



Bill Number: H.B. 2124

Shope Floor Amendment

Reference to: Education Committee amendment

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Reinstates the district additional assistance (DAA) increase for a common school district not within a high school district (type 3 district) and for a transporting school district by an amount equal to 50 percent of the statutory, per-pupil DAA multiplied by the number of high school pupils the district transported.
2. Reinstates the requirement that a transporting school district must pay tuition for high school pupils admitted to another school district and that the pupils be deemed enrolled in the district of residence for the purposes of determining student count and apportionment of state aid.
3. Specifies that the number of high school pupils for which tuition may be charged to a transporting school district is equal to the average daily membership in the district of attendance from the transporting school district for the prior fiscal year, which may be adjusted if the transporting school district increases its revenue control limit.
4. Adds providing a free and appropriate public education under the federal Individuals with Disabilities Education Act to the purposes for which a high school pupil who resides in a type 3 district is deemed to be enrolled in the school district of attendance, rather than of residence.
5. Removes the caps on the per-pupil debt service expenditures amounts that are included in *costs per student count*, which may not be exceeded by the tuition charged for pupils attending a school district other than that of their residence.
6. Deems, as enrolled in the unified school district (unified district), a high school pupil who attends a unified district and resides in a type 3 district that is located within the boundaries of the former high school district that unified with another common school district and removes the requirement that the common school district pay tuition to the unified district for the high school pupils.
7. Removes the requirement that the calculation of the tuition that the type 3 district pays for high school pupils attending the unified district be modified to include payments for the former high school district's debt service or the unified district's debt service expenditures pertaining to high school facilities.

Amendment explanation prepared by Laura Benitez

05/24/2022

8. Reinserts the specification that, for the purposes of determining student count and apportionment of state aid, children must be counted or not counted as resident pupils of a school district as statutorily prescribed.
9. Makes technical and conforming changes.

SHOPE FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2124
(Reference to EDUCATION Committee amendment)

- 1 Page 3, line 23, strike the comma
- 2 Strike lines 24 through 29
- 3 Line 30, strike "tuition for these pupils as provided in subsection J of this section"
- 4
- 5 Page 4, line 23, after the period strike remainder of line
- 6 Strike lines 24 through 31
- 7 Page 5, strike lines 1 through 28, insert "FOR THE PURPOSES OF DETERMINING STUDENT COUNT AND FOR APPORTIONMENT OF STATE AID, THE SCHOOL MEMBERSHIP OF THESE PUPILS IS DEEMED TO BE ENROLLMENT IN THE UNIFIED SCHOOL DISTRICT."
- 8
- 9
- 10 Page 7, strike lines 24 through 32
- 11 Strike pages 8 and 9
- 12 Page 10, strike lines 1 through 12
- 13 Rerumber to conform
- 14 Line 22, strike "such"; after "certificate" insert "OF EDUCATIONAL CONVENIENCE"
- 15
- 16 Line 32, strike "purpose" insert "PURPOSES"
- 17 Page 11, line 1, after "count" insert "AND PROVIDING A FREE AND APPROPRIATE PUBLIC EDUCATION PURSUANT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (20 UNITED STATES CODE CHAPTER 33)"
- 18
- 19
- 20 Between lines 2 and 3, insert:
 - 21 "3. TO A HIGH SCHOOL WITHOUT THE PRESENTATION OF A CERTIFICATE OF
 - 22 EDUCATIONAL CONVENIENCE IF THE PUPIL IS A RESIDENT OF A TRANSPORTING SCHOOL
 - 23 DISTRICT THAT DOES NOT OFFER INSTRUCTION IN THE PUPIL'S GRADE. TUITION
 - 24 SHALL BE CHARGED AS PRESCRIBED IN SUBSECTION E OF THIS SECTION FOR EACH
 - 25 PUPIL WHO IS ADMITTED PURSUANT TO THIS PARAGRAPH. FOR THE PURPOSES OF

1 DETERMINING STUDENT COUNT AND FOR APPORTIONMENT OF STATE AID, THE SCHOOL
2 MEMBERSHIP OF THESE PUPILS IS DEEMED TO BE ENROLLMENT IN THE SCHOOL
3 DISTRICT OF THE PUPIL'S RESIDENCE."

4 Page 11, line 23, strike "~~and subsection A, paragraph 2 of this section~~" insert
5 "and subsection A, paragraph ~~2~~ 3 of this section"

6 Strike lines 31 and 32

7 Page 12, strike lines 1 through 8, insert:

8 1. The number of high school pupils for which tuition may be
9 charged to a ~~common~~ TRANSPORTING school district ~~that is not within a high~~
10 ~~school district~~ is equal to the average daily membership in the district of
11 attendance from the ~~common~~ TRANSPORTING school district for the prior
12 fiscal year, ~~except that for the first year in which a common school~~
13 ~~district not within a high school district stops teaching high school~~
14 ~~subjects, the district of attendance may charge tuition for the number of~~
15 ~~pupils that is equal to the average daily membership for high school pupils~~
16 ~~in the common school district for the prior fiscal year~~. This number may be
17 adjusted if the ~~common~~ TRANSPORTING school district increases its revenue
18 control limit and district support level."

19 Renumber to conform

20 Line 28, strike "~~2~~ 1" insert "2"

21 Page 13, line 23, strike "subdivisions" insert "SUBDIVISION"; strike "and (d)"

22 Page 14, strike lines 21 through 31

23 Page 15, strike lines 1 through 5

24 Strike lines 13 through 32

25 Strike pages 16 and 17

26 Page 18, strike lines 1 through 5

27 Renumber to conform

1 Page 26, between lines 9 and 10, insert:

2 "Sec. 4. Section 15-943.01, Arizona Revised Statutes, is amended to
3 read:

4 15-943.01. Maintenance and operation budget balance; definition

5 A. The governing board of a school district may budget any budget
6 balance in the maintenance and operation section of the budget, as provided
7 in section 15-903, from the current fiscal year for use in the maintenance
8 and operation section of the budget in the budget year. The amount that
9 may be budgeted as the budget balance carryforward in any one fiscal year
10 shall not include any budget balance attributable to any reduction in the
11 district's general budget limit, including reductions for items that are
12 exempt from the revenue control limit and for which expenditures are
13 limited to a designated purpose such as monies levied pursuant to section
14 15-910, subsection G ~~or for the bond issues portion of the cost of~~
15 ~~tuition~~. The amount budgeted as the budget balance carryforward is
16 specifically exempt from the revenue control limit.

17 B. If the actual amount of the allowable budget balance carryforward
18 is less than the amount budgeted for the budget balance carryforward, the
19 governing board shall adjust the general budget limit and expenditures
20 before May 15 based on the actual allowable budget balance carryforward.
21 If the actual amount of the allowable budget balance carryforward is more
22 than the amount budgeted for the budget balance carryforward, the governing
23 board may adjust its budget before May 15 based on the actual amount of the
24 allowable fund balance carryforward. Not later than May 18, the budget as
25 revised shall be submitted electronically to the superintendent of public
26 instruction.

27 C. If the governing board is eligible to budget for a budget balance
28 carryforward as provided in subsection A of this section, the governing
29 board may transfer an amount from the district's ending cash balance of the
30 maintenance and operations fund to the school opening fund. The school
31 opening fund is a cash controlled fund as provided in section 15-905,

1 subsection N, and may ~~only~~ be ~~expended~~ SPENT ONLY for the additional
2 maintenance and operations expenses incurred in the first year of operation
3 of a new school within the school district. The monies in the school
4 opening fund are not subject to reversion, except that at the end of five
5 years of no activity in the fund, any remaining monies ~~shall be reverted~~
6 ~~REVERT~~ to the maintenance and operations fund. Any monies so reverted may
7 be considered additional budget balance for that fiscal year.

8 D. If a governing board transfers monies as provided in subsection C
9 of this section, the amount so transferred in a fiscal year shall be
10 subtracted from the amount the district would otherwise be eligible to
11 budget for that fiscal year as provided in subsection A of this
12 section. The difference, if any, is the maximum amount that may be
13 budgeted for that fiscal year as a budget balance carryforward.

14 E. For the purposes of this section, "budget balance" means the
15 difference between actual and budgeted expenditures.

16 Sec. 5. Section 15-947, Arizona Revised Statutes, is amended to
17 read:

18 15-947. Revenue control limit: district support level: general
19 budget limit: unrestricted total capital budget
20 limit: district additional assistance limit

21 A. The revenue control limit for a school district is equal to the
22 sum of the base revenue control limit determined in section 15-944 and the
23 transportation revenue control limit determined in section 15-946.

24 B. The district support level for a school district is equal to the
25 sum of the base support level determined in section 15-943 and the
26 transportation support level determined in section 15-945.

27 C. The general budget limit for each school district, for each
28 fiscal year, is the sum of the following:

29 1. The maintenance and operations portion of the revenue control
30 limit for the budget year.

31 2. The maintenance and operation portion of the following amounts:

(a) Amounts that are fully funded by revenues other than a levy of taxes ~~upon~~ ON the taxable property within the school district, as listed below:

(i) Amounts budgeted as the budget balance carryforward as provided in section 15-943.01.

(ii) Tuition revenues for attendance of nonresident pupils.

(iii) State assistance as provided in section 15-976.

(iv) Special education revenues as provided in section 15-825, subsection D and section 15-1204.

(v) Title VIII of the elementary and secondary education act of 1965 assistance determined for children with disabilities, children with specific learning disabilities, children residing on Indian lands and children residing within the boundaries of an accommodation school that is located on a military reservation and that is classified as a heavily impacted local educational agency pursuant to 20 United States Code section 7703 as provided in section 15-905, subsections K and O.

(vi) Title VIII of the elementary and secondary education act of 1965 administrative costs as provided in section 15-905, subsection P.

(vii) State assistance for excess tuition as provided in section 15-825.01.

(viii) Transportation revenues for attendance of nonresident pupils.

(b) Amounts approved pursuant to an override election as provided in section 15-481 for the applicable fiscal year.

(c) Amounts authorized by the county school superintendent pursuant to section 15-974, subsection B.

(d) Expenditures for complying with a court order of desegregation as provided in section 15-910.

~~(e) Expenditures for the bond issues portion of the cost of tuition as provided in section 15-910.~~

~~(f)~~ (e) Interest on registered warrants or tax anticipation notes as provided in section 15-910.

1 ~~(g)~~ (f) Amounts budgeted for a jointly owned and operated career
2 and technical education and vocational education center as provided in
3 section 15-910.01.

4 3. The maintenance and operations portion of district additional
5 assistance for the budget year.

6 4. Any other budget item that is budgeted in the maintenance and
7 operation section of the budget and that is specifically exempt from the
8 revenue control limit or district additional assistance.

9 D. The unrestricted capital budget limit, for each school district
10 for each fiscal year, is the sum of the following:

11 1. The federal impact adjustment as determined in section 15-964 for
12 the budget year.

13 2. Any other budget item that is budgeted in the capital outlay
14 section of the budget and that is specifically exempt from district
15 additional assistance.

16 3. The unrestricted capital portion of the amounts contained in
17 subsection C of this section.

18 4. The unexpended budget balance in the unrestricted capital outlay
19 fund from the previous fiscal year.

20 5. The net interest earned in the unrestricted capital outlay fund
21 FROM the previous fiscal year."

22 Renumber to conform

23 Page 29, between lines 5 and 6, insert:

24 "Sec. 8. Section 15-961, Arizona Revised Statutes, is amended to
25 read:

26 15-961. District additional assistance; growth rate

27 A. District additional assistance per student count is established
28 as follows:

29 1. For school districts with a student count of less than one
30 hundred for kindergarten programs and grades one through eight, ~~five~~
31 ~~hundred forty-four dollars fifty-eight cents~~ \$544.58. For school districts

1 with a student count of one hundred or more and less than six hundred for
2 kindergarten programs and grades one through eight, multiply ~~three hundred~~
3 ~~eighty-nine dollars twenty-five cents~~ \$389.25 by the weight that
4 corresponds to the student count for kindergarten programs and grades one
5 through eight for the school district as provided in section 15-943,
6 paragraph 1, subdivision (a), column 3. For a school district with a
7 student count of six hundred or more in kindergarten programs and grades
8 one through eight, the limit is ~~four hundred fifty dollars seventy-six~~
9 ~~cents~~ \$450.76.

10 2. For school districts with a student count of less than one
11 hundred for grades nine through twelve, ~~six hundred one dollars twenty-four~~
12 ~~cents~~ \$601.24. For school districts with a student count of one hundred or
13 more and less than six hundred for grades nine through twelve, multiply
14 ~~four hundred five dollars fifty-nine cents~~ \$405.59 by the weight that
15 corresponds to the student count for grades nine through twelve for the
16 school district as provided in section 15-943, paragraph 1, subdivision
17 (b), column 3. For a school district with a student count of six hundred
18 or more in grades nine through twelve, the limit is ~~four hundred ninety-two~~
19 ~~dollars ninety-four cents~~ \$492.94.

20 3. For programs for preschool children with disabilities, ~~four~~
21 ~~hundred fifty dollars seventy-six cents~~ \$450.76.

22 B. District additional assistance for a school district shall be
23 computed as follows:

24 1. Select the applicable district additional assistance per student
25 count for the school district.

26 2. Multiply the amount or amounts selected in paragraph 1 of this
27 subsection by the appropriate student count of the school district.

28 3. If a school district's student count used for the budget year is
29 greater than one hundred five percent of the student count used for the
30 current year's budget, increase the adjusted district additional assistance

1 determined in paragraph 2 of this subsection by fifty percent of the actual
2 percentage increase in the school district's student count.

3 C. An amount for the purchase of required textbooks and related
4 printed subject matter materials shall be used to increase the district
5 additional assistance for a school district as determined in subsection B,
6 paragraph 2 or 3 of this section, whichever is applicable. This amount
7 shall equal the student count in grades nine through twelve multiplied by
8 ~~sixty-nine dollars sixty-eight cents~~ \$69.68.

9 D. NOTWITHSTANDING SUBSECTIONS A, B AND C OF THIS SECTION, DISTRICT
10 ADDITIONAL ASSISTANCE FOR A COMMON SCHOOL DISTRICT THAT IS NOT WITHIN A
11 HIGH SCHOOL DISTRICT OR FOR A TRANSPORTING SCHOOL DISTRICT IS DISTRICT
12 ADDITIONAL ASSISTANCE AS PRESCRIBED IN THIS SECTION BUT EXCLUDING PUPILS
13 WHO ARE ADMITTED TO ANOTHER SCHOOL DISTRICT AS PROVIDED IN SECTION 15-824,
14 SUBSECTION A, PARAGRAPH 2 OR 3, EXCEPT THAT IF THE SCHOOL DISTRICT
15 TRANSPORTS HIGH SCHOOL PUPILS, THE DISTRICT ADDITIONAL ASSISTANCE AMOUNT
16 PRESCRIBED IN THIS SECTION SHALL BE INCREASED BY AN AMOUNT EQUAL TO FIFTY
17 PERCENT OF THE DISTRICT ADDITIONAL ASSISTANCE PER PUPIL AMOUNT PRESCRIBED
18 FOR THE SCHOOL DISTRICT PURSUANT TO THIS SECTION MULTIPLIED BY THE NUMBER
19 OF HIGH SCHOOL PUPILS TRANSPORTED."

20 Renumber to conform

21 Page 32, between lines 19 and 20, insert:

22 "Sec. 10. Section 15-974, Arizona Revised Statutes, is amended to
23 read:

24 15-974. Equalization assistance for education for
25 accommodation schools

26 A. Equalization assistance for education for accommodation schools
27 shall be paid from appropriations for that purpose to the school districts
28 as provided in section 15-973.

29 B. When an accommodation school has a positive total cash balance at
30 the end of a fiscal year in its maintenance and operation fund, the county
31 school superintendent of the county in which the accommodation school is

1 located may authorize an addition to the accommodation school's revenue
2 control limit as provided in section 15-947, subsection A for the following
3 fiscal year. The county school superintendent may not authorize an
4 addition that exceeds the lesser of the ending cash balance ~~less~~ MINUS the
5 amount budgeted for the budget balance carryforward as provided in section
6 15-943.01 or ten ~~per cent~~ PERCENT of the revenue control limit of the
7 accommodation school and five ~~per cent~~ PERCENT of the revenue control limit
8 pursuant to section 15-482, without the necessity of an election pursuant
9 to section 15-481. If an accommodation school has a cash balance in excess
10 of the amount needed to fund the budget balance carryforward, ~~AND~~ the
11 addition authorized pursuant to this subsection ~~and the items listed in~~
12 ~~section 15-947, subsection C, paragraph 2, subdivision (e)~~ for the
13 following fiscal year, the remaining cash balance may be used for capital
14 expenditures.

15 C. Subsection B of this section ~~shall~~ DOES not apply to an
16 accommodation school with a student count of one hundred twenty-five or
17 less in kindergarten programs and grades one through eight or to an
18 accommodation school ~~which~~ THAT offers instruction in ~~grades~~ GRADE nine,
19 ten, eleven or twelve and ~~which~~ THAT has a student count of one hundred or
20 less in grades nine through twelve."

21 Renumber to conform

22 Amend title to conform

THOMAS SHOPE

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