

REFERENCE TITLE: public school closures; coronavirus disease.

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

# HB 2910

Introduced by  
Representatives Bowers: Udall

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.