment
30 shall be based on the percentage of total time that the student is
31 enrolled in or in attendance at the school district and Arizona online
32 instruction or the charter school and Arizona online instruction.

33 (vii) For homebound or hospitalized, a student receiving at least
34 four hours of instruction per week.

35 (c) "Regular school day" means the regularly scheduled class
36 periods intended for instructional purposes. Instructional purposes may
37 include core subjects, elective subjects, lunch, study halls, music
38 instruction, and other classes that advance the academic instruction of
39 pupils, except that instructional purposes shall not include athletic
40 practices or extracurricular clubs and activities.

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

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

- 1 (a) Grades one through eight.
2 (b) Grades one through nine pursuant to section 15-447.01.
- 3 4. "Current year" means the fiscal year in which a school district
4 is operating.
- 5 5. "Daily attendance" means:
6 (a) For common schools, days in which a pupil:
7 (i) Of a kindergarten program or ungraded, but not group B children
8 with disabilities, who is at least ~~five~~ FOUR, but under ~~six~~ FIVE, years of
9 age by September 1 attends at least three-quarters of the instructional
10 time scheduled for the day. If the total instruction time scheduled for
11 the year is at least three hundred fifty-six hours but is less than seven
12 hundred twelve hours, such attendance shall be counted as one-half day of
13 attendance. If the instructional time scheduled for the year is at least
14 six hundred ninety-two hours, "daily attendance" means days in which a
15 pupil attends at least one-half of the instructional time scheduled for
16 the day. Such attendance shall be counted as one-half day of attendance.
17 (ii) Of the first, second or third grades attends more than
18 three-quarters of the instructional time scheduled for the day.
19 (iii) Of the fourth, fifth or sixth grades attends more than
20 three-quarters of the instructional time scheduled for the day, except as
21 provided in section 15-797.
22 (iv) Of the seventh or eighth grades attends more than
23 three-quarters of the instructional time scheduled for the day, except as
24 provided in section 15-797.
- 25 (b) For common schools, the attendance of a pupil at three-quarters
26 or less of the instructional time scheduled for the day shall be counted
27 as follows, except as provided in section 15-797 and except that
28 attendance for a fractional student shall not exceed the pupil's
29 fractional membership:
30 (i) If attendance for all pupils in the school is based on quarter
31 days, the attendance of a pupil shall be counted as one-fourth of a day's
32 attendance for each one-fourth of full-time instructional time attended.
33 (ii) If attendance for all pupils in the school is based on half
34 days, the attendance of at least three-quarters of the instructional time
35 scheduled for the day shall be counted as a full day's attendance and
36 attendance at a minimum of one-half but less than three-quarters of the
37 instructional time scheduled for the day equals one-half day of
38 attendance.
- 39 (c) For common schools, the attendance of a preschool child with
40 disabilities shall be counted as one-fourth day's attendance for each
41 thirty-six minutes of attendance, except as provided in paragraph 1,
42 subdivision (a), item (i) of this subsection for children with
43 disabilities up to a maximum of three hundred sixty minutes each week.

1 (d) For high schools, the attendance of a pupil shall not be
2 counted as a full day unless the pupil is actually and physically in
3 attendance and enrolled in and carrying four subjects, each of which, if
4 taught each school day for the minimum number of days required in a school
5 year, would meet a minimum of one hundred twenty-three hours a year, or
6 the equivalent, that count toward graduation in a recognized high school
7 except as provided in section 15-797 and subdivision (e) of this
8 paragraph. Attendance of a pupil carrying less than the load prescribed
9 shall be prorated.

10 (e) For high schools, the attendance of a pupil may be counted as
11 one-fourth of a day's attendance for each sixty minutes of instructional
12 time in a subject that counts toward graduation, except that attendance
13 for a pupil shall not exceed the pupil's full or fractional membership.

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

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

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

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

28 (b) The total number of miles driven daily on routes approved by
29 the superintendent of public instruction for which a private party, a
30 political subdivision or a common or a contract carrier is reimbursed for
31 bringing an eligible student from the place of the student's residence to
32 a school transportation pickup point or to the school of attendance and
33 from the school transportation scheduled return point or from the school
34 of attendance to the student's residence. Daily route mileage includes
35 the total number of miles necessary to drive to transport eligible
36 students from and to their residence as provided in this paragraph.

37 7. "District support level" means the base support level plus the
38 transportation support level.

39 8. "Eligible students" means:

40 (a) Students who are transported by or for a school district and
41 who qualify as full-time students or fractional students, except students
42 for whom transportation is paid by another school district or a county
43 school superintendent, and:

44 (i) For common school students, whose place of actual residence
45 within the school district is more than one mile from the school facility

1 of attendance or students who are admitted pursuant to section 15-816.01
2 and who meet the economic eligibility requirements established under the
3 national school lunch and child nutrition acts (42 United States Code
4 sections 1751 through 1785) for free or reduced-price lunches and whose
5 actual place of residence outside the school district boundaries is more
6 than one mile from the school facility of attendance.

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

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

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

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

29 9. "Enrolled" or "enrollment" means that a pupil is currently
30 registered in the school district.

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

34 11. "High school district" means a political subdivision of this
35 state offering instruction to students for grades nine through twelve or
36 that portion of the budget of a common school district that is allocated
37 to teaching high school subjects with permission of the state board of
38 education.

39 12. "Revenue control limit" means the base revenue control limit
40 plus the transportation revenue control limit.

41 13. "Student count" means average daily membership as prescribed in
42 this subsection for the fiscal year before the current year, except that
43 for the purpose of budget preparation student count means average daily
44 membership as prescribed in this subsection for the current year.

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

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

5 16. "Total students transported" means all eligible students
6 transported from their place of residence to a school transportation
7 pickup point or to the school of attendance and from the school of
8 attendance or from the school transportation scheduled return point to
9 their place of residence.

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

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

14 1. "Base" means the revenue level per student count specified by
15 the legislature.

16 2. "Base level" means the following amounts plus the percentage
17 increases to the base level as provided in sections 15-902.04 and 15-952,
18 except that if a school district or charter school is eligible for an
19 increase in the base level as provided in two or more of these sections,
20 the base level amount shall be calculated by compounding rather than
21 adding the sum of one plus the percentage of the increase from those
22 different sections:

23 (a) For fiscal year 2017-2018, \$3,683.27.

24 (b) For fiscal year 2018-2019, \$3,960.07.

25 (c) For fiscal year 2019-2020, \$4,150.43.

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

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

30 5. "Certified teacher" means a person who is certified as a teacher
31 pursuant to the rules adopted by the state board of education, who renders
32 direct and personal services to schoolchildren in the form of instruction
33 related to the school district's educational course of study and who is
34 paid from the maintenance and operation section of the budget.

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

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

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

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

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

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

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

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

21 12. "Group B" means educational improvements for pupils in
22 kindergarten programs and grades one through three, educational programs
23 for autism, a hearing impairment, a moderate intellectual disability,
24 multiple disabilities, multiple disabilities with severe sensory
25 impairment, orthopedic impairments, preschool severe delay, a severe
26 intellectual disability and emotional disabilities for school age pupils
27 enrolled in private special education programs or in school district
28 programs for children with severe disabilities or visual impairment and
29 English learners enrolled in a program to promote English language
30 proficiency pursuant to section 15-752.

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

32 14. "Homebound" or "hospitalized" means a pupil who is capable of
33 profiting from academic instruction but is unable to attend school due to
34 illness, disease, accident or other health conditions, who has been
35 examined by a competent medical doctor and who is certified by that doctor
36 as being unable to attend regular classes for a period of not less than
37 three school months or a pupil who is capable of profiting from academic
38 instruction but is unable to attend school regularly due to chronic or
39 acute health problems, who has been examined by a competent medical doctor
40 and who is certified by that doctor as being unable to attend regular
41 classes for intermittent periods of time totaling three school months
42 during a school year. The medical certification shall state the general
43 medical condition, such as illness, disease or chronic health condition,
44 that is the reason that the pupil is unable to attend school. Homebound
45 or hospitalized includes a student who is unable to attend school for a

1 period of less than three months due to a pregnancy if a competent medical
2 doctor, after an examination, certifies that the student is unable to
3 attend regular classes due to risk to the pregnancy or to the student's
4 health.

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

6 16. "K-3 reading" means reading programs for pupils in kindergarten
7 programs and grades one, two and three.

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

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

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

15 20. "MOID" means programs for pupils with moderate intellectual
16 disability.

17 21. "OI-R" means a resource program for pupils with orthopedic
18 impairments.

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

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

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

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

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

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

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

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

39 27. "Small school district" means a school district that meets all
40 of the following:

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

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

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

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

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

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

8 Sec. 8. Section 15-901.02, Arizona Revised Statutes, is amended to
9 read:

10 15-901.02. Voluntary full-day kindergarten instruction:
11 requirements; academic quality

12 A. A school district or charter school may offer full-day
13 kindergarten instruction to pupils who meet the enrollment requirements
14 for kindergarten programs. Parents of pupils who meet the enrollment
15 requirements for voluntary kindergarten programs in a school district or
16 charter school that offers full-day kindergarten instruction may choose
17 either half-day kindergarten instruction or full-day kindergarten
18 instruction. If a charter school chooses to offer voluntary full-day
19 kindergarten instruction, any necessary capital monies needed to implement
20 voluntary full-day kindergarten instruction shall be provided by the
21 charter school.

22 B. If a school district or charter school offers more than two and
23 one-half hours of voluntary tuition-free kindergarten instruction during a
24 school day to pupils who are under ~~six~~ FIVE years of age, the instruction
25 shall meet all of the following requirements:

26 1. Meet or exceed the academic standards for kindergarten
27 instruction prescribed by the state board of education and incorporate
28 play as an instructional strategy.

29 2. Be academically meaningful.

30 3. Provide active learning enrichment.

31 C. A parent of a kindergarten pupil may choose either half-day
32 kindergarten instruction or full-day kindergarten instruction pursuant to
33 section 15-703.