

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

CHAPTER 299
HOUSE BILL 2862

AN ACT

AMENDING SECTION 15-801, ARIZONA REVISED STATUTES; REPEALING SECTION 15-861, ARIZONA REVISED STATUTES; AMENDING SECTION 15-901, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-901.08; AMENDING SECTION 15-1021, ARIZONA REVISED STATUTES; RELATING TO SCHOOL INSTRUCTIONAL TIME.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-801, Arizona Revised Statutes, is amended to
3 read:

4 15-801. Holidays

5 ~~A. Except as may be otherwise authorized by the superintendent of~~
6 ~~public instruction to accommodate a year-round school operation, an~~
7 ~~educational program offered on the basis of a four day school week or an~~
8 ~~alternative kindergarten program offered on the basis of a three day~~
9 ~~school week, the school year shall begin July 1 and end June 30 and a~~
10 ~~school month is twenty school days, or four weeks of five days each.~~

11 ~~B.~~ When July 4, Veterans' Day, December 25 or Thanksgiving Day
12 occurs within the school week, the schools shall be closed and the
13 compensation of the teachers shall not be diminished on that account.
14 SCHOOL DISTRICT governing boards ~~of school districts~~ may declare a recess
15 during the Christmas holiday season of not to exceed two school weeks, and
16 teachers shall receive compensation during the recess.

17 Sec. 2. Repeal

18 Section 15-861, Arizona Revised Statutes, is repealed.

19 Sec. 3. Section 15-901, Arizona Revised Statutes, is amended to
20 read:

21 15-901. Definitions

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

23 1. "Average daily membership" means the total enrollment of
24 fractional students and full-time students, minus withdrawals, of each
25 school day through the first one hundred days or two hundred days in
26 session, as applicable, for the current year. Withdrawals include
27 students who are formally withdrawn from schools and students who are
28 absent for ten consecutive school days, except for excused absences
29 identified by the department of education. For the purposes of this
30 section, school districts and charter schools shall report student absence
31 data to the department of education at least once every sixty days in
32 session. For computation purposes, the effective date of withdrawal shall
33 be retroactive to the last day of actual attendance of the student or
34 excused absence. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF
35 THE TIME AND HOURS REQUIREMENTS PRESCRIBED IN THIS SUBSECTION IN ANY
36 MANNER PRESCRIBED IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
37 INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION 15-901.08.

38 (a) "Fractional student" means:

39 (i) For common schools, a preschool child who is enrolled in a
40 program for preschool children with disabilities of at least three hundred
41 sixty minutes each week that meets at least two hundred sixteen hours over
42 the minimum number of days or a kindergarten student who is at least five
43 years of age before January 1 of the school year and enrolled in a school
44 kindergarten program that meets at least three hundred fifty-six hours for
45 a one hundred eighty-day school year, or the instructional hours

1 prescribed in this section. In computing the average daily membership,
2 preschool children with disabilities and kindergarten students shall be
3 counted as one-half of a full-time student. For common schools, a
4 part-time student is a student enrolled for less than the total time for a
5 full-time student as defined in this section. A part-time common school
6 student shall be counted as one-fourth, one-half or three-fourths of a
7 full-time student if the student is enrolled in an instructional program
8 that is at least one-fourth, one-half or three-fourths of the time a
9 full-time student is enrolled as defined in subdivision (b) of this
10 paragraph. The hours in which a student is scheduled to attend a common
11 school during the regular school day shall be included in the calculation
12 of the average daily membership for that student.

13 (ii) For high schools, a part-time student who is enrolled in less
14 than four subjects that count toward graduation as defined by the state
15 board of education, each of which, if taught each school day for the
16 minimum number of days required in a school year, would meet a minimum of
17 one hundred twenty-three hours a year, or the equivalent, in a recognized
18 high school. The average daily membership of a part-time high school
19 student shall be 0.75 if the student is enrolled in an instructional
20 program of three subjects that meet at least five hundred forty hours for
21 a one hundred eighty-day school year, or the instructional hours
22 prescribed in this section. The average daily membership of a part-time
23 high school student shall be 0.5 if the student is enrolled in an
24 instructional program of two subjects that meet at least three hundred
25 sixty hours for a one hundred eighty-day school year, or the instructional
26 hours prescribed in this section. The average daily membership of a
27 part-time high school student shall be 0.25 if the student is enrolled in
28 an instructional program of one subject that meets at least one hundred
29 eighty hours for a one hundred eighty-day school year, or the
30 instructional hours prescribed in this section. The hours in which a
31 student is scheduled to attend a high school during the regular school day
32 shall be included in the calculation of the average daily membership for
33 that student.

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

35 (i) For common schools, a student who is at least six years of age
36 before January 1 of a school year, who has not graduated from the highest
37 grade taught in the school district and who is regularly enrolled in a
38 course of study required by the state board of education. First, second
39 and third grade students or ungraded group B children with disabilities
40 who are at least five, but under six, years of age by September 1 must be
41 enrolled in an instructional program that meets for a total of at least
42 seven hundred twelve hours for a one hundred eighty-day school year, or
43 the instructional hours prescribed in this section. Fourth, fifth, sixth,
44 seventh and eighth grade students must be enrolled in an instructional
45 program that meets for a total of at least eight hundred ninety hours for

1 a one hundred eighty-day school year, or the instructional hours
2 prescribed in this section, including the equivalent number of
3 instructional hours for schools that operate on a one hundred
4 forty-four-day school year. The hours in which a student is scheduled to
5 attend a common school during the regular school day shall be included in
6 the calculation of the average daily membership for that student.

7 (ii) For high schools, a student who has not graduated from the
8 highest grade taught in the school district and who is enrolled in at
9 least an instructional program of four or more subjects that count toward
10 graduation as defined by the state board of education, each of which, if
11 taught each school day for the minimum number of days required in a school
12 year, would meet a minimum of one hundred twenty-three hours a year, or
13 the equivalent, that meets for a total of at least seven hundred twenty
14 hours for a one hundred eighty-day school year, or the instructional hours
15 prescribed in this section in a recognized high school. A full-time
16 student shall not be counted more than once for computation of average
17 daily membership. The average daily membership of a full-time high school
18 student shall be 1.0 if the student is enrolled in at least four subjects
19 that meet at least seven hundred twenty hours for a one hundred eighty-day
20 school year, or the equivalent instructional hours prescribed in this
21 section. The hours in which a student is scheduled to attend a high
22 school during the regular school day shall be included in the calculation
23 of the average daily membership for that student.

24 (iii) If a child who has not reached five years of age before
25 September 1 of the current school year is admitted to kindergarten and
26 repeats kindergarten in the following school year, a school district or
27 charter school is not eligible to receive basic state aid on behalf of
28 that child during the child's second year of kindergarten. If a child who
29 has not reached five years of age before September 1 of the current school
30 year is admitted to kindergarten but does not remain enrolled, a school
31 district or charter school may receive a portion of basic state aid on
32 behalf of that child in the subsequent year. A school district or charter
33 school may charge tuition for any child who is ineligible for basic state
34 aid pursuant to this item.

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

38 (v) Except as otherwise provided by law, for any student who is
39 concurrently enrolled in a school district and a charter school, the
40 average daily membership shall be apportioned between the school district
41 and the charter school and shall not exceed 1.0. The apportionment shall
42 be based on the percentage of total time that the student is enrolled in
43 or in attendance at the school district and the charter school.

44 (vi) Except as otherwise provided by law, for any student who is
45 concurrently enrolled, pursuant to section 15-808, in a school district

1 and Arizona online instruction or a charter school and Arizona online
2 instruction, the average daily membership shall be apportioned between the
3 school district and Arizona online instruction or the charter school and
4 Arizona online instruction and shall not exceed 1.0. The apportionment
5 shall be based on the percentage of total time that the student is
6 enrolled in or in attendance at the school district and Arizona online
7 instruction or the charter school and Arizona online instruction.

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

10 (c) "Regular school day" means the regularly scheduled class
11 periods intended for instructional purposes. Instructional purposes may
12 include core subjects, elective subjects, lunch, study halls, music
13 instruction, and other classes that advance the academic instruction of
14 pupils. ~~, except that~~ Instructional purposes ~~shall~~ DO not include athletic
15 practices or extracurricular clubs and activities.

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

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

21 (a) Grades one through eight.

22 (b) Grades one through nine pursuant to section 15-447.01.

23 4. "Current year" means the fiscal year in which a school district
24 is operating.

25 5. "Daily attendance" means:

26 (a) For common schools, days in which a pupil:

27 (i) Of a kindergarten program or ungraded, but not group B children
28 with disabilities, who is at least five, but under six, years of age by
29 September 1 attends at least three-quarters of the instructional time
30 scheduled for the day. If the total instruction time scheduled for the
31 year is at least three hundred fifty-six hours but is less than seven
32 hundred twelve hours, such attendance shall be counted as one-half day of
33 attendance. If the instructional time scheduled for the year is at least
34 six hundred ninety-two hours, "daily attendance" means days in which a
35 pupil attends at least one-half of the instructional time scheduled for
36 the day. Such attendance shall be counted as one-half day of attendance.
37 A SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF THE TIME AND HOURS
38 REQUIREMENTS PRESCRIBED IN THIS ITEM IN ANY MANNER PRESCRIBED IN THE
39 SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED
40 UNDER SECTION 15-901.08.

41 (ii) Of the first, second or third grades attends more than
42 three-quarters of the instructional time scheduled for the day. A SCHOOL
43 DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF THE TIME AND HOURS
44 REQUIREMENTS PRESCRIBED IN THIS ITEM IN ANY MANNER PRESCRIBED IN THE

1 SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED
2 UNDER SECTION 15-901.08.

3 (iii) Of the fourth, fifth or sixth grades attends more than
4 three-quarters of the instructional time scheduled for the day, except as
5 provided in section 15-797. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY
6 SATISFY ANY OF THE TIME AND HOURS REQUIREMENTS PRESCRIBED IN THIS ITEM IN
7 ANY MANNER PRESCRIBED IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
8 INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION 15-901.08.

9 (iv) Of the seventh or eighth grades attends more than
10 three-quarters of the instructional time scheduled for the day, except as
11 provided in section 15-797. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY
12 SATISFY ANY OF THE TIME AND HOURS REQUIREMENTS PRESCRIBED IN THIS ITEM IN
13 ANY MANNER PRESCRIBED IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
14 INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION 15-901.08.

15 (b) For common schools, the attendance of a pupil at three-quarters
16 or less of the instructional time scheduled for the day shall be counted
17 as follows, except as provided in section 15-797 and except that
18 attendance for a fractional student shall not exceed the pupil's
19 fractional membership:

20 (i) If attendance for all pupils in the school is based on quarter
21 days, the attendance of a pupil shall be counted as one-fourth of a day's
22 attendance for each one-fourth of full-time instructional time attended.
23 A SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF THE TIME AND HOURS
24 REQUIREMENTS PRESCRIBED IN THIS ITEM IN ANY MANNER PRESCRIBED IN THE
25 SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED
26 UNDER SECTION 15-901.08.

27 (ii) If attendance for all pupils in the school is based on half
28 days, the attendance of at least three-quarters of the instructional time
29 scheduled for the day shall be counted as a full day's attendance and
30 attendance at a minimum of one-half but less than three-quarters of the
31 instructional time scheduled for the day equals one-half day of
32 attendance. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF THE
33 TIME AND HOURS REQUIREMENTS PRESCRIBED IN THIS ITEM IN ANY MANNER
34 PRESCRIBED IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME
35 MODEL ADOPTED UNDER SECTION 15-901.08.

36 (c) For common schools, the attendance of a preschool child with
37 disabilities shall be counted as one-fourth day's attendance for each
38 thirty-six minutes of attendance, except as provided in paragraph 1,
39 subdivision (a), item (i) of this subsection for children with
40 disabilities up to a maximum of three hundred sixty minutes each week. A
41 SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF THE TIME AND HOURS
42 REQUIREMENTS PRESCRIBED IN THIS SUBDIVISION IN ANY MANNER PRESCRIBED IN
43 THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED
44 UNDER SECTION 15-901.08.

1 (d) For high schools, the attendance of a pupil shall not be
2 counted as a full day unless the pupil is actually and physically in
3 attendance and enrolled in and carrying four subjects, each of which, if
4 taught each school day for the minimum number of days required in a school
5 year, would meet a minimum of one hundred twenty-three hours a year, or
6 the equivalent, that count toward graduation in a recognized high school
7 except as provided in section 15-797 and subdivision (e) of this
8 paragraph. Attendance of a pupil carrying less than the load prescribed
9 shall be prorated. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF
10 THE TIME AND HOURS REQUIREMENTS PRESCRIBED IN THIS SUBDIVISION IN ANY
11 MANNER PRESCRIBED IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
12 INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION 15-901.08.

13 (e) For high schools, the attendance of a pupil may be counted as
14 one-fourth of a day's attendance for each sixty minutes of instructional
15 time in a subject that counts toward graduation, except that attendance
16 for a pupil shall not exceed the pupil's full or fractional membership. A
17 SCHOOL DISTRICT OR CHARTER SCHOOL MAY SATISFY ANY OF THE TIME AND HOURS
18 REQUIREMENTS PRESCRIBED IN THIS SUBDIVISION IN ANY MANNER PRESCRIBED IN
19 THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED
20 UNDER SECTION 15-901.08.

21 (f) For homebound or hospitalized, a full day of attendance may be
22 counted for each day during a week in which the student receives at least
23 four hours of instruction. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY
24 SATISFY ANY OF THE TIME AND HOURS REQUIREMENTS PRESCRIBED IN THIS
25 SUBDIVISION IN ANY MANNER PRESCRIBED IN THE SCHOOL DISTRICT'S OR CHARTER
26 SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION 15-901.08.

27 (g) For school districts that maintain school for an approved
28 year-round school year operation, attendance shall be based on a
29 computation, as prescribed by the superintendent of public instruction, of
30 the one hundred eighty days' equivalency or two hundred days' equivalency,
31 as applicable, of instructional time as approved by the superintendent of
32 public instruction during which each pupil is enrolled. A SCHOOL DISTRICT
33 OR CHARTER SCHOOL MAY SATISFY ANY OF THE TIME AND HOURS REQUIREMENTS
34 PRESCRIBED IN THIS SUBDIVISION IN ANY MANNER PRESCRIBED IN THE SCHOOL
35 DISTRICT'S OR CHARTER SCHOOL'S INSTRUCTIONAL TIME MODEL ADOPTED UNDER
36 SECTION 15-901.08.

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

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

42 (b) The total number of miles driven daily on routes approved by
43 the superintendent of public instruction for which a private party, a
44 political subdivision or a common or a contract carrier is reimbursed for
45 bringing an eligible student from the place of the student's residence to

1 a school transportation pickup point or to the school of attendance and
2 from the school transportation scheduled return point or from the school
3 of attendance to the student's residence. Daily route mileage includes
4 the total number of miles necessary to drive to transport eligible
5 students from and to their residence as provided in this paragraph.

6 7. "District support level" means the base support level plus the
7 transportation support level.

8 8. "Eligible students" means:

9 (a) Students who are transported by or for a school district and
10 who qualify as full-time students or fractional students, except students
11 for whom transportation is paid by another school district or a county
12 school superintendent, and:

13 (i) For common school students, whose place of actual residence
14 within the school district is more than one mile from the school facility
15 of attendance or students who are admitted pursuant to section 15-816.01
16 and who meet the economic eligibility requirements established under the
17 national school lunch and child nutrition acts (42 United States Code
18 sections 1751 through 1793) for free or reduced-price lunches and whose
19 actual place of residence outside the school district boundaries is more
20 than one mile from the school facility of attendance.

21 (ii) For high school students, whose place of actual residence
22 within the school district is more than one and one-half miles from the
23 school facility of attendance or students who are admitted pursuant to
24 section 15-816.01 and who meet the economic eligibility requirements
25 established under the national school lunch and child nutrition acts
26 (42 United States Code sections 1751 through 1793) for free or
27 reduced-price lunches and whose actual place of residence outside the
28 school district boundaries is more than one and one-half miles from the
29 school facility of attendance.

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

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

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

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

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

4 11. "High school district" means a political subdivision of this
5 state offering instruction to students for grades nine through twelve or
6 that portion of the budget of a common school district that is allocated
7 to teaching high school subjects with permission of the state board of
8 education.

9 12. "INSTRUCTIONAL HOURS" OR "INSTRUCTIONAL TIME" MEANS HOURS OR
10 TIME SPENT PURSUANT TO AN INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION
11 15-901.08.

12 ~~12.~~ 13. "Revenue control limit" means the base revenue control
13 limit plus the transportation revenue control limit.

14 ~~13.~~ 14. "Student count" means average daily membership as
15 prescribed in this subsection for the fiscal year before the current year,
16 except that for the purpose of budget preparation student count means
17 average daily membership as prescribed in this subsection for the current
18 year.

19 ~~14.~~ 15. "Submit electronically" means submitted in a format and in
20 a manner prescribed by the department of education.

21 ~~15.~~ 16. "Total bus mileage" means the total number of miles driven
22 by all buses of a school district during the school year.

23 ~~16.~~ 17. "Total students transported" means all eligible students
24 transported from their place of residence to a school transportation
25 pickup point or to the school of attendance and from the school of
26 attendance or from the school transportation scheduled return point to
27 their place of residence.

28 ~~17.~~ 18. "Unified school district" means a political subdivision of
29 this state offering instruction to students in programs for preschool
30 children with disabilities and kindergarten programs and grades one
31 through twelve.

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

33 1. "Base" means the revenue level per student count specified by
34 the legislature.

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

42 (a) For fiscal year 2018-2019, \$3,960.07.

43 (b) For fiscal year 2019-2020, \$4,150.43.

44 (c) For fiscal year 2020-2021, \$4,305.73.

- 1 3. "Base revenue control limit" means the base revenue control
2 limit computed as provided in section 15-944.
- 3 4. "Base support level" means the base support level as provided in
4 section 15-943.
- 5 5. "Certified teacher" means a person who is certified as a teacher
6 pursuant to the rules adopted by the state board of education, who renders
7 direct and personal services to schoolchildren in the form of instruction
8 related to the school district's educational course of study and who is
9 paid from the maintenance and operation section of the budget.
- 10 6. "DD" means programs for children with developmental delays who
11 are at least three years of age but under ten years of age. A preschool
12 child who is categorized under this paragraph is not eligible to receive
13 funding pursuant to section 15-943, paragraph 2, subdivision (b).
- 14 7. "ED, MIID, SLD, SLI and OHI" means programs for children with
15 emotional disabilities, mild intellectual disabilities, a specific
16 learning disability, a speech/language impairment and other health
17 impairments. A preschool child who is categorized as SLI under this
18 paragraph is not eligible to receive funding pursuant to section 15-943,
19 paragraph 2, subdivision (b).
- 20 8. "ED-P" means programs for children with emotional disabilities
21 who are enrolled in private special education programs as prescribed in
22 section 15-765, subsection D, paragraph 1 or in an intensive school
23 district program as provided in section 15-765, subsection D, paragraph 2.
- 24 9. "ELL" means English learners who do not speak English or whose
25 native language is not English, who are not currently able to perform
26 ordinary classroom work in English and who are enrolled in an English
27 language education program pursuant to sections 15-751, 15-752 and 15-753.
- 28 10. "Full-time equivalent certified teacher" or "FTE certified
29 teacher" means for a certified teacher the following:
- 30 (a) If employed full time as defined in section 15-501, 1.00.
31 (b) If employed less than full time, multiply 1.00 by the
32 percentage of a full school day, or its equivalent, or a full class load,
33 or its equivalent, for which the teacher is employed as determined by the
34 governing board.
- 35 11. "Group A" means educational programs for career exploration, a
36 specific learning disability, an emotional disability, a mild intellectual
37 disability, remedial education, a speech/language impairment,
38 developmental delay, homebound, bilingual, other health impairments and
39 gifted pupils.
- 40 12. "Group B" means educational improvements for pupils in
41 kindergarten programs and grades one through three, educational programs
42 for autism, a hearing impairment, a moderate intellectual disability,
43 multiple disabilities, multiple disabilities with severe sensory
44 impairment, orthopedic impairments, preschool severe delay, a severe
45 intellectual disability and emotional disabilities for school age pupils

1 enrolled in private special education programs or in school district
2 programs for children with severe disabilities or visual impairment and
3 English learners enrolled in a program to promote English language
4 proficiency pursuant to section 15-752.

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

6 14. "Homebound" or "hospitalized" means a pupil who is capable of
7 profiting from academic instruction but is unable to attend school due to
8 illness, disease, accident or other health conditions, who has been
9 examined by a competent medical doctor and who is certified by that doctor
10 as being unable to attend regular classes for a period of not less than
11 three school months or a pupil who is capable of profiting from academic
12 instruction but is unable to attend school regularly due to chronic or
13 acute health problems, who has been examined by a competent medical doctor
14 and who is certified by that doctor as being unable to attend regular
15 classes for intermittent periods of time totaling three school months
16 during a school year. The medical certification shall state the general
17 medical condition, such as illness, disease or chronic health condition,
18 that is the reason that the pupil is unable to attend school. Homebound
19 or hospitalized includes a student who is unable to attend school for a
20 period of less than three months due to a pregnancy if a competent medical
21 doctor, after an examination, certifies that the student is unable to
22 attend regular classes due to risk to the pregnancy or to the student's
23 health.

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

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

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

29 18. "MD-SC, A-SC and SID-SC" means self-contained programs for
30 pupils with multiple disabilities, autism and severe intellectual
31 disability.

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

34 20. "MOID" means programs for pupils with moderate intellectual
35 disability.

36 21. "OI-R" means a resource program for pupils with orthopedic
37 impairments.

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

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

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

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

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

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

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

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

15 27. "Small school district" means a school district that meets all
16 of the following:

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

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

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

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

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

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

29 Sec. 4. Title 15, chapter 9, article 1, Arizona Revised Statutes,
30 is amended by adding section 15-901.08, to read:

31 15-901.08. School year; school month; instructional time
32 models; requirements; funding; definition

33 A. EXCEPT AS MAY BE OTHERWISE AUTHORIZED BY THE SUPERINTENDENT OF
34 PUBLIC INSTRUCTION TO ACCOMMODATE A YEAR-ROUND SCHOOL OPERATION OR AS
35 OTHERWISE PRESCRIBED UNDER AN INSTRUCTIONAL TIME MODEL ADOPTED PURSUANT TO
36 THIS SECTION, THE SCHOOL YEAR BEGINS JULY 1 AND ENDS JUNE 30, AND A SCHOOL
37 MONTH IS TWENTY SCHOOL DAYS OR FOUR WEEKS OF FIVE DAYS EACH.

38 B. NOTWITHSTANDING ANY OTHER LAW, FOR THE PURPOSES OF MEETING THE
39 INSTRUCTIONAL TIME AND INSTRUCTIONAL HOURS REQUIREMENTS PRESCRIBED IN
40 SECTIONS 15-808 AND 15-901, A SCHOOL DISTRICT GOVERNING BOARD, AFTER AT
41 LEAST TWO PUBLIC HEARINGS IN THE SCHOOL DISTRICT, OR A CHARTER SCHOOL
42 GOVERNING BODY FOR ONE OR MORE SCHOOLS MAY ADOPT ANY INSTRUCTIONAL TIME
43 MODELS AS PRESCRIBED IN THIS SECTION TO MEET THE MINIMUM ANNUAL
44 INSTRUCTIONAL TIME AND INSTRUCTIONAL HOURS REQUIREMENTS PRESCRIBED IN
45 SECTIONS 15-808 AND 15-901 FOR ALL OF THE FOLLOWING PURPOSES:

- 1 1. DETERMINING AVERAGE DAILY MEMBERSHIP.
- 2 2. DETERMINING DAILY ATTENDANCE.
- 3 3. DETERMINING STUDENT COUNT.
- 4 4. ANY OTHER PURPOSE RELATING TO INSTRUCTIONAL TIME OR
- 5 INSTRUCTIONAL HOURS PRESCRIBED IN SECTION 15-808 OR 15-901.
- 6 C. NOTWITHSTANDING ANY OTHER LAW, ALL OF THE FOLLOWING APPLY TO AN
- 7 INSTRUCTIONAL TIME MODEL ADOPTED BY A SCHOOL DISTRICT GOVERNING BOARD OR
- 8 CHARTER SCHOOL GOVERNING BODY FOR ONE OR MORE SCHOOLS PURSUANT TO THIS
- 9 SECTION:
- 10 1. STUDENTS SHALL RECEIVE THE MINIMUM INSTRUCTIONAL TIME OR
- 11 INSTRUCTIONAL HOURS REQUIRED UNDER SECTION 15-808 OR 15-901, AS
- 12 APPLICABLE, FOR THE FULL SCHOOL YEAR IN ANY DAY, WEEK AND COURSE LENGTH
- 13 INCREMENTS ADOPTED BY THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER
- 14 SCHOOL GOVERNING BODY.
- 15 2. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DELIVER THE ANNUAL
- 16 REQUIRED INSTRUCTIONAL TIME OR INSTRUCTIONAL HOURS TO STUDENTS THROUGH ANY
- 17 COMBINATION OF THE FOLLOWING:
- 18 (a) DIRECT INSTRUCTION.
- 19 (b) PROJECT-BASED LEARNING.
- 20 (c) INDEPENDENT LEARNING.
- 21 (d) MASTERY-BASED LEARNING, WHICH MAY BE DELIVERED IN A BLENDED
- 22 CLASSROOM SERVING MULTIPLE GRADE LEVELS OR PROVIDING BLENDED GRADE LEVEL
- 23 CONTENT.
- 24 3. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DEFINE INSTRUCTIONAL
- 25 TIME AND INSTRUCTIONAL HOURS TO INCLUDE ANY COMBINATION OF THE FOLLOWING:
- 26 (a) IN-PERSON INSTRUCTION.
- 27 (b) REMOTE INSTRUCTION, SUBJECT TO ALL OF THE FOLLOWING:
- 28 (i) DURING SCHOOL YEAR 2021-2022, EACH SCHOOL DISTRICT AND CHARTER
- 29 SCHOOL MAY PROVIDE UP TO FIFTY PERCENT OF ITS TOTAL INSTRUCTIONAL TIME IN
- 30 A REMOTE SETTING WITHOUT ANY IMPACT ON THE SCHOOL DISTRICT'S OR CHARTER
- 31 SCHOOL'S FUNDING. BEGINNING IN SCHOOL YEAR 2022-2023 AND EACH SCHOOL YEAR
- 32 THEREAFTER, EACH SCHOOL DISTRICT AND CHARTER SCHOOL MAY PROVIDE UP TO
- 33 FORTY PERCENT OF ITS TOTAL INSTRUCTIONAL TIME IN A REMOTE SETTING WITHOUT
- 34 ANY IMPACT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S FUNDING.
- 35 (ii) IF A SCHOOL DISTRICT OR CHARTER SCHOOL PROVIDES INSTRUCTIONAL
- 36 TIME IN A REMOTE SETTING BEYOND THE THRESHOLD PRESCRIBED IN ITEM (i) OF
- 37 THIS SUBDIVISION IN ANY SCHOOL YEAR, THE DEPARTMENT OF EDUCATION SHALL
- 38 CALCULATE FUNDING AS PRESCRIBED IN SUBSECTION D OF THIS SECTION.
- 39 (iii) THE DEPARTMENT OF EDUCATION SHALL ANNUALLY PROVIDE A LIST OF
- 40 SCHOOL DISTRICTS THAT PROVIDE MORE THAN THE ALLOWED INSTRUCTIONAL TIME IN
- 41 A REMOTE SETTING TO THE STATE BOARD OF EDUCATION. THE STATE BOARD OF
- 42 EDUCATION SHALL DETERMINE WHETHER THE SCHOOL DISTRICT MUST APPLY TO BECOME
- 43 AN ONLINE SCHOOL UNDER SECTION 15-808.
- 44 (iv) THE DEPARTMENT OF EDUCATION SHALL ANNUALLY PROVIDE A LIST OF
- 45 CHARTER SCHOOLS THAT PROVIDE MORE THAN THE ALLOWED INSTRUCTIONAL TIME IN A

1 REMOTE SETTING TO THE STATE BOARD FOR CHARTER SCHOOLS. THE STATE BOARD
2 FOR CHARTER SCHOOLS SHALL DETERMINE WHETHER THE CHARTER SCHOOL MUST APPLY
3 TO BECOME AN ONLINE SCHOOL UNDER SECTION 15-808.

4 4. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY REALLOCATE ANY MINIMUM
5 INSTRUCTIONAL TIME OR INSTRUCTIONAL HOURS PER COURSE REQUIRED UNDER
6 SECTION 15-808 OR 15-901 OR ANY OTHER STATUTE TO OTHER COURSES ON A
7 PER-STUDENT BASIS SO THAT STUDENTS ARE ABLE TO SPEND MORE OF THEIR
8 REQUIRED INSTRUCTIONAL TIME OR INSTRUCTIONAL HOURS ON COURSES OF GREATER
9 DEPTH OR COURSES THAT REQUIRE ADDITIONAL LEARNING TIME TO CATCH UP TO
10 GRADE LEVEL OR TO STAY ON PACE.

11 5. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY STAGGER LEARNING TIMES
12 AND SCHEDULES FOR STUDENTS AND MAY OFFER COURSES AND OTHER INSTRUCTIONAL
13 TIME OPTIONS ON THE WEEKEND OR IN THE EVENINGS SO THAT ALL STUDENTS ARE
14 NOT EXPECTED TO ATTEND OR COMPLETE THEIR SCHOOL DAY OR INSTRUCTIONAL TIME
15 AT THE SAME TIME.

16 6. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL ALIGN ITS ATTENDANCE
17 POLICIES TO REFLECT THE INSTRUCTIONAL TIME AND INSTRUCTIONAL HOURS
18 POLICIES PRESCRIBED UNDER THE ADOPTED INSTRUCTIONAL TIME MODEL.

19 D. IF A SCHOOL DISTRICT OR CHARTER SCHOOL PROVIDES REMOTE
20 INSTRUCTIONAL TIME BEYOND THE THRESHOLD PRESCRIBED IN SUBSECTION C,
21 PARAGRAPH 3, SUBDIVISION (b), ITEM (i) OF THIS SECTION IN ANY SCHOOL YEAR,
22 THE DEPARTMENT OF EDUCATION SHALL CALCULATE FUNDING AS FOLLOWS:

23 1. CALCULATE THE TOTAL PERCENTAGE OF INSTRUCTIONAL TIME PROVIDED BY
24 THE SCHOOL DISTRICT OR CHARTER SCHOOL IN A REMOTE SETTING.

25 2. SUBTRACT THE ALLOWABLE THRESHOLD PRESCRIBED IN SUBSECTION C,
26 PARAGRAPH 3, SUBDIVISION (b), ITEM (i) OF THIS SECTION FROM THE AMOUNT
27 CALCULATED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION.

28 3. FUND THE PERCENTAGE OF THE BASE SUPPORT LEVEL EQUAL TO THE
29 PERCENTAGE CALCULATED IN PARAGRAPH 2 OF THIS SUBSECTION AT NINETY-FIVE
30 PERCENT OF THE BASE SUPPORT LEVEL THAT WOULD OTHERWISE BE CALCULATED FOR
31 THE SCHOOL DISTRICT OR CHARTER SCHOOL.

32 E. FOR THE PURPOSES OF THIS SECTION, "MASTERY-BASED LEARNING" MEANS
33 A SYSTEM IN WHICH STUDENTS ADVANCE TO HIGHER LEVELS OF LEARNING WHEN THEY
34 DEMONSTRATE MASTERY OF CONCEPTS AND SKILLS REGARDLESS OF TIME, PLACE OR
35 PACE.

36 Sec. 5. Section 15-1021, Arizona Revised Statutes, is amended to
37 read:

38 15-1021. Limitation on bonded indebtedness; limitation on
39 authorization and issuance of bonds; definitions

40 A. Until December 31, 1999, a school district may issue class A
41 bonds for the purposes specified in this section and chapter 4, article 5
42 of this title to an amount in the aggregate, including the existing
43 indebtedness, not exceeding fifteen percent of the taxable property used
44 for secondary property tax purposes, as determined pursuant to title 42,

1 chapter 15, article 1, within a school district as ascertained by the last
2 property tax assessment previous to issuing the bonds.

3 B. From and after December 31, 1998, a school district may issue
4 class B bonds for the purposes specified in this section and chapter 4,
5 article 5 of this title to an amount in the aggregate, including the
6 existing class B indebtedness, not exceeding ten percent of the net
7 assessed value of the full cash value of the property in that school
8 district, or ~~one thousand five hundred dollars~~ \$1,500 per student count
9 pursuant to section 15-901, subsection A, paragraph ~~13~~ 14, whichever
10 amount is greater. A school district shall not issue class B bonds until
11 the proceeds of any class A bonds issued by the school district have been
12 obligated in contract. The total amount of class A and class B bonds
13 issued by a school district shall not exceed the debt limitations
14 prescribed in article IX, section 8, Constitution of Arizona.

15 C. Until December 31, 1999, a unified school district, as defined
16 under article IX, section 8.1, Constitution of Arizona, may issue class A
17 bonds for the purposes specified in this section and chapter 4, article 5
18 of this title to an amount in the aggregate, including the existing
19 indebtedness, not exceeding thirty percent of the taxable property used
20 for secondary property tax purposes, as determined pursuant to title 42,
21 chapter 15, article 1, within a unified school district as ascertained by
22 the last property tax assessment previous to issuing the bonds.

23 D. From and after December 31, 1998, a unified school district, as
24 defined under article IX, section 8.1, Constitution of Arizona, may issue
25 class B bonds for the purposes specified in this section and chapter 4,
26 article 5 of this title to an amount in the aggregate, including the
27 existing class B indebtedness, not exceeding twenty percent of the net
28 assessed value of the full cash value of the property in that school
29 district, or ~~one thousand five hundred dollars~~ \$1,500 per student count
30 pursuant to section 15-901, subsection A, paragraph ~~13~~ 14, whichever
31 amount is greater. A unified school district shall not issue class B
32 bonds until the proceeds of any class A bonds issued by the unified school
33 district have been obligated in contract. The total amount of class A and
34 class B bonds issued by a unified school district shall not exceed the
35 debt limitations prescribed in article IX, section 8.1, Constitution of
36 Arizona.

37 E. Bonds authorized to be issued by an election held after July 1,
38 1980 and before November 24, 2009 may not be issued more than six years
39 after the date of the election, except that the time period may be
40 extended to ten years pursuant to an election conducted pursuant to
41 section 15-491, subsection A, paragraph 6 and except that class A bonds
42 shall not be issued after December 31, 1999. Bonds authorized to be
43 issued by an election held after November 24, 2009 may not be issued more
44 than ten years after the date of the election.

1 F. Except as provided in section 15-491, subsection A, paragraph 3,
2 bond proceeds shall not be expended for items whose useful life is less
3 than the average life of the bonds issued, except that bond proceeds shall
4 not be expended for items whose useful life is less than five years.

5 G. A career technical education district shall not spend class B
6 bond proceeds to construct or renovate a facility located on the campus of
7 a school in a school district that participates in the career technical
8 education district unless the facility is only used to provide career and
9 technical education and is available to all pupils who live within the
10 career technical education district. If the facility is not owned by the
11 career technical education district, an intergovernmental agreement or a
12 written contract shall be executed for ten years or the duration of the
13 bonded indebtedness, whichever is greater. The intergovernmental
14 agreement or written contract shall include provisions:

15 1. That preserve the usage of the facility renovated or
16 constructed, or both, only for career and technology programs operated by
17 the career technical education district.

18 2. That include the process to be used by the participating
19 district to compensate the career technical education district in the
20 event that the facility is no longer used only for career and technical
21 education programs offered by the career technical education district
22 during the life of the bond.

23 H. A school district shall not authorize, issue or sell bonds
24 pursuant to this section if the school district has any existing
25 indebtedness from impact aid revenue bonds pursuant to chapter 16, article
26 8 of this title, except for bonds issued to refund any bonds issued by the
27 governing board.

28 I. For the purposes of this section, "full cash value" and "net
29 assessed value" have the same meanings prescribed in section 42-11001.

APPROVED BY THE GOVERNOR APRIL 28, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2021.