

REFERENCE TITLE: schools; alternative education; revisions

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

HB 2118

Introduced by
Representative Kaiser

AN ACT

AMENDING SECTIONS 15-182 AND 15-796, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-796.01; AMENDING SECTIONS 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 contract with public body or private persons;
- 37 modifications; assessment and accountability; age;
- 38 withdrawal; definitions
- 39 A. The governing board of a school district may contract with any
- 40 public body or private person for the purpose of providing alternative
- 41 education programs OR ALTERNATIVE SCHOOLS.
- 42 B. On the approval of the parent or guardian of a ~~pupit~~ STUDENT or
- 43 of a ~~pupit~~ STUDENT who is an emancipated person, the superintendent of a
- 44 school district may recommend to the governing board the placement of the

1 ~~pupils~~ STUDENT in an alternative education program OR ALTERNATIVE SCHOOL as
2 provided in this article.

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

7 D. THE STATE BOARD OF EDUCATION SHALL CONSIDER GRADUATION AND
8 STUDENT GROWTH TO GRADUATION AND COLLEGE AND CAREER READINESS AS THE
9 PRIMARY MEASURES FOR THE ACADEMIC SUCCESS OF ALTERNATIVE EDUCATION
10 PROGRAMS AND ALTERNATIVE SCHOOLS.

11 E. NOTWITHSTANDING ANY OTHER LAW, AN ALTERNATIVE EDUCATION PROGRAM
12 OR ALTERNATIVE SCHOOL SHALL ADMIT STUDENTS WHO ARE UNDER TWENTY-FIVE YEARS
13 OF AGE. STUDENTS WHO ARE UNDER TWENTY-FIVE YEARS OR AGE AND WHO ARE
14 ENROLLED IN AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL ARE
15 ELIGIBLE FOR STATE FUNDING.

16 F. AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY
17 ENROLL AND BEGIN TO RECEIVE FUNDING FOR A STUDENT WITHOUT A WITHDRAWAL
18 FORM FROM THE STUDENT'S PREVIOUS SCHOOL IF THE WITHDRAWAL HAS BEEN
19 VERIFIED IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM.

20 G. IF THE PREVIOUS SCHOOL OF A STUDENT WHO IS ENROLLED IN AN
21 ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL INCORRECTLY CODES THE
22 STUDENT AS A GRADUATE IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM,
23 THE ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL IN WHICH THE
24 STUDENT IS CURRENTLY ENROLLED MAY SUBMIT TO THE DEPARTMENT OF EDUCATION AN
25 OFFICIAL TRANSCRIPT OR OTHER PROOF THAT CONFIRMS THAT THE STUDENT HAS NOT
26 GRADUATED WITHIN THIRTY DAYS OF THE STUDENT'S ENROLLMENT IN THE
27 ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL. ON RECEIPT OF THE
28 PROOF CONFIRMING THAT THE STUDENT HAS NOT GRADUATED, THE DEPARTMENT OF
29 EDUCATION SHALL UPDATE THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM TO
30 REFLECT THE STUDENT'S CORRECT STATUS. NOTWITHSTANDING THE DATE ON WHICH
31 THE DEPARTMENT OF EDUCATION UPDATES THE STUDENT ACCOUNTABILITY INFORMATION
32 SYSTEM TO REFLECT THE STUDENT'S CORRECT STATUS, THE FUNDING FOR THE
33 STUDENT BEGINS ON THE DATE OF THE STUDENT'S ENROLLMENT.

34 ~~E.~~ H. For the purposes of this section: ~~;~~

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

41 2. "STUDENT ACCOUNTABILITY INFORMATION SYSTEM" MEANS THE STUDENT
42 ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.

1 Sec. 4. Title 15, chapter 7, article 7, Arizona Revised Statutes,
2 is amended by adding section 15-796.01, to read:

3 15-796.01. Definitions

4 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 1. "ALTERNATIVE EDUCATION PROGRAM" INCLUDES AN ALTERNATIVE
6 EDUCATION ONLINE PROGRAM.

7 2. "ALTERNATIVE SCHOOL" INCLUDES AN ALTERNATIVE ONLINE SCHOOL.

8 Sec. 5. Section 15-797, Arizona Revised Statutes, is amended to
9 read:

10 15-797. Financial provisions for students in alternative
11 education programs and alternative schools

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

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

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

28 ~~D. School districts operating alternative schools pursuant to this~~
29 ~~section and charter schools operating on approved alternative calendars~~
30 ~~pursuant to section 15-183 shall comply with the annual hours of~~
31 ~~instruction requirement pursuant to~~ NOTWITHSTANDING section 15-901,
32 SUBSECTION A, PARAGRAPH 1, A STUDENT WHO IS ENROLLED IN AN ALTERNATIVE
33 EDUCATION PROGRAM OR ALTERNATIVE SCHOOL IS CONSIDERED A FULL-TIME STUDENT
34 FOR THE PURPOSES OF CALCULATING AVERAGE DAILY MEMBERSHIP UNDER SECTION
35 15-901 AND SHALL BE FUNDED AT 1.0 AVERAGE DAILY MEMBERSHIP IF THE STUDENT
36 IS ENROLLED IN AT LEAST TWENTY HOURS OF INSTRUCTION PER WEEK. IF A
37 STUDENT IS ENROLLED IN FEWER THAN TWENTY HOURS OF INSTRUCTION PER WEEK,
38 THE AVERAGE DAILY MEMBERSHIP SHALL BE REDUCED PROPORTIONALLY FOR THE
39 PURPOSES OF MEETING THE INSTRUCTIONAL HOURS REQUIREMENT OF THIS SECTION
40 FOR A FULL-TIME STUDENT. THE STUDENT MAY BE ENROLLED IN ONE, TWO, THREE
41 OR FOUR COURSES THAT ARE TAUGHT CONCURRENTLY OR CONSECUTIVELY. AN
42 ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY SATISFY ANY OF THE
43 TIME AND HOURS REQUIREMENTS OF THIS SECTION IN ANY MANNER PRESCRIBED IN AN
44 INSTRUCTIONAL TIME MODEL ADOPTED UNDER SECTION 15-901.08. THIS SUBSECTION

1 DOES NOT APPLY TO DROPOUT RECOVERY PROGRAMS OFFERED UNDER SECTION
2 15-901.06.

3 E. THE AVERAGE DAILY MEMBERSHIP FOR A STUDENT WHO IS ENROLLED IN AN
4 ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL MAY NOT EXCEED 1.0.

5 Sec. 6. Section 15-901.08, Arizona Revised Statutes, is amended to
6 read:

7 15-901.08. School year; school month; instructional time
8 models; requirements; funding; definition

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

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

- 22 1. Determining average daily membership.
- 23 2. Determining daily attendance.
- 24 3. Determining student count.
- 25 4. Any other purpose relating to instructional time or
26 instructional hours prescribed in section 15-797, 15-808 or 15-901.

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

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

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

- 38 (a) Direct instruction.
- 39 (b) Project-based learning.
- 40 (c) Independent learning.
- 41 (d) Mastery-based learning, which may be delivered in a blended
42 classroom serving multiple grade levels or providing blended grade level
43 content.

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

3 (a) In-person instruction.

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

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

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

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

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

25 4. A school may reallocate any minimum instructional time or
26 instructional hours per course required under section 15-797, 15-808 or
27 15-901 or any other statute to other courses on a per-student basis so
28 that students are able to spend more of their required instructional time
29 or instructional hours on courses of greater depth or courses that require
30 additional learning time to catch up to grade level or to stay on pace.

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

35 6. A school shall align its attendance policies to reflect the
36 instructional time and instructional hours policies prescribed under the
37 adopted instructional time model.

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

42 1. Calculate the total percentage of instructional time provided by
43 the school in a remote setting.

1 2. Subtract the allowable threshold prescribed in subsection C,
2 paragraph 3, subdivision (b), item (i) of this section from the amount
3 calculated pursuant to paragraph 1 of this subsection.

4 3. Fund the percentage of the base support level equal to the
5 percentage calculated in paragraph 2 of this subsection at ninety-five
6 percent of the base support level that would otherwise be calculated for
7 the school.

8 E. For the purposes of this section, "mastery-based learning" means
9 a system in which students advance to higher levels of learning when they
10 demonstrate mastery of concepts and skills regardless of time, place or
11 pace.