

REFERENCE TITLE: special education; group B weights.

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SB 1189**

Introduced by  
Senators Engel: Alston, Otondo, Shope; Representatives Andrade, Butler,  
Jermaine, Powers Hannley, Rodriguez

AN ACT

AMENDING SECTIONS 15-774 AND 15-943, ARIZONA REVISED STATUTES;  
APPROPRIATING MONIES; RELATING TO SPECIAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-774, Arizona Revised Statutes, is amended to  
3 read:

4 15-774. Extraordinary special education needs fund; claim  
5 application; criteria; revisions; policies and  
6 procedures; annual report

7 A. The extraordinary special education needs fund is established  
8 consisting of legislative appropriations, gifts, grants and donations.  
9 Monies in the fund are ~~subject to legislative appropriation~~ CONTINUOUSLY  
10 APPROPRIATED and are exempt from the provisions of section 35-190 relating  
11 to lapsing of appropriations. The ~~state board~~ DEPARTMENT of education  
12 shall administer the fund. ~~THE DEPARTMENT MAY RETAIN UP TO TWO PERCENT OF~~  
13 ~~THE MONIES IN THE FUND FOR THE PURPOSES OF ADMINISTERING THE FUND.~~

14 B. THE DEPARTMENT OF EDUCATION SHALL AWARD MONIES FROM THE FUND TO  
15 SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT HAVE AN ELIGIBLE CLAIM PURSUANT  
16 TO THIS SECTION. A SCHOOL DISTRICT OR CHARTER SCHOOL IS ELIGIBLE TO  
17 RECEIVE MONIES FROM THE FUND IF THE SCHOOL DISTRICT OR CHARTER SCHOOL  
18 DEMONSTRATES TO THE DEPARTMENT THAT A STUDENT WHO IS RECEIVING SPECIAL  
19 EDUCATION SERVICES HAS INCURRED COSTS IN THE CURRENT YEAR OF AT LEAST THE  
20 STATEWIDE PER PUPIL FUNDING AVERAGE MULTIPLIED BY THREE.

21 ~~B.~~ C. A school district or charter school may apply to the ~~state~~  
22 ~~board~~ DEPARTMENT of education for an extraordinary special education needs  
23 ~~grant~~ CLAIM from the fund. The ~~state board~~ DEPARTMENT of education shall  
24 prescribe the format of the ~~applications.~~ ~~The applications~~ APPLICATION,  
25 WHICH shall ~~include~~ DO ALL OF the following:

26 1. ~~Demonstration of~~ DEMONSTRATE extraordinary needs, including  
27 ~~a description~~ DESCRIBING and ~~documentation of~~ DOCUMENTING pupil services  
28 required and ~~evidence~~ SHOWING that the district or charter school is not  
29 able to absorb the costs of these services.

30 ~~2. Evidence that monies from the fund will not supplant federal,~~  
31 ~~local or other state efforts.~~

32 2. DEMONSTRATE TOTAL COSTS INCURRED IN THE CURRENT YEAR BY THE  
33 STUDENT FOR WHOM THE SCHOOL DISTRICT OR CHARTER SCHOOL IS APPLYING. A  
34 SCHOOL DISTRICT OR CHARTER SCHOOL MAY SUBMIT A CLAIM FOR UP TO THE FULL  
35 FISCAL YEAR IF THE EXPENSE INCURRED AT THE TIME OF FILING WILL CONTINUE TO  
36 BE INCURRED IN SUBSEQUENT QUARTERS UNTIL THE END OF THE SAME FISCAL YEAR.  
37 TOTAL COSTS SUBMITTED SHALL BE ITEMIZED AND ATTRIBUTABLE TO THE STUDENT  
38 FOR WHOM THE CLAIM IS BEING SUBMITTED. A SCHOOL DISTRICT OR CHARTER  
39 SCHOOL MAY SUBMIT A CLAIM FOR EXPENSES INCURRED AS A RESULT OF AN  
40 INDEPENDENT EDUCATIONAL EVALUATION.

41 3. Evidence that before ~~making an application~~ APPLYING for monies  
42 from the fund the school district or charter school ~~has~~ made sufficient  
43 efforts to seek but has not received funding to cover the COSTS OF  
44 extraordinary ~~costs~~ NEEDS applied for pursuant to paragraph 1 of this

1 subsection from all other sources, including federal and other state  
2 sources of funding.

3 ~~C. Extraordinary special education needs grants shall be used in~~  
4 ~~the current year. All unspent grant monies shall be returned to the~~  
5 ~~department of education at the end of the fiscal year for deposit,~~  
6 ~~pursuant to sections 35-146 and 35-147, in the extraordinary special~~  
7 ~~education needs fund.~~

8 D. THE DEPARTMENT OF EDUCATION SHALL EVALUATE CLAIM REQUESTS ON A  
9 QUARTERLY BASIS. IF THERE ARE INSUFFICIENT MONIES IN THE EXTRAORDINARY  
10 SPECIAL EDUCATION NEEDS FUND TO FUND ALL ELIGIBLE CLAIMS WITHIN A GIVEN  
11 QUARTER, THE DEPARTMENT SHALL PRIORITIZE FUNDING BASED ON THE DIFFERENCE  
12 IN THE CLAIM AMOUNT SUBMITTED BY A SCHOOL DISTRICT OR CHARTER SCHOOL AND  
13 THE TOTAL FUNDING THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS RECEIVED FOR  
14 THAT STUDENT. IF A SCHOOL DISTRICT OR CHARTER SCHOOL SUBMITS A CLAIM WITH  
15 INSUFFICIENT INFORMATION, THE DEPARTMENT MAY NOTIFY THE SCHOOL DISTRICT OR  
16 CHARTER SCHOOL TO REVISE ITS CLAIM WITHIN TWO WEEKS.

17 E. IF A SCHOOL DISTRICT OR CHARTER SCHOOL INCURS AN ADDITIONAL  
18 EXPENSE FOR A STUDENT WHO RECEIVED FUNDING FOR A CLAIM FROM THE  
19 EXTRAORDINARY SPECIAL EDUCATION NEEDS FUND IN THE SAME FISCAL YEAR, THE  
20 SCHOOL DISTRICT OR CHARTER SCHOOL MAY REVISE THE CLAIM AND MAY RECEIVE  
21 FUNDING AT THE END OF THE QUARTER IN WHICH THE CLAIM IS SUBMITTED, SUBJECT  
22 TO AVAILABLE MONIES IN THE FUND. THE DEPARTMENT SHALL PRIORITIZE  
23 REVISIONS IN THE SAME MANNER AS OTHER CLAIMS PURSUANT TO SUBSECTION D OF  
24 THIS SECTION.

25 F. THE DEPARTMENT OF EDUCATION SHALL ANNUALLY ADOPT POLICIES AND  
26 PROCEDURES FOR THE EXTRAORDINARY SPECIAL EDUCATION NEEDS FUND AND POST THE  
27 POLICIES AND PROCEDURES ON THE DEPARTMENT'S WEBSITE. THE POLICIES AND  
28 PROCEDURES MUST INCLUDE THE AVERAGE STATEWIDE PER PUPIL FUNDING AMOUNT FOR  
29 THAT FISCAL YEAR THAT WILL BE USED IN THE CALCULATION PRESCRIBED IN  
30 SUBSECTION B OF THIS SECTION.

31 G. ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE DEPARTMENT OF  
32 EDUCATION SHALL SUBMIT A REPORT THAT OUTLINES ALL OF THE FOLLOWING TO THE  
33 GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF  
34 REPRESENTATIVES AND THE JOINT LEGISLATIVE BUDGET COMMITTEE AND PROVIDE A  
35 COPY OF THIS REPORT TO THE SECRETARY OF STATE:

36 1. THE NUMBER OF EXTRAORDINARY SPECIAL EDUCATION NEEDS CLAIMS THAT  
37 WERE FUNDED IN THE PREVIOUS YEAR.

38 2. HOW SCHOOL DISTRICTS AND CHARTER SCHOOLS USED CLAIM MONIES.

39 3. THE TOTAL NUMBER OF CLAIMS RECEIVED IN THE PREVIOUS YEAR.

40 Sec. 2. Section 15-943, Arizona Revised Statutes, is amended to  
41 read:

42 15-943. Base support level

43 The base support level for each school district shall be computed as  
44 follows:

1 1. The following support level weights shall be used in paragraph  
 2 2, subdivision (a) of this section for the following school districts:

3 (a) For school districts whose student count in kindergarten  
 4 programs and grades one through eight is classified in column 1 of this  
 5 subdivision, the support level weight for kindergarten programs and grades  
 6 one through eight is the corresponding support level weight prescribed in  
 7 column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight For Small Isolated	Support Level Weight For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

17 (b) For school districts whose student count in grades nine through  
 18 twelve is classified in column 1 of this subdivision, the support level  
 19 weight for grades nine through twelve is the corresponding support level  
 20 weight prescribed in column 2 or 3 of this subdivision, whichever is  
 21 appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight For Small Isolated	Support Level Weight For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

31 2. Subject to paragraph 1 of this section, determine the weighted  
 32 student count as follows:

33 (a)

<u>Grade Base</u>	<u>Group A</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
37 PSD 1.000 + 0.450 = 1.450 x _____ = _____				
38 K-8 1.000 + 0.158 = 1.158 x _____ = _____				
39 9-12 1.163 + 0.105 = 1.268 x _____ = _____				
40			Subtotal	A _____

(b)		Support			Weighted
Funding	Level	Student			Student
<u>Category</u>	<u>Weight</u>	<u>Count</u>			<u>Count</u>
5 HI	4.771	x	_____	=	_____
6 K-3	0.060	x	_____	=	_____
7 K-3 reading	0.040	x	_____	=	_____
8 ELL	0.115	x	_____	=	_____
9 MD-R, A-R and					
10 SID-R	6.024	x	_____	=	_____
11 MD-SC, A-SC and					
12 SID-SC	<del>5.833</del>	x	_____	=	_____
13	6.024				
14 MD-SSI	7.947	x	_____	=	_____
15 OI-R	3.158	x	_____	=	_____
16 OI-SC	6.773	x	_____	=	_____
17 P-SD	3.595	x	_____	=	_____
18 DD, ED, MIID, SLD,					
19 SLI and OHI	<del>0.003</del>	x	_____	=	_____
20	0.114				
21 ED-P	4.822	x	_____	=	_____
22 MOID	4.421	x	_____	=	_____
23 VI	4.806	x	_____	=	_____
24			Subtotal	B	_____

25 (c) Total of subtotals A and B: \_\_\_\_\_  
 26 3. Multiply the total determined in paragraph 2 of this section by  
 27 the base level.

28 4. Multiply the teacher experience index of the district or 1.00,  
 29 whichever is greater, by the product obtained in paragraph 3 of this  
 30 section.

31 5. For the purposes of this section, the student count is the  
 32 average daily membership as prescribed in section 15-901 for the current  
 33 year, except that for the purposes of computing the base support level  
 34 used in determining school district rollover allocations and school  
 35 district budget override amounts, the student count is the average daily  
 36 membership as prescribed in section 15-901 for the prior year.

37 Sec. 3. Appropriation; extraordinary special education needs  
 38 fund

39 The sum of \$5,000,000 is appropriated from the state general fund in  
 40 fiscal year 2021-2022 to the extraordinary special education needs fund  
 41 established by section 15-774, Arizona Revised Statutes, as amended by  
 42 this act.