CHAPTER 123

HOUSE BILL 2118

AN ACT

AMENDING SECTIONS 15-182, 15-796, 15-797 AND 15-901.08, ARIZONA REVISED STATUTES; RELATING TO ALTERNATIVE EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-182, Arizona Revised Statutes, is amended to read:

15-182. State board for charter schools; membership; terms; compensation; duties

A. The state board for charter schools is established consisting of the following members:

1. The superintendent of public instruction or the superintendent's designee.

2. **Five** members of the general public, at least two of whom shall reside in a school district where at least sixty percent of the children who attend school in the district meet the eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free lunches, and at least one of whom shall reside on an Indian reservation, who are appointed by the governor pursuant to section 38-211.

3. Two members of the business community who are appointed by the governor pursuant to section 38-211.

4. A teacher who provides classroom instruction at a charter school and who is appointed by the governor pursuant to section 38-211.

5. An operator of a charter school who is appointed by the governor pursuant to section 38-211.

6. An operator of an alternative charter school, as recognized by the department of education as a school whose sole and clearly stated mission is to serve specific populations of at-risk students, who is appointed by the governor pursuant to section 38-211.

7. Three members of the legislature who shall serve as advisory members and who are appointed jointly by the president of the senate and the speaker of the house of representatives.

B. The superintendent of public instruction shall serve a term on the state board for charter schools that runs concurrently with the superintendent's term of office. The members appointed pursuant to subsection A, paragraph 6 of this section shall serve two-year terms on the state board for charter schools that begin and end on the third Monday in January and that run concurrently with their respective terms of office. Members appointed pursuant to subsection A, paragraphs 2, 3, 4, and 5 AND 6 of this section shall serve staggered four-year terms that begin and end on the third Monday in January.

C. The state board for charter schools shall annually elect a president and such other officers as it deems necessary from among its membership.

D. Members of the state board for charter schools are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.
E. The state board for charter schools shall:

1. Exercise general supervision over charter schools that are sponsored by the board, recommend legislation pertaining to charter schools to the legislature and adopt rules and policies that the board deems necessary to accomplish the purposes prescribed in this section.

2. Grant charter status to qualifying applicants for charter schools pursuant to section 15-183.

3. Adopt and use an official seal in the authentication of its acts.

4. Keep a record of its proceedings.

5. Adopt rules for its own government.

6. Determine the policy of the board and the work undertaken by it.

7. Delegate to the superintendent of public instruction the execution of board policies.

8. Prepare a budget for expenditures necessary for the proper maintenance of the board and the accomplishment of its purpose.

8. The state board for charter schools may:

1. Contract.

2. Sue and be sued.

3. Use the services of the auditor general.

4. Subject to title 41, chapter 4, article 4 and legislative appropriation, employ staff.

G. The state board for charter schools may accept gifts or grants of monies or real or personal property from public and private organizations, if the purpose of the gift or grant specified by the donor is approved by the board and is within the scope of the board's powers and duties. The board shall establish and administer a gift and grant fund for the deposit of monies received pursuant to this subsection.

Sec. 2. Heading change

The article heading of title 15, chapter 7, article 7, Arizona Revised Statutes, is changed from "ALTERNATIVE EDUCATION PROGRAMS" to "ALTERNATIVE EDUCATION PROGRAMS AND ALTERNATIVE SCHOOLS".

Sec. 3. Section 15-796, Arizona Revised Statutes, is amended to read:

15-796. Alternative education programs; alternative schools; requirements; funding; definitions

A. The governing board of a school district may contract with any public body or private person for the purpose of providing alternative education programs OR ALTERNATIVE SCHOOLS.

B. On the approval of the parent or guardian of a pupil STUDENT or of a pupil STUDENT who is an emancipated person, the superintendent of a school district may recommend to the governing board the placement of the pupil STUDENT in an alternative education program OR ALTERNATIVE SCHOOL as provided in this article.
C. AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY DELIVER THE ANNUAL REQUIRED INSTRUCTIONAL TIME OR INSTRUCTIONAL HOURS PRESCRIBED IN SECTION 15-797, SUBSECTION D OR ANY OTHER SECTION TO STUDENTS ON ANY DAY OF THE WEEK.  
D. AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY ENROLL AND BEGIN TO RECEIVE FUNDING FOR A STUDENT WITHOUT A WITHDRAWAL FORM FROM THE STUDENT'S PREVIOUS SCHOOL IF THE WITHDRAWAL HAS BEEN VERIFIED IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM AND THE ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL RETAINS ELECTRONIC DOCUMENTATION VALIDATING THE WITHDRAWAL.  
E. NOTWITHSTANDING ANY OTHER LAW, IF THE PREVIOUS SCHOOL OF A STUDENT WHO IS ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL INCORRECTLY CODES THE STUDENT AS A GRADUATE IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM, THE ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL IN WHICH THE STUDENT IS CURRENTLY ENROLLED MAY CONTINUE TO ENROLL THE STUDENT. ON NOTIFICATION THAT A STUDENT WHO HAS BEEN INCORRECTLY CODED AS A GRADUATE IS ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL, THE DEPARTMENT OF EDUCATION SHALL ALLOCATE FUNDING FOR THE STUDENT BEGINNING ON THE DATE OF THE STUDENT'S ENROLLMENT IN THE ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL.  
F. For the purposes of this section:  
1. "Alternative education" means the modification of the school course of study and adoption of teaching methods, materials and techniques, INCLUDING USING ANY INSTRUCTIONAL TIME MODELS PURSUANT TO SECTION 15-901.08, to provide educationally for those pupils STUDENTS in grades six through twelve who are unable to profit from the regular school course of study and environment.  
2. "STUDENT ACCOUNTABILITY INFORMATION SYSTEM" MEANS THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.  
Sec. 4. Section 15-797, Arizona Revised Statutes, is amended to read:  
15-797. Financial provisions for students in alternative education programs and alternative schools  
A. School districts may count pupils STUDENTS for daily attendance as provided in section 15-901 who are not actually and physically in attendance in a recognized common or high school but who are enrolled in and actually and physically in attendance in an alternative education program which OR ALTERNATIVE SCHOOL THAT is provided by any public body or private person and which THAT meets the standards that the state board of education and the governing board prescribe for the course of study given in the common and high schools.  
B. The governing board of a school district shall prescribe procedures for verifying the attendance of pupils STUDENTS enrolled in an alternative education program which OR ALTERNATIVE SCHOOL THAT is provided by any public body or private person.
C. The governing board may make payments for the cost of the education of pupils as provided in this article not to exceed the cost per student count as provided in section 15-824, subsection G.

D. School districts operating alternative education programs or alternative schools pursuant to this section and charter schools operating on approved alternative calendars pursuant to section 15-183 shall comply with the annual hours of instruction requirement pursuant to section 15-901.

Sec. 5. Section 15-901.08, Arizona Revised Statutes, is amended to read:

15-901.08. School year; school month; instructional time models; requirements; funding; definition

A. Except as may be otherwise authorized by the superintendent of public instruction to accommodate a year-round school operation or as otherwise prescribed under an instructional time model adopted pursuant to this section, the school year begins July 1 and ends June 30, and a school month is twenty school days or four weeks of five days each.

B. Notwithstanding any other law, for the purposes of meeting the instructional time and instructional hours requirements prescribed in sections 15-797, 15-808 and 15-901, a school district governing board, after at least two public hearings in the school district, or a charter school governing body for one or more schools may adopt any instructional time models as prescribed in this section to meet the minimum annual instructional time and instructional hours requirements prescribed in sections 15-797, 15-808 and 15-901 for all of the following purposes:

1. Determining average daily membership.
2. Determining daily attendance.
3. Determining student count.
4. Any other purpose relating to instructional time or instructional hours prescribed in section 15-797, 15-808 or 15-901.

C. Notwithstanding any other law, all of the following apply to an instructional time model adopted by a school district governing board or charter school governing body for one or more schools pursuant to this section:

1. Students shall receive the minimum instructional time or instructional hours required under section 15-797, 15-808 or 15-901, as applicable, for the full school year in any day, week and course length increments adopted by the school district governing board or charter school governing body.
2. A school may deliver the annual required instructional time or instructional hours to students through any combination of the following:
   (a) Direct instruction.
   (b) Project-based learning.
   (c) Independent learning.
(d) Mastery-based learning, which may be delivered in a blended classroom serving multiple grade levels or providing blended grade level content.

3. A school may define instructional time and instructional hours to include any combination of the following:
   (a) In-person instruction.
   (b) Remote instruction, subject to all of the following:
      (i) During school year 2021-2022, a school may provide up to fifty percent of its total instructional time in a remote setting without any impact to the school’s funding. Beginning in school year 2022-2023 and each school year thereafter, a school may provide up to forty percent of its total instructional time in a remote setting without any impact to the school's funding.
      (ii) If a school provides instructional time in a remote setting beyond the threshold prescribed in item (i) of this subdivision in any school year, the department of education shall calculate funding as prescribed in subsection D of this section.
      (iii) The department of education shall annually provide a list of schools that provide more than the allowed instructional time in a remote setting to the state board of education. The state board of education shall determine whether the school must apply to become an online school under section 15-808.
      (iv) The department of education shall annually provide a list of charter schools that provide more than the allowed instructional time in a remote setting to the state board for charter schools. The state board for charter schools shall determine whether the charter school must apply to become an online school under section 15-808.

4. A school may reallocate any minimum instructional time or instructional hours per course required under section 15-797, 15-808 or 15-901 or any other statute to other courses on a per-student basis so that students are able to spend more of their required instructional time or instructional hours on courses of greater depth or courses that require additional learning time to catch up to grade level or to stay on pace.

5. A school may stagger learning times and schedules for students and may offer courses and other instructional time options on the weekend or in the evenings so that all students are not expected to attend or complete their school day or instructional time at the same time.

6. A school shall align its attendance policies to reflect the instructional time and instructional hours policies prescribed under the adopted instructional time model.

D. If a school provides remote instructional time beyond the threshold prescribed in subsection C, paragraph 3, subdivision (b), item (i) of this section in any school year, the department of education shall calculate funding as follows:
1. Calculate the total percentage of instructional time provided by
the school in a remote setting.
2. Subtract the allowable threshold prescribed in subsection C,
paragraph 3, subdivision (b), item (i) of this section from the amount
calculated pursuant to paragraph 1 of this subsection.
3. Fund the percentage of the base support level equal to the
percentage calculated in paragraph 2 of this subsection at ninety-five
percent of the base support level that would otherwise be calculated for
the school.

E. For the purposes of this section, "mastery-based learning" means
a system in which students advance to higher levels of learning when they
demonstrate mastery of concepts and skills regardless of time, place or
pace.

Sec. 6. **Retention of members**
Notwithstanding section 15-182, Arizona Revised Statutes, as amended
by this act, all persons serving as members of the state board for charter
schools on the effective date of this act may continue to serve until the
expiration of their normal terms. The governor shall make all subsequent
appointments as prescribed by statute.

APPROVED BY THE GOVERNOR APRIL 13, 2022.