

Senate Engrossed House Bill
schools; alternative education; revisions

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 123
HOUSE BILL 2118

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 15-182. State board for charter schools; membership; terms;
5 compensation; duties

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

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

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

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

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

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

23 6. AN OPERATOR OF AN ALTERNATIVE CHARTER SCHOOL, AS RECOGNIZED BY
24 THE DEPARTMENT OF EDUCATION AS A SCHOOL WHOSE SOLE AND CLEARLY STATED
25 MISSION IS TO SERVE SPECIFIC POPULATIONS OF AT-RISK STUDENTS, WHO IS
26 APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211.

27 ~~6.~~ 7. Three members of the legislature who ~~shall~~ serve as advisory
28 members and who are appointed jointly by the president of the senate and
29 the speaker of the house of representatives.

30 B. The superintendent of public instruction shall serve a term on
31 the state board for charter schools that runs concurrently with the
32 superintendent's term of office. The members appointed pursuant to
33 subsection A, paragraph ~~6~~ 7 of this section shall serve two-year terms on
34 the state board for charter schools that begin and end on the third Monday
35 in January and that run concurrently with their respective terms of
36 office. Members appointed pursuant to subsection A, paragraphs 2, 3, 4,
37 ~~and~~ 5 AND 6 of this section shall serve staggered four-year terms that
38 begin and end on the third Monday in January.

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

42 D. Members of the state board for charter schools are not eligible
43 to receive compensation but are eligible for reimbursement of expenses
44 pursuant to title 38, chapter 4, article 2.

1 E. The state board for charter schools shall:
2 1. Exercise general supervision over charter schools that are
3 sponsored by the board, recommend legislation pertaining to charter
4 schools to the legislature and adopt rules and policies that the board
5 deems necessary to accomplish the purposes prescribed in this section.
6 2. Grant charter status to qualifying applicants for charter
7 schools pursuant to section 15-183.
8 3. Adopt and use an official seal in the authentication of its
9 acts.
10 4. Keep a record of its proceedings.
11 5. Adopt rules for its own government.
12 6. Determine the policy of the board and the work undertaken by it.
13 7. Delegate to the superintendent of public instruction the
14 execution of board policies.
15 8. Prepare a budget for expenditures necessary for the proper
16 maintenance of the board and the accomplishment of its purpose.
17 F. The state board for charter schools may:
18 1. Contract.
19 2. Sue and be sued.
20 3. Use the services of the auditor general.
21 4. Subject to title 41, chapter 4, article 4 and legislative
22 appropriation, employ staff.
23 G. The state board for charter schools may accept gifts or grants
24 of monies or real or personal property from public and private
25 organizations, if the purpose of the gift or grant specified by the donor
26 is approved by the board and is within the scope of the board's powers and
27 duties. The board shall establish and administer a gift and grant fund
28 for the deposit of monies received pursuant to this subsection.
29 Sec. 2. Heading change
30 The article heading of title 15, chapter 7, article 7, Arizona
31 Revised Statutes, is changed from "ALTERNATIVE EDUCATION PROGRAMS" to
32 "ALTERNATIVE EDUCATION PROGRAMS AND ALTERNATIVE SCHOOLS".
33 Sec. 3. Section 15-796, Arizona Revised Statutes, is amended to
34 read:
35 15-796. Alternative education programs; alternative schools;
36 requirements; funding; definitions
37 A. The governing board of a school district may contract with any
38 public body or private person for the purpose of providing alternative
39 education programs OR ALTERNATIVE SCHOOLS.
40 B. On the approval of the parent or guardian of a ~~pupit~~ STUDENT or
41 of a ~~pupit~~ STUDENT who is an emancipated person, the superintendent of a
42 school district may recommend to the governing board the placement of the
43 ~~pupit~~ STUDENT in an alternative education program OR ALTERNATIVE SCHOOL as
44 provided in this article.

1 C. AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY
2 DELIVER THE ANNUAL REQUIRED INSTRUCTIONAL TIME OR INSTRUCTIONAL HOURS
3 PRESCRIBED IN SECTION 15-797, SUBSECTION D OR ANY OTHER SECTION TO
4 STUDENTS ON ANY DAY OF THE WEEK.

5 D. AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY
6 ENROLL AND BEGIN TO RECEIVE FUNDING FOR A STUDENT WITHOUT A WITHDRAWAL
7 FORM FROM THE STUDENT'S PREVIOUS SCHOOL IF THE WITHDRAWAL HAS BEEN
8 VERIFIED IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM AND THE
9 ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL RETAINS ELECTRONIC
10 DOCUMENTATION VALIDATING THE WITHDRAWAL.

11 E. NOTWITHSTANDING ANY OTHER LAW, IF THE PREVIOUS SCHOOL OF A
12 STUDENT WHO IS ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE
13 SCHOOL INCORRECTLY CODES THE STUDENT AS A GRADUATE IN THE STUDENT
14 ACCOUNTABILITY INFORMATION SYSTEM, THE ALTERNATIVE EDUCATION PROGRAM OR
15 ALTERNATIVE SCHOOL IN WHICH THE STUDENT IS CURRENTLY ENROLLED MAY CONTINUE
16 TO ENROLL THE STUDENT. ON NOTIFICATION THAT A STUDENT WHO HAS BEEN
17 INCORRECTLY CODED AS A GRADUATE IS ENROLLED IN AN ALTERNATIVE EDUCATION
18 PROGRAM OR ALTERNATIVE SCHOOL, THE DEPARTMENT OF EDUCATION SHALL ALLOCATE
19 FUNDING FOR THE STUDENT BEGINNING ON THE DATE OF THE STUDENT'S ENROLLMENT
20 IN THE ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL.

21 ~~C.~~ F. For the purposes of this section: ~~;~~

22 1. "Alternative education" means the modification of the school
23 course of study and adoption of teaching methods, materials and
24 techniques, INCLUDING USING ANY INSTRUCTIONAL TIME MODELS PURSUANT TO
25 SECTION 15-901.08, to provide educationally for ~~those pupils~~ STUDENTS in
26 grades six through twelve who are unable to profit from the regular school
27 course of study and environment.

28 2. "STUDENT ACCOUNTABILITY INFORMATION SYSTEM" MEANS THE STUDENT
29 ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.

30 Sec. 4. Section 15-797, Arizona Revised Statutes, is amended to
31 read:

32 15-797. Financial provisions for students in alternative
33 education programs and alternative schools

34 A. School districts may count ~~pupils~~ STUDENTS for daily attendance
35 as provided in section 15-901 who are not actually and physically in
36 attendance in a recognized common or high school but who are enrolled in
37 and actually and physically in attendance in an alternative education
38 program ~~which~~ OR ALTERNATIVE SCHOOL THAT is provided by any public body or
39 private person and ~~which~~ THAT meets the standards that the state board of
40 education and the governing board prescribe for the course of study given
41 in the common and high schools.

42 B. The governing board of a school district shall prescribe
43 procedures for verifying the attendance of ~~pupils~~ STUDENTS enrolled in an
44 alternative education program ~~which~~ OR ALTERNATIVE SCHOOL THAT is provided
45 by any public body or private person.

1 C. The governing board may ~~make payments~~ PAY for the cost of ~~the~~
2 ~~education of pupils~~ EDUCATING STUDENTS as provided in this article not to
3 exceed the cost per student count as provided in section 15-824,
4 subsection G.

5 D. School districts operating ALTERNATIVE EDUCATION PROGRAMS OR
6 alternative schools pursuant to this section and charter schools operating
7 on approved alternative calendars pursuant to section 15-183 shall comply
8 with the annual hours of instruction requirement pursuant to section
9 15-901.

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

12 15-901.08. School year; school month; instructional time
13 models; requirements; funding; definition

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

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

- 27 1. Determining average daily membership.
- 28 2. Determining daily attendance.
- 29 3. Determining student count.

30 4. Any other purpose relating to instructional time or
31 instructional hours prescribed in section 15-797, 15-808 or 15-901.

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

36 1. Students shall receive the minimum instructional time or
37 instructional hours required under section 15-797, 15-808 or 15-901, as
38 applicable, for the full school year in any day, week and course length
39 increments adopted by the school district governing board or charter
40 school governing body.

41 2. A school may deliver the annual required instructional time or
42 instructional hours to students through any combination of the following:

- 43 (a) Direct instruction.
- 44 (b) Project-based learning.
- 45 (c) Independent learning.

1 (d) Mastery-based learning, which may be delivered in a blended
2 classroom serving multiple grade levels or providing blended grade level
3 content.

4 3. A school may define instructional time and instructional hours
5 to include any combination of the following:

6 (a) In-person instruction.

7 (b) Remote instruction, subject to all of the following:

8 (i) During school year 2021-2022, a school may provide up to fifty
9 percent of its total instructional time in a remote setting without any
10 impact to the school's funding. Beginning in school year 2022-2023 and
11 each school year thereafter, a school may provide up to forty percent of
12 its total instructional time in a remote setting without any impact to the
13 school's funding.

14 (ii) If a school provides instructional time in a remote setting
15 beyond the threshold prescribed in item (i) of this subdivision in any
16 school year, the department of education shall calculate funding as
17 prescribed in subsection D of this section.

18 (iii) The department of education shall annually provide a list of
19 schools that provide more than the allowed instructional time in a remote
20 setting to the state board of education. The state board of education
21 shall determine whether the school must apply to become an online school
22 under section 15-808.

23 (iv) The department of education shall annually provide a list of
24 charter schools that provide more than the allowed instructional time in a
25 remote setting to the state board for charter schools. The state board
26 for charter schools shall determine whether the charter school must apply
27 to become an online school under section 15-808.

28 4. A school may reallocate any minimum instructional time or
29 instructional hours per course required under section 15-797, 15-808 or
30 15-901 or any other statute to other courses on a per-student basis so
31 that students are able to spend more of their required instructional time
32 or instructional hours on courses of greater depth or courses that require
33 additional learning time to catch up to grade level or to stay on pace.

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

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

41 D. If a school provides remote instructional time beyond the
42 threshold prescribed in subsection C, paragraph 3, subdivision (b), item
43 (i) of this section in any school year, the department of education shall
44 calculate funding as follows:

- 1 1. Calculate the total percentage of instructional time provided by
2 the school in a remote setting.
- 3 2. Subtract the allowable threshold prescribed in subsection C,
4 paragraph 3, subdivision (b), item (i) of this section from the amount
5 calculated pursuant to paragraph 1 of this subsection.
- 6 3. Fund the percentage of the base support level equal to the
7 percentage calculated in paragraph 2 of this subsection at ninety-five
8 percent of the base support level that would otherwise be calculated for
9 the school.
- 10 E. For the purposes of this section, "mastery-based learning" means
11 a system in which students advance to higher levels of learning when they
12 demonstrate mastery of concepts and skills regardless of time, place or
13 pace.
- 14 Sec. 6. Retention of members
- 15 Notwithstanding section 15-182, Arizona Revised Statutes, as amended
16 by this act, all persons serving as members of the state board for charter
17 schools on the effective date of this act may continue to serve until the
18 expiration of their normal terms. The governor shall make all subsequent
19 appointments as prescribed by statute.

APPROVED BY THE GOVERNOR APRIL 13, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2022.