

REFERENCE TITLE: schools; student promotions

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2063

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-341, 15-701, 15-701.01, 15-702 AND 15-808, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:
4 15-341. General powers and duties; immunity; delegation
5 A. The governing board shall:
6 1. Prescribe and enforce policies and procedures ~~for the governance~~
7 ~~of~~ TO GOVERN the schools that are not inconsistent with law or rules
8 prescribed by the state board of education.
9 2. Exclude from schools all books, publications, papers or
10 audiovisual materials of a sectarian, partisan or denominational
11 character. This paragraph does not prohibit the elective course permitted
12 by section 15-717.01.
13 3. Manage and control the school property within its district,
14 except that a district may enter into a partnership with an entity,
15 including a charter school, another school district or a military base, to
16 operate a school or offer educational services in a district building,
17 including at a vacant or partially used building, or in any building on
18 the entity's property pursuant to a written agreement between the parties.
19 4. Acquire school furniture, apparatus, equipment, library books
20 and supplies for ~~the SCHOOLS TO~~ use ~~of the schools~~.
21 5. Prescribe the curricula and criteria for ~~the promotion~~ PROMOTING
22 and ~~graduation of~~ GRADUATING pupils as provided in sections 15-701 and
23 15-701.01.
24 6. Furnish, repair and insure, at full insurable value, the school
25 property of the district.
26 7. Construct school buildings on approval by a vote of the district
27 electors.
28 8. ~~Make~~ In the name of the district, ~~conveyances of~~ CONVEY property
29 belonging to the district and sold by the board.
30 9. Purchase school sites when authorized by a vote of the district
31 at an election conducted as nearly as practicable in the same manner as
32 the election provided in section 15-481 and held on a date prescribed in
33 section 15-491, subsection E, but such authorization shall not necessarily
34 specify the site to be purchased and such authorization shall not be
35 necessary to exchange unimproved property as provided in section 15-342,
36 paragraph 23.
37 10. Construct, improve and furnish buildings used for school
38 purposes when such buildings or premises are leased from the national park
39 service.
40 11. Purchase school sites or construct, improve and furnish school
41 buildings from the proceeds of the sale of school property only on
42 approval by a vote of the district electors.
43 12. Hold pupils to strict account for disorderly conduct on school
44 property.

1 13. Discipline students for disorderly conduct on the way to and
2 from school.

3 14. Except as provided in section 15-1224, deposit all monies
4 received by the district as gifts, grants and devises with the county
5 treasurer who shall credit the deposits as designated in the uniform
6 system of financial records. If not inconsistent with the terms of the
7 gifts, grants and devises given, any balance remaining after expenditures
8 for the intended purpose of the monies have been made shall be used for
9 reduction of school district taxes for the budget year, except that in the
10 case of accommodation schools the county treasurer shall carry the balance
11 forward for use by the county school superintendent for accommodation
12 schools for the budget year.

13 15. Provide that, if a parent or legal guardian chooses not to
14 accept a decision of the teacher as provided in paragraph 42 of this
15 subsection, the parent or legal guardian may request in writing that the
16 governing board review the teacher's decision. This paragraph does not
17 release school districts from any liability relating to a child's
18 promotion or retention.

19 16. Provide for adequate supervision over pupils in instructional
20 and noninstructional activities by certificated or noncertificated
21 personnel.

22 17. Use school monies received from the state and county school
23 apportionment exclusively ~~for payment of~~ TO PAY salaries of teachers and
24 other employees and contingent expenses of the district.

25 18. ~~Make an annual~~ ANNUALLY report to the county school
26 superintendent on or before October 1 in the manner and form and on the
27 blanks prescribed by the superintendent of public instruction or county
28 school superintendent. The board shall also make reports directly to the
29 county school superintendent or the superintendent of public instruction
30 whenever required.

31 19. Deposit all monies received by school districts other than
32 student activities monies or monies from auxiliary operations as provided
33 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
34 the school district except as provided in paragraph 20 of this subsection
35 and sections 15-1223 and 15-1224, and the board shall expend the monies as
36 provided by law for other school funds.

37 20. Establish bank accounts in which the board during a month may
38 deposit miscellaneous monies received directly by the district. The board
39 shall remit monies deposited in the bank accounts at least monthly to the
40 county treasurer for deposit as provided in paragraph 19 of this
41 subsection and in accordance with the uniform system of financial records.

42 21. Prescribe and enforce policies and procedures for disciplinary
43 action against a teacher who engages in conduct that is a violation of the
44 policies of the governing board but that is not cause for dismissal of the
45 teacher or for revocation of the certificate of the teacher. Disciplinary

1 action may include suspension without pay for a period of time not to
2 exceed ten school days. Disciplinary action shall not include suspension
3 with pay or suspension without pay for a period of time longer than ten
4 school days. The procedures shall include notice, hearing and appeal
5 provisions for violations that are cause for disciplinary action. The
6 governing board may designate a person or persons to act on behalf of the
7 board on these matters.

8 22. Prescribe and enforce policies and procedures for disciplinary
9 action against an administrator who engages in conduct that is a violation
10 of the policies of the governing board regarding duties of administrators
11 but that is not cause for dismissal of the administrator or for revocation
12 of the certificate of the administrator. Disciplinary action may include
13 suspension without pay for a period of time not to exceed ten school days.
14 Disciplinary action shall not include suspension with pay or suspension
15 without pay for a period of time longer than ten school days. The
16 procedures shall include notice, hearing and appeal provisions for
17 violations that are cause for disciplinary action. The governing board
18 may designate a person or persons to act on behalf of the board on these
19 matters. For violations that are cause for dismissal, the provisions of
20 notice, hearing and appeal in chapter 5, article 3 of this title shall
21 apply. The filing of a timely request for a hearing suspends the
22 imposition of a suspension without pay or a dismissal pending completion
23 of the hearing.

24 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
25 enforce policies and procedures that prohibit a person from carrying or
26 possessing a weapon on school grounds unless the person is a peace officer
27 or has obtained specific authorization from the school administrator.

28 24. Prescribe and enforce policies and procedures relating to the
29 health and safety of all pupils participating in district-sponsored
30 practice sessions or games or other interscholastic athletic activities,
31 including:

32 (a) The provision of water.

33 (b) Guidelines, information and forms, developed in consultation
34 with a statewide private entity that supervises interscholastic
35 activities, to inform and educate coaches, pupils and parents of the
36 dangers of concussions and head injuries and the risks of continued
37 participation in athletic activity after a concussion. The policies and
38 procedures shall require that, before a pupil participates in an athletic
39 activity, the pupil and the pupil's parent must sign an information form
40 at least once each school year that states that the parent is aware of the
41 nature and risk of concussion. The policies and procedures shall require
42 that a pupil who is suspected of sustaining a concussion in a practice
43 session, game or other interscholastic athletic activity be immediately
44 removed from the athletic activity and that the pupil's parent or guardian
45 be notified. A coach from the pupil's team or an official or a licensed

1 health care provider may remove a pupil from play. A team parent may also
2 remove the parent's own child from play. A pupil may return to play on
3 the same day if a health care provider rules out a suspected concussion at
4 the time the pupil is removed from play. On a subsequent day, the pupil
5 may return to play if the pupil has been evaluated by and received written
6 clearance to resume participation in athletic activity from a health care
7 provider who has been trained in the evaluation and management of
8 concussions and head injuries. A health care provider who is a volunteer
9 and who provides clearance to participate in athletic activity on the day
10 of the suspected injury or on a subsequent day is immune from civil
11 liability with respect to all decisions made and actions taken that are
12 based on good faith implementation of the requirements of this
13 subdivision, except in cases of gross negligence or wanton or wilful
14 neglect. A school district, school district employee, team coach,
15 official or team volunteer or a parent or guardian of a team member is not
16 subject to civil liability for any act, omission or policy undertaken in
17 good faith to comply with the requirements of this subdivision or for a
18 decision made or an action taken by a health care provider. A group or
19 organization that uses property or facilities owned or operated by a
20 school district for athletic activities shall comply with the requirements
21 of this subdivision. A school district and its employees and volunteers
22 are not subject to civil liability for any other person or organization's
23 failure or alleged failure to comply with the requirements of this
24 subdivision. This subdivision does not apply to teams that are based in
25 another state and that participate in an athletic activity in this state.
26 For the purposes of this subdivision, athletic activity does not include
27 dance, rhythmic gymnastics, competitions or exhibitions of academic skills
28 or knowledge or other similar forms of physical noncontact activities,
29 civic activities or academic activities, whether engaged in for the
30 purposes of competition or recreation. For the purposes of this
31 subdivision, "health care provider" means a physician who is licensed
32 pursuant to title 32, chapter 13 or 17, an athletic trainer who is
33 licensed pursuant to title 32, chapter 41, a nurse practitioner who is
34 licensed pursuant to title 32, chapter 15, and a physician assistant who
35 is licensed pursuant to title 32, chapter 25.

36 (c) Guidelines, information and forms that are developed in
37 consultation with a statewide private entity that supervises
38 interscholastic activities to inform and educate coaches, pupils and
39 parents of the dangers of heat-related illnesses, sudden cardiac death and
40 prescription opioid use. Before a pupil participates in any
41 district-sponsored practice session or game or other interscholastic
42 athletic activity, the pupil and the pupil's parent must be provided with
43 information at least once each school year on the risks of heat-related
44 illnesses, sudden cardiac death and prescription opioid addiction.

1 25. Establish an assessment, data gathering and reporting system as
2 prescribed in chapter 7, article 3 of this title.

3 26. Provide special education programs and related services
4 pursuant to section 15-764, subsection A to all children with disabilities
5 as defined in section 15-761.

6 27. Administer competency tests prescribed by the state board of
7 education for the graduation of pupils from high school.

8 28. Ensure that insurance coverage is secured for all construction
9 projects for purposes of general liability, property damage and workers'
10 compensation and secure performance and payment bonds for all construction
11 projects.

12 29. Keep in the personnel file of all current and former employees
13 who provide instruction to pupils at a school information about the
14 employee's educational and teaching background and experience in a
15 particular academic content subject area. A school district shall inform
16 parents and guardians of the availability of the information and shall
17 make the information available for inspection on request of parents and
18 guardians of pupils enrolled at a school. This paragraph does not require
19 any school to release personally identifiable information in relation to
20 any teacher or employee, including the teacher's or employee's address,
21 salary, social security number or telephone number.

22 30. Report to local law enforcement agencies any suspected crime
23 against a person or property that is a serious offense as defined in
24 section 13-706 or that involves a deadly weapon or dangerous instrument or
25 serious physical injury and any conduct that poses a threat of death or
26 serious physical injury to employees, students or anyone on the property
27 of the school. This paragraph does not limit or preclude the reporting by
28 a school district or an employee of a school district of suspected crimes
29 other than those required to be reported by this paragraph. For the
30 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
31 "serious physical injury" have the same meanings prescribed in section
32 13-105.

33 31. In conjunction with local law enforcement agencies and
34 emergency response agencies, develop an emergency response plan for each
35 school in the school district in accordance with minimum standards
36 developed jointly by the department of education and the division of
37 emergency management within the department of emergency and military
38 affairs.

39 32. Provide written notice to the parents or guardians of all
40 students enrolled in the school district at least ten days before a public
41 meeting to discuss closing a school within the school district. The
42 notice shall include the reasons for the proposed closure and the time and
43 place of the meeting. The governing board shall fix a time for a public
44 meeting on the proposed closure not less than ten days before voting in a
45 public meeting to close the school. The school district governing board

1 shall give notice of the time and place of the meeting. At the time and
2 place designated in the notice, the school district governing board shall
3 hear reasons for or against closing the school. The school district
4 governing board is exempt from this paragraph if the governing board
5 determines that the school shall be closed because it poses a danger to
6 the health or safety of the pupils or employees of the school. A
7 governing board may consult with the school facilities board for technical
8 assistance and for information on the impact of closing a school. The
9 information provided from the school facilities board shall not require
10 the governing board to take or not take any action.

11 33. Incorporate instruction on Native American history into
12 appropriate existing curricula.

13 34. Prescribe and enforce policies and procedures:

14 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
15 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
16 25 or by a registered nurse practitioner licensed and certified pursuant
17 to title 32, chapter 15 to carry and self-administer emergency
18 medications, including epinephrine auto-injectors, while at school and at
19 school-sponsored activities. The pupil's name on the prescription label
20 on the medication container or on the medication device and annual written
21 documentation from the pupil's parent or guardian to the school that
22 authorizes possession and self-administration is sufficient proof that the
23 pupil is entitled to the possession and self-administration of the
24 medication. The policies shall require a pupil who uses an epinephrine
25 auto-injector while at school and at school-sponsored activities to notify
26 the nurse or the designated school staff person of the use of the
27 medication as soon as practicable. A school district and its employees
28 are immune from civil liability with respect to all decisions made and
29 actions taken that are based on good faith implementation of the
30 requirements of this subdivision, except in cases of wanton or wilful
31 neglect.

32 (b) For the emergency administration of epinephrine auto-injectors
33 by a trained employee of a school district pursuant to section 15-157.

34 35. Allow the possession and self-administration of prescription
35 medication for breathing disorders in handheld inhaler devices by pupils
36 who have been prescribed that medication by a health care professional
37 licensed pursuant to title 32. The pupil's name on the prescription label
38 on the medication container or on the handheld inhaler device and annual
39 written documentation from the pupil's parent or guardian to the school
40 that authorizes possession and self-administration shall be sufficient
41 proof that the pupil is entitled to the possession and self-administration
42 of the medication. A school district and its employees are immune from
43 civil liability with respect to all decisions made and actions taken that
44 are based on a good faith implementation of the requirements of this
45 paragraph.

1 36. Prescribe and enforce policies and procedures to prohibit
2 pupils from harassing, intimidating and bullying other pupils on school
3 grounds, on school property, on school buses, at school bus stops, at
4 school-sponsored events and activities and through the use of electronic
5 technology or electronic communication on school computers, networks,
6 forums and mailing lists that include the following components:

7 (a) A procedure for pupils, parents and school district employees
8 to confidentially report to school officials incidents of harassment,
9 intimidation or bullying. The school shall make available written forms
10 designed to provide a full and detailed description of the incident and
11 any other relevant information about the incident.

12 (b) A requirement that school district employees report in writing
13 suspected incidents of harassment, intimidation or bullying to the
14 appropriate school official and a description of appropriate disciplinary
15 procedures for employees who fail to report suspected incidents that are
16 known to the employee.

17 (c) A requirement that, at the beginning of each school year,
18 school officials provide all pupils with a written copy of the rights,
19 protections and support services available to a pupil who is an alleged
20 victim of an incident reported pursuant to this paragraph.

21 (d) If an incident is reported pursuant to this paragraph, a
22 requirement that school officials provide a pupil who is an alleged victim
23 of the incident with a written copy of the rights, protections and support
24 services available to that pupil.

25 (e) A formal process for the documentation of reported incidents of
26 harassment, intimidation or bullying and for the confidentiality,
27 maintenance and disposition of this documentation. School districts shall
28 maintain documentation of all incidents reported pursuant to this
29 paragraph for at least six years. The school shall not use that
30 documentation to impose disciplinary action unless the appropriate school
31 official has investigated and determined that the reported incidents of
32 harassment, intimidation or bullying occurred. If a school provides
33 documentation of reported incidents to persons other than school officials
34 or law enforcement, all individually identifiable information shall be
35 redacted.

36 (f) A formal process for the investigation by the appropriate
37 school officials of suspected incidents of harassment, intimidation or
38 bullying, including procedures for notifying the alleged victim and the
39 alleged victim's parent or guardian when a school official or employee
40 becomes aware of the suspected incident of harassment, intimidation or
41 bullying.

42 (g) Disciplinary procedures for pupils who have admitted or been
43 found to have committed incidents of harassment, intimidation or bullying.

44 (h) A procedure that sets forth consequences for submitting false
45 reports of incidents of harassment, intimidation or bullying.

1 (i) Procedures designed to protect the health and safety of pupils
2 who are physically harmed as the result of incidents of harassment,
3 intimidation and bullying, including, if appropriate, procedures to
4 contact emergency medical services or law enforcement agencies, or both.

5 (j) Definitions of harassment, intimidation and bullying.

6 37. Prescribe and enforce policies and procedures regarding
7 changing or adopting attendance boundaries that include the following
8 components:

9 (a) A procedure for holding public meetings to discuss attendance
10 boundary changes or adoptions that allows public comments.

11 (b) A procedure to notify the parents or guardians of the students
12 affected.

13 (c) A procedure to notify the residents of the households affected
14 by the attendance boundary changes.

15 (d) A process for placing public meeting notices and proposed maps
16 on the school district's website for public review, if the school district
17 maintains a website.

18 (e) A formal process for presenting the attendance boundaries of
19 the affected area in public meetings that allows public comments.

20 (f) A formal process for notifying the residents and parents or
21 guardians of the affected area as to the decision of the governing board
22 on the school district's website, if the school district maintains a
23 website.

24 (g) A formal process for updating attendance boundaries on the
25 school district's website within ninety days of an adopted boundary
26 change. The school district shall send a direct link to the school
27 district's attendance boundaries website to the department of real estate.

28 38. If the state board of education determines that the school
29 district has committed an overexpenditure as defined in section 15-107,
30 provide a copy of the fiscal management report submitted pursuant to
31 section 15-107, subsection H on its website and make copies available to
32 the public on request. The school district shall comply with a request
33 within five business days after receipt.

34 39. Ensure that the contract for the superintendent is structured
35 in a manner in which up to twenty percent of the total annual salary
36 included for the superintendent in the contract is classified as
37 performance pay. This paragraph does not require school districts to
38 increase total compensation for superintendents. Unless the school
39 district governing board votes to implement an alternative procedure at a
40 public meeting called for this purpose, the performance pay portion of the
41 superintendent's total annual compensation shall be determined as follows:

42 (a) Twenty-five percent of the performance pay shall be determined
43 based on the percentage of academic gain determined by the department of
44 education of pupils who are enrolled in the school district compared to
45 the academic gain achieved by the highest ranking of the fifty largest

1 school districts in this state. For the purposes of this subdivision, the
 2 department of education shall determine academic gain by the academic
 3 growth achieved by each pupil who has been enrolled at the same school in
 4 a school district for at least five consecutive months measured against
 5 that pupil's academic results in the 2008-2009 school year. For the
 6 purposes of this subdivision, of the fifty largest school districts in
 7 this state, the school district with pupils who demonstrate the highest
 8 statewide percentage of overall academic gain measured against academic
 9 results for the 2008-2009 school year shall be assigned a score of 100 and
 10 the school district with pupils who demonstrate the lowest statewide
 11 percentage of overall academic gain measured against academic results for
 12 the 2008-2009 school year shall be assigned a score of 0.

13 (b) Twenty-five percent of the performance pay shall be determined
 14 by the percentage of parents of pupils who are enrolled at the school
 15 district who assign a letter grade of "A" to the school on a survey of
 16 parental satisfaction with the school district. The parental satisfaction
 17 survey shall be administered and scored by an independent entity that is
 18 selected by the governing board and that demonstrates sufficient expertise
 19 and experience to accurately measure the results of the survey. The
 20 parental satisfaction survey shall use standard random sampling procedures
 21 and provide anonymity and confidentiality to each parent who participates
 22 in the survey. The letter grade scale used on the parental satisfaction
 23 survey shall direct parents to assign one of the following letter grades:

- 24 (i) A letter grade of "A" if the school district is excellent.
- 25 (ii) A letter grade of "B" if the school district is above average.
- 26 (iii) A letter grade of "C" if the school district is average.
- 27 (iv) A letter grade of "D" if the school district is below average.
- 28 (v) A letter grade of "F" if the school district is a failure.

29 (c) Twenty-five percent of the performance pay shall be determined
 30 by the percentage of teachers who are employed at the school district and
 31 who assign a letter grade of "A" to the school on a survey of teacher
 32 satisfaction with the school. The teacher satisfaction survey shall be
 33 administered and scored by an independent entity that is selected by the
 34 governing board and that demonstrates sufficient expertise and experience
 35 to accurately measure the results of the survey. The teacher satisfaction
 36 survey shall use standard random sampling procedures and provide anonymity
 37 and confidentiality to each teacher who participates in the survey. The
 38 letter grade scale used on the teacher satisfaction survey shall direct
 39 teachers to assign one of the following letter grades:

- 40 (i) A letter grade of "A" if the school district is excellent.
- 41 (ii) A letter grade of "B" if the school district is above average.
- 42 (iii) A letter grade of "C" if the school district is average.
- 43 (iv) A letter grade of "D" if the school district is below average.
- 44 (v) A letter grade of "F" if the school district is a failure.

1 (d) Twenty-five percent of the performance pay shall be determined
2 by other criteria selected by the governing board.

3 40. Maintain and store permanent public records of the school
4 district as required by law. Notwithstanding section 39-101, the
5 standards adopted by the Arizona state library, archives and public
6 records for the maintenance and storage of school district public records
7 shall allow school districts to elect to satisfy the requirements of this
8 paragraph by maintaining and storing these records either on paper or in
9 an electronic format, or a combination of a paper and electronic format.

10 41. Adopt in a public meeting and implement policies for principal
11 evaluations. Before adopting principal evaluation policies, the school
12 district governing board shall provide opportunities for public discussion
13 on the proposed policies. The governing board shall adopt policies that:

14 (a) Are designed to improve principal performance and improve
15 student achievement.

16 (b) Include the use of quantitative data on the academic progress
17 for all students, which shall account for between twenty percent and
18 thirty-three percent of the evaluation outcomes.

19 (c) Include four performance classifications, designated as highly
20 effective, effective, developing and ineffective.

21 (d) Describe both of the following:

22 (i) The methods used to evaluate the performance of principals,
23 including the data used to measure student performance and job
24 effectiveness.

25 (ii) The formula used to determine evaluation outcomes.

26 42. Prescribe and enforce policies and procedures that define the
27 duties of principals and teachers. These policies and procedures shall:

28 (a) Authorize teachers to take and maintain daily classroom
29 attendance, ~~make the decision to promote or retain a pupil in a grade in
30 common school or to pass or fail a pupil in a course in high school,
31 subject to review by the governing board in the manner provided in section
32 15-342, paragraph 11.~~

33 (b) ~~SUBJECT TO REVIEW BY THE GOVERNING BOARD IN THE MANNER PROVIDED
34 IN SECTION 15-342, REQUIRE TEACHERS TO:~~

35 (i) ~~RETAIN A PUPIL IN A GRADE IN A COMMON SCHOOL IF THAT PUPIL DOES
36 NOT MEET THE CRITERIA PRESCRIBED BY THE GOVERNING BOARD UNDER SECTION
37 15-701.~~

38 (ii) ~~FAIL A PUPIL IN A COURSE IN HIGH SCHOOL IF THAT PUPIL DOES NOT
39 MEET THE CRITERIA PRESCRIBED BY THE GOVERNING BOARD UNDER SECTION
40 15-701.01.~~

41 43. Prescribe and enforce policies and procedures for the emergency
42 administration by an employee of a school district pursuant to section
43 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
44 by the United States food and drug administration.

1 44. In addition to the notification requirements prescribed in
2 paragraph 36 of this subsection, prescribe and enforce reasonable and
3 appropriate policies to notify a pupil's parent or guardian if any person
4 engages in harassing, threatening or intimidating conduct against that
5 pupil. A school district and its officials and employees are immune from
6 civil liability with respect to all decisions made and actions taken that
7 are based on good faith implementation of the requirements of this
8 paragraph, except in cases of gross negligence or wanton or wilful
9 neglect. A person engages in threatening or intimidating if the person
10 threatens or intimidates by word or conduct to cause physical injury to
11 another person or serious damage to the property of another on school
12 grounds. A person engages in harassment if, with intent to harass or with
13 knowledge that the person is harassing another person, the person
14 anonymously or otherwise contacts, communicates or causes a communication
15 with another person by verbal, electronic, mechanical, telephonic or
16 written means in a manner that harasses on school grounds or substantially
17 disrupts the school environment.

18 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
19 section, the county school superintendent may construct, improve and
20 furnish school buildings or purchase or sell school sites in the conduct
21 of an accommodation school.

22 C. If any school district acquires real or personal property,
23 whether by purchase, exchange, condemnation, gift or otherwise, the
24 governing board shall pay to the county treasurer any taxes on the
25 property that were unpaid as of the date of acquisition, including
26 penalties and interest. The lien for unpaid delinquent taxes, penalties
27 and interest on property acquired by a school district:

28 1. Is not abated, extinguished, discharged or merged in the title
29 to the property.

30 2. Is enforceable in the same manner as other delinquent tax liens.

31 D. The governing board may not locate a school on property that is
32 less than one-fourth mile from agricultural land regulated pursuant to
33 section 3-365, except that the owner of the agricultural land may agree to
34 comply with the buffer zone requirements of section 3-365. If the owner
35 agrees in writing to comply with the buffer zone requirements and records
36 the agreement in the office of the county recorder as a restrictive
37 covenant running with the title to the land, the school district may
38 locate a school within the affected buffer zone. The agreement may
39 include any stipulations regarding the school, including conditions for
40 future expansion of the school and changes in the operational status of
41 the school that will result in a breach of the agreement.

42 E. A school district, its governing board members, its school
43 council members and its employees are immune from civil liability for the
44 consequences of adoption and implementation of policies and procedures
45 pursuant to subsection A of this section and section 15-342. This waiver

1 does not apply if the school district, its governing board members, its
2 school council members or its employees are guilty of gross negligence or
3 intentional misconduct.

4 F. A governing board may delegate in writing to a superintendent,
5 principal or head teacher the authority to prescribe procedures that are
6 consistent with the governing board's policies.

7 G. Notwithstanding any other provision of this title, a school
8 district governing board shall not take any action that would result in a
9 reduction of pupil square footage unless the governing board notifies the
10 school facilities board established by section 15-2001 of the proposed
11 action and receives written approval from the school facilities board to
12 take the action. A reduction includes an increase in administrative space
13 that results in a reduction of pupil square footage or sale of school
14 sites or buildings, or both. A reduction includes a reconfiguration of
15 grades that results in a reduction of pupil square footage of any grade
16 level. This subsection does not apply to temporary reconfiguration of
17 grades to accommodate new school construction if the temporary
18 reconfiguration does not exceed one year. The sale of equipment that
19 results in a reduction that falls below the equipment requirements
20 prescribed in section 15-2011, subsection B is subject to commensurate
21 withholding of school district district additional assistance monies
22 pursuant to the direction of the school facilities board. Except as
23 provided in section 15-342, paragraph 10, proceeds from the sale of school
24 sites, buildings or other equipment shall be deposited in the school plant
25 fund as provided in section 15-1102.

26 H. Subsections C through G of this section apply to a county board
27 of supervisors and a county school superintendent when operating and
28 administering an accommodation school.

29 I. A school district governing board may delegate authority in
30 writing to the superintendent of the school district to submit plans for
31 new school facilities to the school facilities board for the purpose of
32 certifying that the plans meet the minimum school facility adequacy
33 guidelines prescribed in section 15-2011.

34 Sec. 2. Section 15-701, Arizona Revised Statutes, is amended to
35 read:

36 15-701. Common school; promotions; requirements; certificate;
37 supervision of eighth grades by superintendent of
38 high school district; high school admissions;
39 academic credit; definition

40 A. The state board of education shall:

41 1. Prescribe a minimum course of study incorporating the academic
42 standards adopted by the state board of education to be taught in the
43 common schools.

44 2. Prescribe competency requirements for the promotion of pupils
45 from the eighth grade and competency requirements for the promotion of

1 pupils from the third grade incorporating the academic standards in at
2 least the areas of reading, writing, mathematics, science and social
3 studies. The competency requirements for the promotion of pupils from the
4 third grade shall include the following:

5 (a) A requirement that a pupil not be promoted from the third grade
6 if the pupil obtains a score on the reading portion of the statewide
7 assessment that does not demonstrate sufficient reading skills as
8 established by the state board. A pupil may not be retained if data
9 regarding the pupil's performance on the statewide assessment is not
10 available before the end of the current academic year. A pupil who is not
11 retained due to the unavailability of test data must receive
12 evidence-based intervention and remedial strategies pursuant to
13 subdivision (c) of this paragraph if the third grade assessment data
14 subsequently does not demonstrate sufficient reading skills.

15 (b) A mechanism to allow a school district governing board or the
16 governing body of a charter school to promote from the third grade a pupil
17 who does not demonstrate sufficient reading skills pursuant to subdivision
18 (a) of this paragraph if the pupil:

19 (i) Is an English learner or a limited English proficient student
20 as defined in section 15-751 and has had fewer than two years of English
21 language instruction.

22 (ii) Is in the process of a special education referral or
23 evaluation for placement in special education, has been diagnosed as
24 having a significant reading impairment, including dyslexia, or is a child
25 with a disability as defined in section 15-761 if the pupil's
26 individualized education program team and the pupil's parent or guardian
27 agree that promotion is appropriate based on the pupil's individualized
28 education program.

29 (iii) Has demonstrated or subsequently demonstrates sufficient
30 reading skills or adequate progress toward sufficient reading skills of
31 the third grade reading standards as evidenced through a collection of
32 reading assessments approved by the state board of education, which
33 includes an alternative standardized reading assessment approved by the
34 state board.

35 (iv) Receives intervention and remedial services during the summer
36 or a subsequent school year pursuant to subdivision (c) of this paragraph
37 and demonstrates sufficient progress based on guidelines issued pursuant
38 to subsection B, paragraph 6 of this section.

39 (c) Evidence-based intervention and remedial strategies developed
40 by the state board of education for pupils who are not promoted from the
41 third grade. A school district governing board or the governing body of a
42 charter school shall offer more than one of the intervention and remedial
43 strategies developed by the state board of education. The parent or
44 guardian of a pupil who is not promoted from the third grade and the
45 pupil's teacher and principal may choose the most appropriate intervention

1 and remedial strategies that will be provided to that pupil. The
2 intervention and remedial strategies developed by the state board of
3 education shall include:

4 (i) A requirement that the pupil be assigned for evidence-based
5 reading instruction by a different teacher who was designated in that
6 teacher's most recent performance evaluation in one of the top two
7 performance classifications.

8 (ii) Summer school reading instruction.

9 (iii) In the next academic year, intensive reading instruction that
10 occurs before, during or after the regular school day, or any combination
11 of before, during and after the regular school day.

12 (iv) Small group and teacher-led evidence-based reading
13 instruction, which may include computer-based or online reading
14 instruction.

15 (d) A requirement that a school district governing board or charter
16 school governing body that promotes a pupil pursuant to subdivision (b) of
17 this paragraph provide annual reporting to the department of education on
18 or before October 1 that includes information on the total number of
19 pupils subject to the retention provisions of subdivision (a) of this
20 paragraph, the total number of students promoted pursuant to subdivision
21 (b) of this paragraph, the total number of pupils retained in grade three
22 and the interventions administered pursuant to subdivision (c) of this
23 paragraph.

24 3. Provide for universal screening of pupils in preschool programs,
25 kindergarten programs and grades one through three that is designed to
26 identify pupils who have reading deficiencies pursuant to section 15-704.

27 4. Develop evidence-based intervention and remedial strategies
28 pursuant to paragraph 2, subdivision (c) of this subsection for pupils in
29 kindergarten programs and grades one through three who are identified as
30 having reading deficiencies pursuant to section 15-704.

31 5. Distribute guidelines for the school districts to follow in
32 prescribing criteria for the promotion of pupils from grade to grade in
33 the common schools. These guidelines shall include recommended procedures
34 for ensuring that the cultural background of a pupil is taken into
35 consideration when criteria for promotion are being applied.

36 B. School districts and charter schools shall provide annual
37 written notification to parents of pupils in kindergarten programs and
38 first, second and third grades that a pupil who does not demonstrate
39 sufficient reading skills pursuant to subsection A of this section will
40 not be promoted from the third grade. School districts and charter
41 schools shall identify each pupil who is at risk of reading below grade
42 level in kindergarten and grades one, two and three, based on local or
43 statewide assessments, and shall provide to the parent of that pupil a
44 specific written notification of the reading deficiency that includes the
45 following information:

- 1 1. A description of the pupil's specific individual needs.
- 2 2. A description of the current reading services provided to the
3 pupil.
- 4 3. A description of the available supplemental instructional
5 services and supporting programs that are designed to remediate reading
6 deficiencies. Each school district or charter school shall offer more
7 than one evidence-based intervention strategy and more than one remedial
8 strategy developed by the state board of education for pupils with reading
9 deficiencies. The notification shall list the intervention and remedial
10 strategies offered and shall instruct the parent to choose, in
11 consultation with the pupil's teacher, the most appropriate strategies to
12 be provided and implemented for that child.
- 13 4. Parental strategies to assist the pupil to attain reading
14 proficiency.
- 15 5. A statement that the pupil will not be promoted from the third
16 grade if the pupil does not demonstrate sufficient reading skills pursuant
17 to subsection A, paragraph 2, subdivision (a) of this section, unless the
18 pupil is exempt from mandatory retention in grade three or the pupil
19 qualifies for an exemption pursuant to subsection A, paragraph 2,
20 subdivision (b) of this section.
- 21 6. A description of the school district or charter school policies
22 on midyear promotion to a higher grade.
- 23 C. Pursuant to the guidelines that the state board of education
24 distributes, the governing board of a school district shall:
- 25 1. Prescribe curricula that include the academic standards in the
26 required subject areas pursuant to subsection A, paragraph 1 of this
27 section.
- 28 2. Prescribe criteria for the promotion of pupils from grade to
29 grade in the common schools in the school district. These criteria shall
30 include accomplishment of the academic standards in at least reading,
31 writing, mathematics, science and social studies, as determined by
32 district assessment. Other criteria may include additional measures of
33 academic achievement and attendance.
- 34 D. The governing board may prescribe the course of study and
35 competency requirements for promotion that are in addition to or higher
36 than the course of study and competency requirements the state board
37 prescribes.
- 38 E. ~~EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION,~~ a teacher
39 ~~shall determine whether to~~ MAY NOT promote ~~or~~ AND SHALL retain a pupil in
40 A grade in a common school ~~on the basis of~~ IF THE PUPIL DOES NOT MEET the
41 prescribed criteria. The governing board, if it reviews the decision of a
42 teacher to promote or retain a pupil in A grade in a common school as
43 provided in section 15-342, paragraph 11, shall base its decision on the
44 prescribed criteria.

1 F. A TEACHER MAY PROMOTE A PUPIL WHO DOES NOT MEET THE PRESCRIBED
2 CRITERIA IF THE PUPIL EITHER:

3 1. IS ELIGIBLE FOR PROMOTION PURSUANT TO EITHER:

4 (a) SUBSECTION A, PARAGRAPH 2, SUBDIVISION (b) OF THIS SECTION.

5 (b) A SPECIAL EXCEPTION THAT THE GOVERNING BOARD PRESCRIBES.

6 2. MEETS ONE OR BOTH OF THE FOLLOWING CRITERIA:

7 (a) IS AN ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT STUDENT
8 AS DEFINED IN SECTION 15-751 AND HAS HAD FEWER THAN TWO YEARS OF ENGLISH
9 LANGUAGE INSTRUCTION IF THE PUPIL'S TEACHER AND PARENT OR GUARDIAN AGREE
10 THAT PROMOTION IS APPROPRIATE.

11 (b) IS IN THE PROCESS OF A SPECIAL EDUCATION REFERRAL OR EVALUATION
12 FOR PLACEMENT IN SPECIAL EDUCATION, HAS BEEN DIAGNOSED AS HAVING A
13 SIGNIFICANT READING IMPAIRMENT, INCLUDING DYSLEXIA, OR IS A CHILD WITH A
14 DISABILITY AS DEFINED IN SECTION 15-761 IF THE PUPIL'S INDIVIDUALIZED
15 EDUCATION PROGRAM TEAM AND THE PUPIL'S PARENT OR GUARDIAN AGREE THAT
16 PROMOTION IS APPROPRIATE BASED ON THE PUPIL'S INDIVIDUALIZED EDUCATION
17 PROGRAM.

18 ~~F.~~ G. A governing board may provide and issue certificates of
19 promotion to pupils whom it promotes from the eighth grade of a common
20 school. Such certificates shall be signed by the principal or
21 superintendent of schools. If there is no principal or superintendent of
22 schools, the certificates shall be signed by the teacher of an eighth
23 grade. The certificates shall admit the holders to any high school in the
24 state.

25 ~~G.~~ H. Within any high school district or union high school
26 district, the superintendent of the high school district shall supervise
27 the work of the eighth grade of all schools employing no superintendent or
28 principal.

29 ~~H.~~ I. A school district shall not deny a pupil who is between the
30 ages of sixteen and twenty-one years admission to a high school because
31 the pupil does not hold an eighth grade certificate. Governing boards
32 shall establish procedures for determining the admissibility of pupils who
33 are under sixteen years of age and who do not hold eighth grade
34 certificates.

35 ~~I.~~ J. The state board of education shall adopt rules to allow
36 common school pupils who can demonstrate competency in a particular
37 academic course or subject to obtain academic credit for the course or
38 subject without enrolling in the course or subject.

39 ~~J.~~ K. A school district may conduct a ceremony to honor pupils who
40 have been promoted from the eighth grade.

41 ~~K.~~ L. For the purposes of this section, "dyslexia" means a
42 condition that:

43 1. Is neurological in origin.

44 2. Is characterized by difficulties with accurate or fluent word
45 recognition and by poor spelling and decoding abilities, including

1 difficulties that typically result from a deficit in the phonological
2 component of language that is often unexpected in relation to other
3 cognitive abilities and to the provision of effective classroom
4 instruction.

5 3. May include secondary consequences such as problems with reading
6 comprehension and reduced reading experience that may impede the growth of
7 vocabulary and background knowledge.

8 Sec. 3. Section 15-701.01, Arizona Revised Statutes, is amended to
9 read:

10 15-701.01. High schools; graduation; requirements; community
11 college or university courses; transfer from
12 other schools; academic credit

13 A. The state board of education shall:

14 1. Prescribe a minimum course of study, ~~as defined in section~~
15 ~~15-101 and incorporating~~ THAT INCORPORATES the academic standards adopted
16 by the state board, ~~for the graduation of pupils from high school.~~

17 2. Prescribe competency requirements for the graduation of pupils
18 from high school incorporating the academic standards in at least the
19 areas of reading, writing, mathematics, science and social studies. The
20 academic standards prescribed by the state board in social studies shall
21 include personal finance and American civics education. The state board
22 may consider establishing a required separate personal finance course for
23 the purpose of the graduation of pupils from high school. The state board
24 shall require at least one-half of a course credit in economics, which
25 shall include financial literacy and personal financial management. The
26 competency requirements for social studies shall include a requirement
27 that, in order to graduate from high school or obtain a high school
28 equivalency diploma, a pupil must correctly answer at least sixty of the
29 one hundred questions listed on a test that is identical to the civics
30 portion of the naturalization test used by the United States citizenship
31 and immigration services. A district school or charter school shall
32 document on the pupil's transcript that the pupil has passed a test that
33 is identical to the civics portion of the naturalization test used by the
34 United States citizenship and immigration services as required by this
35 section.

36 3. Develop and adopt competency tests pursuant to section 15-741.
37 English language learners who are subject to article 3.1 of this chapter
38 are subject to the assessments prescribed in section 15-741.

39 B. The governing board of a school district shall:

40 1. Prescribe curricula that include the academic standards in the
41 required subject areas pursuant to subsection A, paragraph 1 of this
42 section.

43 2. Prescribe criteria for the graduation of pupils from the high
44 schools in the school district. These criteria shall include
45 accomplishment of the academic standards in at least reading, writing,

1 mathematics, science and social studies, as determined by district
 2 assessment. Other criteria may include additional measures of academic
 3 achievement and attendance. Pursuant to the prescribed graduation
 4 requirements adopted by the state board of education, the governing board
 5 may approve a rigorous computer science course that would fulfill a
 6 mathematics course required for graduation from high school. The
 7 governing board may approve a rigorous computer science course only if the
 8 rigorous computer science course includes significant mathematics content
 9 and the governing board determines the high school where the rigorous
 10 computer science course is offered has sufficient capacity, infrastructure
 11 and qualified staff, including competent teachers of computer science.
 12 The school district governing board or charter school governing body may
 13 determine the method and manner in which to administer a test that is
 14 identical to the civics portion of the naturalization test used by the
 15 United States citizenship and immigration services. A pupil who does not
 16 obtain a passing score on the test that is identical to the civics portion
 17 of the naturalization test may retake the test until the pupil obtains a
 18 passing score.

19 C. The governing board may prescribe the course of study and
 20 competency requirements for the graduation of pupils from high school that
 21 are in addition to or higher than the course of study and competency
 22 requirements that the state board prescribes.

23 D. The governing board may prescribe competency requirements for
 24 the passage of pupils in courses that are required for graduation from
 25 high school.

26 E. ~~determine whether to pass or~~ EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, a teacher
 27 shall ~~on the basis of~~ IF THE PUPIL DOES NOT MEET the competency requirements, if
 28 any have been prescribed. The governing board, if it reviews the decision
 29 of a teacher to pass or fail a pupil in a course in high school as
 30 provided in section 15-342, paragraph 11, shall base its decision on the
 31 competency requirements, if any have been prescribed.
 32

33 F. A TEACHER MAY PASS A PUPIL WHO DOES NOT MEET THE COMPETENCY
 34 REQUIREMENTS IN A COURSE IN HIGH SCHOOL IF THE PUPIL EITHER:

35 1. MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION THAT THE
 36 GOVERNING BOARD PRESCRIBES.

37 2. MEETS ONE OR BOTH OF THE FOLLOWING CRITERIA:

38 (a) IS AN ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT STUDENT
 39 AS DEFINED IN SECTION 15-751 AND HAS HAD FEWER THAN TWO YEARS OF ENGLISH
 40 LANGUAGE INSTRUCTION IF THE PUPIL'S TEACHER AND PARENT OR GUARDIAN AGREE
 41 THAT PASSING IS APPROPRIATE.

42 (b) IS IN THE PROCESS OF A SPECIAL EDUCATION REFERRAL OR EVALUATION
 43 FOR PLACEMENT IN SPECIAL EDUCATION, HAS BEEN DIAGNOSED AS HAVING A
 44 SIGNIFICANT READING IMPAIRMENT, INCLUDING DYSLEXIA, OR IS A CHILD WITH A
 45 DISABILITY AS DEFINED IN SECTION 15-761 IF THE PUPIL'S INDIVIDUALIZED

1 EDUCATION PROGRAM TEAM AND THE PUPIL'S PARENT OR GUARDIAN AGREE THAT
2 PASSING IS APPROPRIATE BASED ON THE PUPIL'S INDIVIDUALIZED EDUCATION
3 PROGRAM.

4 ~~F.~~ G. Graduation requirements established by the governing board
5 may be met by a pupil who passes courses in the required or elective
6 subjects at a community college or university, if the course is at a
7 higher level than the course taught in the high school attended by the
8 pupil or, if the course is not taught in the high school, the level of the
9 course is equal to or higher than the level of a high school course. The
10 governing board shall determine whether the subject matter of the
11 community college or university course is appropriate to the specific
12 requirement the pupil intends it to fulfill and whether the level of the
13 community college or university course is less than, equal to or higher
14 than a high school course, and the governing board shall award one-half of
15 a Carnegie unit for each three semester hours of credit that the pupil
16 earns in an appropriate community college or university course. If a
17 pupil is not satisfied with the decision of the governing board regarding
18 the amount of credit granted or the subjects for which credit is granted,
19 the pupil may request that the state board of education review the
20 decision of the governing board, and the state board shall make the final
21 determination of the amount of credit to be given the pupil and for which
22 subjects. The governing board shall not limit the number of credits that
23 is required for high school graduation and that may be met by taking
24 community college or university courses. For the purposes of this
25 subsection:

26 1. "Community college" means an educational institution that is
27 operated by a community college district as defined in section 15-1401 or
28 a postsecondary educational institution under the jurisdiction of an
29 Indian tribe recognized by the United States department of the interior.

30 2. "University" means a university under the jurisdiction of the
31 Arizona board of regents.

32 ~~G.~~ H. A pupil who transfers from a private school shall be
33 provided with a list that indicates those credits that have been accepted
34 and denied by the school district. A pupil may request to take an
35 examination in each particular course in which credit has been denied.
36 The school district shall accept the credit for each particular course in
37 which the pupil takes an examination and receives a passing score on a
38 test designed and evaluated by a teacher in the school district who
39 teaches the subject matter on which the examination is based. In addition
40 to the above requirements, the governing board of a school district may
41 prescribe requirements for the acceptance of the credits of pupils who
42 transfer from a private school.

43 ~~H.~~ I. If a pupil who was previously enrolled in a charter school
44 or school district enrolls in a school district in this state, the school
45 district shall accept credits earned by the pupil in courses or

1 instructional programs at the charter school or school district. The
2 governing board of a school district may adopt a policy concerning the
3 application of transfer credits for the purpose of determining whether a
4 credit earned by a pupil who was previously enrolled in a school district
5 or charter school will be assigned as an elective or core credit.

6 ~~I.~~ J. A pupil who transfers credit from a charter school, a school
7 district or Arizona online instruction shall be provided with a list that
8 indicates which credits have been accepted as elective credits and which
9 credits have been accepted as core credits by the school district or
10 charter school. Within ten school days after receiving the list, the
11 pupil may request to take an examination in each particular course in
12 which core credit has been denied. The school district or charter school
13 shall accept the credit as a core credit for each particular course in
14 which the pupil takes an examination and receives a passing score on a
15 test that is aligned to the competency requirements adopted pursuant to
16 this section and that is designed and evaluated by a teacher in the school
17 district or charter school who teaches the subject matter on which the
18 examination is based. If a pupil is enrolled in a school district or
19 charter school and that pupil also participates in Arizona online
20 instruction between May 1 and July 31, the school district or charter
21 school shall not require proof of payment as a condition of the school
22 district or charter school accepting credits earned from the online course
23 provider.

24 ~~J.~~ K. The state board of education shall adopt rules to allow high
25 school pupils who can demonstrate competency in a particular academic
26 course or subject to obtain academic credit for the course or subject
27 without enrolling in the course or subject.

28 ~~K.~~ L. Pupils who earn a Grand Canyon diploma pursuant to article 6
29 of this chapter are exempt from the graduation requirements prescribed in
30 this section. Pupils who earn a Grand Canyon diploma are entitled to all
31 the rights and privileges of persons who graduate with a high school
32 diploma issued pursuant to this section, including access to postsecondary
33 scholarships and other forms of student financial aid and access to all
34 forms of postsecondary education. Notwithstanding any other law, a pupil
35 who is eligible for a Grand Canyon diploma may elect to remain in high
36 school through grade twelve and shall not be prevented from enrolling at a
37 high school after the pupil becomes eligible for a Grand Canyon diploma.
38 A pupil who is eligible for a Grand Canyon diploma and who elects not to
39 pursue one of the options prescribed in section 15-792.03 may only be
40 readmitted to that high school or another high school in this state
41 pursuant to policies adopted by the school district of readmission.

1 Sec. 4. Section 15-702, Arizona Revised Statutes, is amended to
2 read:

3 15-702. High school equivalency diploma; fees; rules

4 A. Any person who is sixteen years of age or older and who passes
5 an equivalency test adopted by the state board of education shall be
6 awarded an Arizona high school equivalency diploma by the state board of
7 education and the state superintendent of public instruction. The state
8 board of education may establish eligibility requirements for persons
9 wishing to take an equivalency test adopted by the state board of
10 education, except that the minimum age required to take the test may not
11 be older than sixteen ~~nor shall~~ AND the board SHALL NOT require the
12 completion of any high school credits.

13 B. A person who meets the minimum course of study and competency
14 requirements prescribed by the state board of education for graduation
15 from high school through a combination of high school credits and
16 community college and university credits, which are converted to high
17 school credits in the same manner as provided in section 15-701.01,
18 subsection ~~F~~ G by the governing board or the state board of education,
19 shall be awarded an Arizona high school equivalency diploma.

20 C. The state board of education may establish and collect fees for
21 ~~the issuance~~ ISSUING and ~~reissuance of~~ REISSUING the following:

- 22 1. A high school equivalency diploma.
- 23 2. A high school equivalency transcript.

24 D. The state board of education shall adopt rules for fee waivers
25 for the high school equivalency diploma and high school equivalency
26 transcripts.

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

29 15-808. Arizona online instruction; reports; definitions

30 A. Arizona online instruction shall be instituted to meet the needs
31 of pupils in the information age. The state board of education shall
32 select district public schools and state-approved charter authorizers
33 shall sponsor charter schools to be online course providers or online
34 schools. The state board of education and state-approved charter
35 authorizers shall develop standards for the approval of online course
36 providers and online schools based on the following criteria:

- 37 1. The depth and breadth of curriculum choices.
- 38 2. The variety of educational methodologies employed by the school
39 and the means of addressing the unique needs and learning styles of
40 targeted pupil populations, including computer-assisted learning systems,
41 virtual classrooms, virtual laboratories, electronic field trips, ~~e-mail~~
42 EMAIL, virtual tutoring, online help desk, group chat sessions and
43 noncomputer-based activities performed under the direction of a
44 certificated teacher.

- 1 3. The availability of an intranet or private network to safeguard
- 2 pupils against predatory and pornographic elements of the internet.
- 3 4. The availability of filtered research access to the internet.
- 4 5. The availability of private individual ~~e-mail~~ EMAIL between
- 5 pupils, teachers, administrators and parents in order to protect the
- 6 confidentiality of pupil records and information.
- 7 6. The availability of faculty members who are experienced with
- 8 computer networks, the internet and computer animation.
- 9 7. The extent to which the school intends to develop partnerships
- 10 with universities, community colleges and private businesses.
- 11 8. The services offered to populations with developmental
- 12 disabilities.
- 13 9. The grade levels that will be served.
- 14 B. Each new school that provides online instruction shall provide
- 15 online instruction on a probationary status. After a new school that
- 16 provides online instruction has clearly demonstrated the academic
- 17 integrity of its instruction through the actual improvement of the
- 18 academic performance of its students, the school may apply to be removed
- 19 from probationary status. The state board of education or the
- 20 state-approved charter authorizer that sponsored the charter school shall
- 21 remove from Arizona online instruction any probationary school that fails
- 22 to clearly demonstrate improvement in academic performance within three
- 23 years measured against goals in the approved application and the state's
- 24 accountability system. All pupils who participate in Arizona online
- 25 instruction shall reside in this state. Pupils who participate in Arizona
- 26 online instruction are subject to the testing requirements prescribed in
- 27 chapter 7, article 3 of this title. On enrollment, the school shall
- 28 notify the parents or guardians of the pupil of the state testing
- 29 requirements. If a pupil fails to comply with the testing requirements
- 30 and the school administers the tests pursuant to this subsection to less
- 31 than ninety-five percent of the pupils in Arizona online instruction, the
- 32 pupil shall not be allowed to participate in Arizona online instruction.
- 33 C. The state board of education and state-approved charter
- 34 authorizers shall develop annual reporting mechanisms for schools that
- 35 participate in Arizona online instruction.
- 36 D. The department of education shall compile the information
- 37 submitted in the annual reports by schools participating in Arizona online
- 38 instruction. The department of education shall submit the compiled report
- 39 to the governor, the speaker of the house of representatives and the
- 40 president of the senate by November 15 of each year.
- 41 E. Each school selected for Arizona online instruction shall ensure
- 42 that a daily log is maintained for each pupil who participates in Arizona
- 43 online instruction. The daily log shall describe the amount of time spent
- 44 by each pupil participating in Arizona online instruction pursuant to this
- 45 section on academic tasks. The daily log shall be used by the school

1 district or charter school to qualify the pupils who participate in
2 Arizona online instruction in the school's average daily attendance
3 calculations pursuant to subsection F of this section.

4 F. If a pupil is enrolled in a school district or charter school
5 and also participates in Arizona online instruction, the sum of the
6 average daily membership, which includes enrollment as prescribed in
7 section 15-901, subsection A, paragraph 1, subdivisions (a) and (b) and
8 daily attendance as prescribed in section 15-901, subsection A, paragraph
9 5, for that pupil in the school district or charter school and in Arizona
10 online instruction shall not exceed 1.0. If the pupil is enrolled in a
11 school district or a charter school and also participates in Arizona
12 online instruction and the sum of the daily membership or daily attendance
13 for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and
14 shall be apportioned between the school district, unless the school
15 district is a career technical education district subject to the
16 apportionment requirements of section 15-393, or charter school and
17 Arizona online instruction based on the percentage of total time that the
18 pupil is enrolled or in attendance in the school district or charter
19 school and Arizona online instruction. The uniform system of financial
20 records shall include guidelines for the apportionment of the pupil
21 enrollment and attendance as provided in this subsection. Pupils in
22 Arizona online instruction do not incur absences for purposes of this
23 subsection and may generate an average daily attendance of 1.0 for
24 attendance hours during any hour of the day, during any day of the week
25 and at any time between July 1 and June 30 of each fiscal year. For
26 kindergarten programs and grades one through eight, average daily
27 membership shall be calculated by dividing the instructional hours as
28 reported in the daily log required in subsection E of this section by the
29 applicable hourly requirements prescribed in section 15-901. For grades
30 nine through twelve, average daily membership shall be calculated by
31 dividing the instructional hours as reported in the daily log required in
32 subsection E of this section by nine hundred. The average daily
33 membership of a pupil who participates in online instruction shall not
34 exceed 1.0. Average daily membership shall not be calculated on the one
35 hundredth day of instruction for the purposes of this section. Funding
36 shall be determined as follows:

37 1. A pupil who is enrolled full-time in Arizona online instruction
38 shall be funded for online instruction at ninety-five percent of the base
39 support level that would be calculated for that pupil if that pupil were
40 enrolled as a full-time student in a school district or charter school
41 that does not participate in Arizona online instruction. Charter
42 additional assistance and district additional assistance shall be
43 calculated in the same manner they would be calculated if the student were
44 enrolled in a district or charter school that does not participate in
45 Arizona online instruction.

1 2. A pupil who is enrolled part-time in Arizona online instruction
2 shall be funded for online instruction at eighty-five percent of the base
3 support level that would be calculated for that pupil if that pupil were
4 enrolled as a part-time student in a school district or charter school
5 that does not participate in Arizona online instruction. Charter
6 additional assistance and district additional assistance shall be
7 calculated in the same manner they would be calculated if the student were
8 enrolled in a district or charter school that does not participate in
9 Arizona online instruction.

10 G. If the academic achievement of a pupil declines while the pupil
11 is participating in Arizona online instruction, the pupil's parents, the
12 pupil's teachers and the principal or head teacher of the school shall
13 confer to evaluate whether the pupil should be allowed to continue to
14 participate in Arizona online instruction.

15 H. To ensure the academic integrity of pupils who participate in
16 online instruction, Arizona online instruction shall include multiple
17 diverse assessment measures and the proctored administration of required
18 state standardized tests.

19 I. A school district or charter school may not charge a fee to a
20 pupil who takes an examination in a particular course to obtain academic
21 credit, pursuant to section 15-701.01, subsection ~~I~~ J, from the school
22 district or charter school if the academic credit for a course was
23 previously earned in an Arizona online instruction course or at any public
24 school in this state. Any test administered pursuant to this subsection
25 shall be an assessment that is aligned to the course-relevant state
26 academic standards.

27 J. For the purposes of this section:

28 1. "Full-time student" means:

29 (a) A student who is at least five years of age before September 1
30 of a school year and who is enrolled in a school kindergarten program that
31 meets at least three hundred forty-six hours during the school year.

32 (b) A student who is at least six years of age before September 1
33 of a school year, who has not graduated from the highest grade taught in
34 the school and who is regularly enrolled in a course of study required by
35 the state board of education. For first, second and third grade students,
36 the instructional program shall meet at least seven hundred twelve
37 hours. For fourth, fifth and sixth grade students, the instructional
38 program shall meet at least eight hundred ninety hours during the school
39 year.

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

44 (d) For high schools, a student who has not graduated from the
45 highest grade taught in the school district, or an ungraded student who is

1 at least fourteen years of age on or before September 1, and who is
2 enrolled in at least four courses throughout the year that meet at least
3 nine hundred hours during the school year. A full-time student shall not
4 be counted more than once for computation of average daily membership.

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

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

16 4. "Part-time student" means:

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

23 (b) A part-time student of seventy-five percent average daily
24 membership shall be enrolled in at least three subjects throughout the
25 year that offer for first, second and third grade students at least five
26 hundred thirty-four instructional hours in a school year and for fourth,
27 fifth and sixth grade students at least six hundred sixty-eight
28 instructional hours in a school year. A part-time student of fifty
29 percent average daily membership shall be enrolled in at least two
30 subjects throughout the year that offer for first, second and third grade
31 students at least three hundred fifty-six instructional hours in a school
32 year and for fourth, fifth and sixth grade students at least four hundred
33 forty-five instructional hours in a school year. A part-time student of
34 twenty-five percent average daily membership shall be enrolled in at least
35 one subject throughout the year that offers for first, second and third
36 grade students at least one hundred seventy-eight instructional hours in a
37 school year and for fourth, fifth and sixth grade students at least two
38 hundred twenty-three instructional hours in a school year.

39 (c) For seventh and eighth grade students, a part-time student of
40 seventy-five percent average daily membership shall be enrolled in at
41 least three subjects throughout the year that offer at least eight hundred
42 one instructional hours in a school year. A part-time student of fifty
43 percent average daily membership shall be enrolled in at least two
44 subjects throughout the year that offer at least five hundred thirty-four
45 instructional hours in a school year. A part-time student of twenty-five

1 percent average daily membership shall be enrolled in at least one subject
2 throughout the year that offers at least two hundred sixty-seven
3 instructional hours in a school year.

4 (d) For high school students, a part-time student of seventy-five
5 percent average daily membership shall be enrolled in at least three
6 subjects throughout the year that offer at least six hundred seventy-five
7 instructional hours in a school year. A part-time student of fifty
8 percent average daily membership shall be enrolled in at least two
9 subjects throughout the year that offer at least four hundred fifty
10 instructional hours in a school year. A part-time student of twenty-five
11 percent average daily membership shall be enrolled in at least one subject
12 throughout the year that offers at least two hundred twenty-five
13 instructional hours in a school year.

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