

REFERENCE TITLE: schools; student promotions

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

HB 2284

Introduced by
Representatives Fillmore: Carroll, Carter

AN ACT

AMENDING SECTIONS 15-341, 15-701, 15-701.01, 15-702 AND 15-808, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures to govern the
7 schools that are not inconsistent with law or rules prescribed by the
8 state board of education.

9 2. Exclude from schools all books, publications, papers or
10 audiovisual materials of a sectarian, partisan or denominational
11 character. This paragraph does not prohibit the elective course ~~permitted~~
12 ALLOWED by section 15-717.01.

13 3. Manage and control the school property within its district,
14 except that a district may enter into a partnership with an entity,
15 including a charter school, another school district or a military base, to
16 operate a school or offer educational services in a district building,
17 including at a vacant or partially used building, or in any building on
18 the entity's property pursuant to a written agreement between the parties.

19 4. Acquire school furniture, apparatus, equipment, library books
20 and supplies for the schools to use.

21 5. Prescribe the curricula and criteria for the promotion and
22 graduation of pupils as provided in sections 15-701 and 15-701.01.

23 6. Furnish, repair and insure, at full insurable value, the school
24 property of the district.

25 7. Construct school buildings on approval by a vote of the district
26 electors.

27 8. In the name of the district, convey property belonging to the
28 district and sold by the board.

29 9. Purchase school sites when authorized by a vote of the district
30 at an election conducted as nearly as practicable in the same manner as
31 the election provided in section 15-481 and held on a date prescribed in
32 section 15-491, subsection E, but such authorization shall not necessarily
33 specify the site to be purchased and such authorization shall not be
34 necessary to exchange unimproved property as provided in section 15-342,
35 paragraph 23.

36 10. Construct, improve and furnish buildings used for school
37 purposes when such buildings or premises are leased from the national park
38 service.

39 11. Purchase school sites or construct, improve and furnish school
40 buildings from the proceeds of the sale of school property only on
41 approval by a vote of the district electors.

42 12. Hold pupils to strict account for disorderly conduct on school
43 property.

44 13. Discipline students for disorderly conduct on the way to and
45 from school.

1 14. Except as provided in section 15-1224, deposit all monies
2 received by the district as gifts, grants and devises with the county
3 treasurer who shall credit the deposits as designated in the uniform
4 system of financial records. If not inconsistent with the terms of the
5 gifts, grants and devises given, any balance remaining after expenditures
6 for the intended purpose of the monies have been made shall be used ~~for~~
7 ~~reduction of~~ TO REDUCE school district taxes for the budget year, except
8 that in the case of accommodation schools the county treasurer shall carry
9 the balance forward for use by the county school superintendent for
10 accommodation schools for the budget year.

11 15. Provide that, if a parent or legal guardian chooses not to
12 accept ~~a~~ decision AN ACTION of the teacher as provided in paragraph 42,
13 SUBDIVISION (b) of this subsection, the parent or legal guardian may
14 request in writing that the governing board review the teacher's ~~decision~~
15 ACTION. This paragraph does not release school districts from any
16 liability relating to a child's promotion or retention.

17 16. Provide for adequate supervision over pupils in instructional
18 and noninstructional activities by certificated or noncertificated
19 personnel.

20 17. Use school monies received from the state and county school
21 apportionment exclusively to pay salaries of teachers and other employees
22 and contingent expenses of the district.

23 18. Annually report to the county school superintendent on or
24 before October 1 in the manner and form and on the blanks prescribed by
25 the superintendent of public instruction or county school superintendent.
26 The board shall also report directly to the county school superintendent
27 or the superintendent of public instruction whenever required.

28 19. Deposit all monies received by school districts other than
29 student activities monies or monies from auxiliary operations as provided
30 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
31 the school district except as provided in paragraph 20 of this subsection
32 and sections 15-1223 and 15-1224, and the board shall ~~expend~~ SPEND the
33 monies as provided by law for other school funds.

34 20. Establish bank accounts in which the board during a month may
35 deposit miscellaneous monies received directly by the district. The board
36 shall remit monies deposited in the bank accounts at least monthly to the
37 county treasurer for deposit as provided in paragraph 19 of this
38 subsection and in accordance with the uniform system of financial records.

39 21. Prescribe and enforce policies and procedures for disciplinary
40 action against a teacher who engages in conduct that is a violation of the
41 policies of the governing board but that is not cause for dismissal of the
42 teacher or for revocation of the certificate of the teacher. Disciplinary
43 action may include suspension without pay for a period of time not to
44 exceed ten school days. Disciplinary action shall not include suspension
45 with pay or suspension without pay for a period of time longer than ten

1 school days. The procedures shall include notice, hearing and appeal
2 provisions for violations that are cause for disciplinary action. The
3 governing board may designate a person or persons to act on behalf of the
4 board on these matters.

5 22. Prescribe and enforce policies and procedures for disciplinary
6 action against an administrator who engages in conduct that is a violation
7 of the policies of the governing board regarding duties of administrators
8 but that is not cause for dismissal of the administrator or for revocation
9 of the certificate of the administrator. Disciplinary action may include
10 suspension without pay for a period of time not to exceed ten school days.
11 Disciplinary action shall not include suspension with pay or suspension
12 without pay for a period of time longer than ten school days. The
13 procedures shall include notice, hearing and appeal provisions for
14 violations that are cause for disciplinary action. The governing board
15 may designate a person or persons to act on behalf of the board on these
16 matters. For violations that are cause for dismissal, the provisions of
17 notice, hearing and appeal in chapter 5, article 3 of this title ~~shall~~
18 apply. The filing of a timely request for a hearing suspends the
19 imposition of a suspension without pay or a dismissal pending completion
20 of the hearing.

21 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
22 enforce policies and procedures that prohibit a person from carrying or
23 possessing a weapon on school grounds unless the person is a peace officer
24 or has obtained specific authorization from the school administrator.

25 24. Prescribe and enforce policies and procedures relating to the
26 health and safety of all pupils participating in district-sponsored
27 practice sessions or games or other interscholastic athletic activities,
28 including:

29 (a) The provision of water.
30 (b) Guidelines, information and forms, developed in consultation
31 with a statewide private entity that supervises interscholastic
32 activities, to inform and educate coaches, pupils and parents of the
33 dangers of concussions and head injuries and the risks of continued
34 participation in athletic activity after a concussion. The policies and
35 procedures shall require that, before a pupil participates in an athletic
36 activity, the pupil and the pupil's parent ~~must~~ sign an information form
37 at least once each school year that states that the parent is aware of the
38 nature and risk of concussion. The policies and procedures shall require
39 that a pupil who is suspected of sustaining a concussion in a practice
40 session, game or other interscholastic athletic activity be immediately
41 removed from the athletic activity and that the pupil's parent or guardian
42 be notified. A coach from the pupil's team or an official or a licensed
43 health care provider may remove a pupil from play. A team parent may also
44 remove the parent's own child from play. A pupil may return to play on
45 the same day if a health care provider rules out a suspected concussion at

1 the time the pupil is removed from play. On a subsequent day, the pupil
2 may return to play if the pupil has been evaluated by and received written
3 clearance to resume participation in athletic activity from a health care
4 provider who has been trained in ~~the evaluation~~ EVALUATING and ~~management~~
5 of MANAGING concussions and head injuries. A health care provider who is
6 a volunteer and who provides clearance to participate in athletic activity
7 on the day of the suspected injury or on a subsequent day is immune from
8 civil liability with respect to all decisions made and actions taken that
9 are based on good faith implementation of the requirements of this
10 subdivision, except in cases of gross negligence or wanton or wilful
11 neglect. A school district, school district employee, team coach,
12 official or team volunteer or a parent or guardian of a team member is not
13 subject to civil liability for any act, omission or policy undertaken in
14 good faith to comply with the requirements of this subdivision or for a
15 decision made or an action taken by a health care provider. A group or
16 organization that uses property or facilities owned or operated by a
17 school district for athletic activities shall comply with the requirements
18 of this subdivision. A school district and its employees and volunteers
19 are not subject to civil liability for any other person or organization's
20 failure or alleged failure to comply with the requirements of this
21 subdivision. This subdivision does not apply to teams that are based in
22 another state and that participate in an athletic activity in this state.
23 For the purposes of this subdivision, athletic activity does not include
24 dance, rhythmic gymnastics, competitions or exhibitions of academic skills
25 or knowledge or other similar forms of physical noncontact activities,
26 civic activities or academic activities, whether engaged in for the
27 purposes of competition or recreation. For the purposes of this
28 subdivision, "health care provider" means a physician who is licensed
29 pursuant to title 32, chapter 13 or 17, an athletic trainer who is
30 licensed pursuant to title 32, chapter 41, a nurse practitioner who is
31 licensed pursuant to title 32, chapter 15, and a physician assistant who
32 is licensed pursuant to title 32, chapter 25.

33 (c) Guidelines, information and forms that are developed in
34 consultation with a statewide private entity that supervises
35 interscholastic activities to inform and educate coaches, pupils and
36 parents of the dangers of heat-related illnesses, sudden cardiac death and
37 prescription opioid use. Before a pupil participates in any
38 district-sponsored practice session or game or other interscholastic
39 athletic activity, the pupil and the pupil's parent must be provided with
40 information at least once each school year on the risks of heat-related
41 illnesses, sudden cardiac death and prescription opioid addiction.

42 25. Establish an assessment, data gathering and reporting system as
43 prescribed in chapter 7, article 3 of this title.

1 26. Provide special education programs and related services
2 pursuant to section 15-764, subsection A to all children with disabilities
3 as defined in section 15-761.

4 27. Administer competency tests prescribed by the state board of
5 education for the graduation of pupils from high school.

6 28. Ensure that insurance coverage is secured for all construction
7 projects for purposes of general liability, property damage and workers'
8 compensation and secure performance and payment bonds for all construction
9 projects.

10 29. Keep in the personnel file of all current and former employees
11 who provide instruction to pupils at a school information about the
12 employee's educational and teaching background and experience in a
13 particular academic content subject area. A school district shall inform
14 parents and guardians of the availability of the information and shall
15 make the information available for inspection on request of parents and
16 guardians of pupils enrolled at a school. This paragraph does not require
17 any school to release personally identifiable information in relation to
18 any teacher or employee, including the teacher's or employee's address,
19 salary, social security number or telephone number.

20 30. Report to local law enforcement agencies any suspected crime
21 against a person or property that is a serious offense as defined in
22 section 13-706 or that involves a deadly weapon or dangerous instrument or
23 serious physical injury and any conduct that poses a threat of death or
24 serious physical injury to employees, students or anyone on the property
25 of the school. This paragraph does not limit or preclude the reporting by
26 a school district or an employee of a school district of suspected crimes
27 other than those required to be reported by this paragraph. For the
28 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
29 "serious physical injury" have the same meanings prescribed in section
30 13-105.

31 31. In conjunction with local law enforcement agencies and
32 emergency response agencies, develop an emergency response plan for each
33 school in the school district in accordance with minimum standards
34 developed jointly by the department of education and the division of
35 emergency management within the department of emergency and military
36 affairs.

37 32. Provide written notice to the parents or guardians of all
38 students enrolled in the school district at least ten days before a public
39 meeting to discuss closing a school within the school district. The
40 notice shall include the reasons for the proposed closure and the time and
41 place of the meeting. The governing board shall fix a time for a public
42 meeting on the proposed closure not less than ten days before voting in a
43 public meeting to close the school. The school district governing board
44 shall give notice of the time and place of the meeting. At the time and
45 place designated in the notice, the school district governing board shall

1 hear reasons for or against closing the school. The school district
2 governing board is exempt from this paragraph if the governing board
3 determines that the school shall be closed because it poses a danger to
4 the health or safety of the pupils or employees of the school. A
5 governing board may consult with the division of school facilities within
6 the department of administration for technical assistance and for
7 information on the impact of closing a school. The information provided
8 from the division of school facilities within the department of
9 administration shall not require the governing board to take or not take
10 any action.

11 33. Incorporate instruction on Native American history into
12 appropriate existing curricula.

13 34. Prescribe and enforce policies and procedures:

14 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
15 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
16 25 or by a registered nurse practitioner licensed and certified pursuant
17 to title 32, chapter 15 to carry and self-administer emergency
18 medications, including epinephrine auto-injectors, while at school and at
19 school-sponsored activities. The pupil's name on the prescription label
20 on the medication container or on the medication device and annual written
21 documentation from the pupil's parent or guardian to the school that
22 authorizes possession and self-administration is sufficient proof that the
23 pupil is entitled to ~~the possession~~ POSSESS and ~~self-administration of~~
24 SELF-ADMINISTER the medication. The policies shall require a pupil who
25 uses an epinephrine auto-injector while at school and at school-sponsored
26 activities to notify the nurse or the designated school staff person of
27 the use of the medication as soon as practicable. A school district and
28 its employees are immune from civil liability with respect to all
29 decisions made and actions taken that are based on good faith
30 implementation of the requirements of this subdivision, except in cases of
31 wanton or wilful neglect.

32 (b) For the emergency administration of epinephrine auto-injectors
33 by a trained employee of a school district pursuant to section 15-157.

34 35. Allow the possession and self-administration of prescription
35 medication for breathing disorders in handheld inhaler devices by pupils
36 who have been prescribed that medication by a health care professional
37 licensed pursuant to title 32. The pupil's name on the prescription label
38 on the medication container or on the handheld inhaler device and annual
39 written documentation from the pupil's parent or guardian to the school
40 that authorizes possession and self-administration ~~shall be~~ IS sufficient
41 proof that the pupil is entitled to ~~the possession~~ POSSESS and
42 ~~self-administration of~~ SELF-ADMINISTER the medication. A school district
43 and its employees are immune from civil liability with respect to all
44 decisions made and actions taken that are based on a good faith
45 implementation of the requirements of this paragraph.

1 36. Prescribe and enforce policies and procedures to prohibit
2 pupils from harassing, intimidating and bullying other pupils on school
3 grounds, on school property, on school buses, at school bus stops, at
4 school-sponsored events and activities and through the use of electronic
5 technology or electronic communication on school computers, networks,
6 forums and mailing lists that include the following components:

7 (a) A procedure for pupils, parents and school district employees
8 to confidentially report to school officials incidents of harassment,
9 intimidation or bullying. The school shall make available written forms
10 designed to provide a full and detailed description of the incident and
11 any other relevant information about the incident.

12 (b) A requirement that school district employees report in writing
13 suspected incidents of harassment, intimidation or bullying to the
14 appropriate school official and a description of appropriate disciplinary
15 procedures for employees who fail to report suspected incidents that are
16 known to the employee.

17 (c) A requirement that, at the beginning of each school year,
18 school officials provide all pupils with a written copy of the rights,
19 protections and support services available to a pupil who is an alleged
20 victim of an incident reported pursuant to this paragraph.

21 (d) If an incident is reported pursuant to this paragraph, a
22 requirement that school officials provide a pupil who is an alleged victim
23 of the incident with a written copy of the rights, protections and support
24 services available to that pupil.

25 (e) A formal process for documenting reported incidents of
26 harassment, intimidation or bullying and providing for the
27 confidentiality, maintenance and disposition of this documentation.
28 School districts shall maintain documentation of all incidents reported
29 pursuant to this paragraph for at least six years. The school shall not
30 use that documentation to impose disciplinary action unless the
31 appropriate school official has investigated and determined that the
32 reported incidents of harassment, intimidation or bullying occurred. If a
33 school provides documentation of reported incidents to persons other than
34 school officials or law enforcement, all individually identifiable
35 information shall be redacted.

36 (f) A formal process for the appropriate school officials to
37 investigate suspected incidents of harassment, intimidation or bullying,
38 including procedures for notifying the alleged victim and the alleged
39 victim's parent or guardian when a school official or employee becomes
40 aware of the suspected incident of harassment, intimidation or bullying.

41 (g) Disciplinary procedures for pupils who have admitted or been
42 found to have committed incidents of harassment, intimidation or bullying.

43 (h) A procedure that sets forth consequences for submitting false
44 reports of incidents of harassment, intimidation or bullying.

(i) Procedures designed to protect the health and safety of pupils who are physically harmed as the result of incidents of harassment, intimidation and bullying, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.

(j) Definitions of harassment, intimidation and bullying.

37. Prescribe and enforce policies and procedures regarding changing or adopting attendance boundaries that include the following components:

(a) A procedure for holding public meetings to discuss attendance boundary changes or adoptions that allows public comments.

(b) A procedure to notify the parents or guardians of the students affected, including assurance that, if that school remains open as part of

the boundary change and capacity is available, students assigned to a new attendance area may stay enrolled in their current school.

(d) A process for placing public meeting notices and proposed maps

(d) A process for placing public meeting notices and proposed maps on the school district's website for public review, if the school district maintains a website.

(e) A formal process for presenting the attendance boundaries of the affected area in public meetings that allows public comments.

(f) A formal process for notifying the residents and parents or guardians of the affected area as to the decision of the governing board on the school district's website, if the school district maintains a website.

(g) A formal process for updating attendance boundaries on the school district's website within ninety days after an adopted boundary change. The school district shall send a direct link to the school district's attendance boundaries website to the department of real estate.

38. If the state board of education determines that the school district has committed an overexpenditure as defined in section 15-107, provide a copy of the fiscal management report submitted pursuant to section 15-107, subsection H on its website and make copies available to the public on request. The school district shall comply with a request within five business days after receipt.

39. Ensure that the contract for the superintendent is structured in a manner in which up to twenty percent of the total annual salary included for the superintendent in the contract is classified as performance pay. This paragraph does not require school districts to increase total compensation for superintendents. Unless the school district governing board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows:

(a) Twenty-five percent of the performance pay shall be determined based on the percentage of academic gain determined by the department of

1 education of pupils who are enrolled in the school district compared to
2 the academic gain achieved by the highest ranking of the fifty largest
3 school districts in this state. For the purposes of this subdivision, the
4 department of education shall determine academic gain by the academic
5 growth achieved by each pupil who has been enrolled at the same school in
6 a school district for at least five consecutive months measured against
7 that pupil's academic results in the 2008-2009 school year. For the
8 purposes of this subdivision, of the fifty largest school districts in
9 this state, the school district with pupils who demonstrate the highest
10 statewide percentage of overall academic gain measured against academic
11 results for the 2008-2009 school year shall be assigned a score of 100 and
12 the school district with pupils who demonstrate the lowest statewide
13 percentage of overall academic gain measured against academic results for
14 the 2008-2009 school year shall be assigned a score of 0.

15 (b) Twenty-five percent of the performance pay shall be determined
16 by the percentage of parents of pupils who are enrolled at the school
17 district who assign a letter grade of "A" to the school on a survey of
18 parental satisfaction with the school district. The parental satisfaction
19 survey shall be administered and scored by an independent entity that is
20 selected by the governing board and that demonstrates sufficient expertise
21 and experience to accurately measure the results of the survey. The
22 parental satisfaction survey shall use standard random sampling procedures
23 and provide anonymity and confidentiality to each parent who participates
24 in the survey. The letter grade scale used on the parental satisfaction
25 survey shall direct parents to assign one of the following letter grades:

- 26 (i) A letter grade of "A" if the school district is excellent.
- 27 (ii) A letter grade of "B" if the school district is above average.
- 28 (iii) A letter grade of "C" if the school district is average.
- 29 (iv) A letter grade of "D" if the school district is below average.
- 30 (v) A letter grade of "F" if the school district is a failure.

31 (c) Twenty-five percent of the performance pay shall be determined
32 by the percentage of teachers who are employed at the school district and
33 who assign a letter grade of "A" to the school on a survey of teacher
34 satisfaction with the school. The teacher satisfaction survey shall be
35 administered and scored by an independent entity that is selected by the
36 governing board and that demonstrates sufficient expertise and experience
37 to accurately measure the results of the survey. The teacher satisfaction
38 survey shall use standard random sampling procedures and provide anonymity
39 and confidentiality to each teacher who participates in the survey. The
40 letter grade scale used on the teacher satisfaction survey shall direct
41 teachers to assign one of the following letter grades:

- 42 (i) A letter grade of "A" if the school district is excellent.
- 43 (ii) A letter grade of "B" if the school district is above average.
- 44 (iii) A letter grade of "C" if the school district is average.
- 45 (iv) A letter grade of "D" if the school district is below average.

1 (v) A letter grade of "F" if the school district is a failure.
2 (d) Twenty-five percent of the performance pay shall be determined
3 by other criteria selected by the governing board.

4 40. Maintain and store permanent public records of the school
5 district as required by law. Notwithstanding section 39-101, the
6 standards adopted by the Arizona state library, archives and public
7 records for the maintenance and storage of school district public records
8 shall allow school districts to elect to satisfy the requirements of this
9 paragraph by maintaining and storing these records either on paper or in
10 an electronic format, or a combination of a paper and electronic format.

11 41. Adopt in a public meeting and implement policies for principal
12 evaluations. Before adopting principal evaluation policies, the school
13 district governing board shall provide opportunities for public discussion
14 on the proposed policies. The governing board shall adopt policies that:

15 (a) Are designed to improve principal performance and improve
16 student achievement.

17 (b) Include the use of quantitative data on the academic progress
18 for all students, which shall account for between twenty percent and
19 thirty-three percent of the evaluation outcomes.

20 (c) Include four performance classifications, designated as highly
21 effective, effective, developing and ineffective.

22 (d) Describe both of the following:

23 (i) The methods used to evaluate the performance of principals,
24 including the data used to measure student performance and job
25 effectiveness.

26 (ii) The formula used to determine evaluation outcomes

42. Prescribe and enforce policies and procedures that define the duties of principals and teachers. These policies and procedures shall:

26 duties of principals and teachers. These policies and procedures shall:
27 (a) Authorize teachers to take and maintain daily classroom
28 attendance, ~~make the decision to promote or retain a pupil in a grade in~~
29 ~~common school or to pass or fail a pupil in a course in high school,~~
30 ~~subject to review by the governing board in the manner provided in section~~
31 ~~15-342, paragraph 11.~~

34 (b) SUBJECT TO REVIEW BY THE GOVERNING BOARD IN THE MANNER PROVIDED
35 IN SECTION 15-342. REQUIRE TEACHERS TO:

36 (i) RETAIN A PUPIL IN A GRADE IN A COMMON SCHOOL IF THAT PUPIL DOES
37 NOT MEET THE CRITERIA PRESCRIBED BY THE GOVERNING BOARD UNDER SECTION
38 15-701

38 15-701.01
39 (ii) FAIL A PUPIL IN A COURSE IN HIGH SCHOOL IF THAT PUPIL DOES NOT
40 MEET THE CRITERIA PRESCRIBED BY THE GOVERNING BOARD UNDER SECTION
41 15-701.01

42 43. Prescribe and enforce policies and procedures for the emergency
43 administration by an employee of a school district pursuant to section
44 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
45 by the United States food and drug administration.

1 44. In addition to the notification requirements prescribed in
2 paragraph 36 of this subsection, prescribe and enforce reasonable and
3 appropriate policies to notify a pupil's parent or guardian if any person
4 engages in harassing, threatening or intimidating conduct against that
5 pupil. A school district and its officials and employees are immune from
6 civil liability with respect to all decisions made and actions taken that
7 are based on good faith implementation of the requirements of this
8 paragraph, except in cases of gross negligence or wanton or wilful
9 neglect. A person engages in threatening or intimidating if the person
10 threatens or intimidates by word or conduct to cause physical injury to
11 another person or serious damage to the property of another on school
12 grounds. A person engages in harassment if, with intent to harass or with
13 knowledge that the person is harassing another person, the person
14 anonymously or otherwise contacts, communicates or causes a communication
15 with another person by verbal, electronic, mechanical, telephonic or
16 written means in a manner that harasses on school grounds or substantially
17 disrupts the school environment.

18 45. Each fiscal year, provide to each school district employee a
19 total compensation statement that is broken down by category of benefit or
20 payment and that includes, for that employee, at least all of the
21 following:

- 22 (a) Base salary and any additional pay.
- 23 (b) Medical benefits and the value of any employer-paid portions of
24 insurance plan premiums.
- 25 (c) Retirement benefit plans, including social security.
- 26 (d) Legally required benefits.
- 27 (e) Any paid leave.
- 28 (f) Any other payment made to or on behalf of the employee.
- 29 (g) Any other benefit provided to the employee.

30 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
31 section, the county school superintendent may construct, improve and
32 furnish school buildings or purchase or sell school sites in the conduct
33 of an accommodation school.

34 C. If any school district acquires real or personal property,
35 whether by purchase, exchange, condemnation, gift or otherwise, the
36 governing board shall pay to the county treasurer any taxes on the
37 property that were unpaid as of the date of acquisition, including
38 penalties and interest. The lien for unpaid delinquent taxes, penalties
39 and interest on property acquired by a school district:

40 1. Is not abated, extinguished, discharged or merged in the title
41 to the property.

42 2. Is enforceable in the same manner as other delinquent tax liens.

43 D. The governing board may not locate a school on property that is
44 less than one-fourth mile from agricultural land regulated pursuant to
45 section 3-365, except that the owner of the agricultural land may agree to

1 comply with the buffer zone requirements of section 3-365. If the owner
2 agrees in writing to comply with the buffer zone requirements and records
3 the agreement in the office of the county recorder as a restrictive
4 covenant running with the title to the land, the school district may
5 locate a school within the affected buffer zone. The agreement may
6 include any stipulations regarding the school, including conditions for
7 future expansion of the school and changes in the operational status of
8 the school that will result in a breach of the agreement.

9 E. A school district, its governing board members, its school
10 council members and its employees are immune from civil liability for the
11 consequences of ~~adoption~~ ADOPTING and ~~implementation~~ of IMPLEMENTING
12 policies and procedures pursuant to subsection A of this section and
13 section 15-342. This waiver does not apply if the school district, its
14 governing board members, its school council members or its employees are
15 guilty of gross negligence or intentional misconduct.

16 F. A governing board may delegate in writing to a superintendent,
17 principal or head teacher the authority to prescribe procedures that are
18 consistent with the governing board's policies.

19 G. Notwithstanding any other provision of this title, a school
20 district governing board shall not take any action that would result in a
21 reduction of pupil square footage unless the governing board notifies the
22 school facilities oversight board established by section 41-5701.02 of the
23 proposed action and receives written approval from the school facilities
24 oversight board to take the action. A reduction includes an increase in
25 administrative space that results in a reduction of pupil square footage
26 or sale of school sites or buildings, or both. A reduction includes a
27 reconfiguration of grades that results in a reduction of pupil square
28 footage of any grade level. This subsection does not apply to temporary
29 reconfiguration of grades to accommodate new school construction if the
30 temporary reconfiguration does not exceed one year. The sale of equipment
31 that results in a reduction that falls below the equipment requirements
32 prescribed in section 41-5711, subsection B is subject to commensurate
33 withholding of school district district additional assistance monies
34 pursuant to the direction of the school facilities oversight board.
35 Except as provided in section 15-342, paragraph 10, proceeds from the sale
36 of school sites, buildings or other equipment shall be deposited in the
37 school plant fund as provided in section 15-1102.

38 H. Subsections C through G of this section apply to a county board
39 of supervisors and a county school superintendent when operating and
40 administering an accommodation school.

41 I. A school district governing board may delegate authority in
42 writing to the superintendent of the school district to submit plans for
43 new school facilities to the school facilities oversight board for the
44 purpose of certifying that the plans meet the minimum school facility
45 adequacy guidelines prescribed in section 41-5711.

1 J. For the purposes of subsection A, paragraph 37 of this section,
2 attendance boundaries may not be used to require students to attend
3 certain schools based on the student's place of residence.

4 Sec. 2. Section 15-701, Arizona Revised Statutes, is amended to
5 read:

6 15-701. Common school; promotions; requirements; certificate;
7 supervision of eighth grades by superintendent of
8 high school district; high school admissions;
9 academic credit; definition

10 A. The state board of education shall:

11 1. Prescribe a minimum course of study incorporating the academic
12 standards adopted by the state board of education to be taught in the
13 common schools.

14 2. Prescribe competency requirements for the promotion of pupils
15 from the eighth grade and competency requirements for the promotion of
16 pupils from the third grade incorporating the academic standards in at
17 least the areas of reading, writing, mathematics, science and social
18 studies. The competency requirements for the promotion of pupils from the
19 third grade shall include the following:

20 (a) A requirement that a pupil not be promoted from the third grade
21 if the pupil obtains a score on the reading portion of the statewide
22 assessment that does not demonstrate sufficient reading skills as
23 established by the state board. A pupil may not be retained if data
24 regarding the pupil's performance on the statewide assessment is not
25 available before the end of the current academic year. A pupil who is not
26 retained due to the unavailability of test data must receive
27 evidence-based intervention and remedial strategies pursuant to
28 subdivision (c) of this paragraph if the third grade assessment data
29 subsequently does not demonstrate sufficient reading skills.

30 (b) A mechanism to allow a school district governing board or the
31 governing body of a charter school to promote from the third grade a pupil
32 who does not demonstrate sufficient reading skills pursuant to subdivision
33 (a) of this paragraph if the pupil:

34 (i) Is an English learner or a limited English proficient student
35 as defined in section 15-751 and has had fewer than two years of English
36 language instruction.

37 (ii) Is in the process of a special education referral or
38 evaluation for placement in special education, has been diagnosed as
39 having a significant reading impairment, including dyslexia, or is a child
40 with a disability as defined in section 15-761 if the pupil's
41 individualized education program team and the pupil's parent or guardian
42 agree that promotion is appropriate based on the pupil's individualized
43 education program.

44 (iii) Has demonstrated or subsequently demonstrates sufficient
45 reading skills or adequate progress toward sufficient reading skills of

1 the third grade reading standards as evidenced through a collection of
2 reading assessments approved by the state board of education, which
3 includes an alternative standardized reading assessment approved by the
4 state board.

5 (iv) Receives intervention and remedial services during the summer
6 or a subsequent school year pursuant to subdivision (c) of this paragraph
7 and demonstrates sufficient progress based on guidelines issued pursuant
8 to subsection B, paragraph 7 of this section.

9 (c) Evidence-based intervention and remedial strategies developed
10 by the state board of education for pupils who are not promoted from the
11 third grade. A school district governing board or the governing body of a
12 charter school shall offer more than one of the intervention and remedial
13 strategies developed by the state board of education. The parent or
14 guardian of a pupil who is not promoted from the third grade and the
15 pupil's teacher and principal may choose the most appropriate intervention
16 and remedial strategies that will be provided to that pupil. The
17 intervention and remedial strategies developed by the state board of
18 education shall include:

19 (i) A requirement that the pupil be assigned for evidence-based
20 reading instruction by a different teacher who was designated in that
21 teacher's most recent performance evaluation in one of the top two
22 performance classifications.

23 (ii) Summer school reading instruction.

24 (iii) In the next academic year, intensive reading instruction that
25 occurs before, during or after the regular school day, or any combination
26 of before, during and after the regular school day.

27 (iv) Small group and teacher-led evidence-based reading
28 instruction, which may include computer-based or online reading
29 instruction.

30 (d) A requirement that a school district governing board or charter
31 school governing body that promotes a pupil pursuant to subdivision (b) of
32 this paragraph provide annual reporting to the department of education on
33 or before October 1 that includes information on the total number of
34 pupils subject to the retention provisions of subdivision (a) of this
35 paragraph, the total number of students promoted pursuant to subdivision
36 (b) of this paragraph, the total number of pupils retained in grade three
37 and the interventions administered pursuant to subdivision (c) of this
38 paragraph.

39 3. Provide for universal screening of pupils in preschool programs,
40 kindergarten programs and grades one through three that is designed to
41 identify pupils who have reading deficiencies pursuant to section 15-704.
42 If sufficient monies are appropriated, beginning in the 2022-2023 school
43 year, the state board of education shall adopt a statewide kindergarten
44 entry evaluation tool to administer to pupils in kindergarten programs

1 within forty-five calendar days after the beginning of each school year or
2 within forty-five calendar days after a pupil enrolls.

3 4. Develop evidence-based intervention and remedial strategies
4 pursuant to paragraph 2, subdivision (c) of this subsection for pupils in
5 kindergarten programs and grades one through three who are identified as
6 having reading deficiencies pursuant to section 15-704.

7 5. Distribute guidelines for the school districts to follow in
8 prescribing criteria for the promotion of pupils from grade to grade in
9 the common schools. These guidelines shall include recommended procedures
10 for ensuring that the cultural background of a pupil is taken into
11 consideration when criteria for promotion are being applied.

12 B. School districts and charter schools shall provide annual
13 written notification to parents of pupils in kindergarten programs and
14 first, second and third grades that a pupil who does not demonstrate
15 sufficient reading skills pursuant to subsection A of this section will
16 not be promoted from the third grade. School districts and charter
17 schools shall identify each pupil who is at risk of reading below grade
18 level in kindergarten and grades one, two and three, based on local or
19 statewide assessments, and shall provide to the parent of that pupil a
20 specific written notification of the reading deficiency within three weeks
21 after identifying the reading deficiency. The notification shall include
22 the following information:

23 1. A description of the pupil's specific individual needs.
24 2. A description of the current reading services provided to the
25 pupil.

26 3. A description of the available supplemental instructional
27 services and supporting programs that are designed to remediate reading
28 deficiencies. Each school district or charter school shall offer more than
29 one evidence-based intervention strategy and more than one remedial
30 strategy developed by the state board of education for pupils with reading
31 deficiencies. The notification shall list the intervention and remedial
32 strategies offered and shall instruct the parent to choose, in
33 consultation with the pupil's teacher, the most appropriate strategies to
34 be provided and implemented for that child.

35 4. Parental strategies to assist the pupil to attain reading
36 proficiency.

37 5. The frequency with which the school district or charter school
38 will provide timely updates and information to the parent on the pupil's
39 progress toward reading proficiency.

40 6. A statement that the pupil will not be promoted from the third
41 grade if the pupil does not demonstrate sufficient reading skills pursuant
42 to subsection A, paragraph 2, subdivision (a) of this section, unless the
43 pupil is exempt from mandatory retention in grade three or the pupil
44 qualifies for an exemption pursuant to subsection A, paragraph 2,
45 subdivision (b) of this section.

1 7. A description of the school district or charter school policies
2 on midyear promotion to a higher grade.

3 C. Pursuant to the guidelines that the state board of education
4 distributes, the governing board of a school district shall:

5 1. Prescribe curricula that include the academic standards in the
6 required subject areas pursuant to subsection A, paragraph 1 of this
7 section.

8 2. Prescribe criteria for the promotion of pupils from grade to
9 grade in the common schools in the school district. These criteria shall
10 include accomplishment of the academic standards in at least reading,
11 writing, mathematics, science and social studies, as determined by
12 district assessment. Other criteria may include additional measures of
13 academic achievement and attendance.

14 D. The governing board may prescribe the course of study and
15 competency requirements for promotion that are in addition to or higher
16 than the course of study and competency requirements the state board
17 prescribes.

18 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, a teacher
19 ~~shall determine whether to~~ ~~MAY NOT~~ promote ~~or~~ AND SHALL retain a pupil in
20 a grade in a common school ~~on the basis of~~ IF THE PUPIL DOES NOT MEET the
21 prescribed criteria. The governing board, if it reviews the decision of a
22 teacher to promote or retain a pupil in a grade in a common school as
23 provided in section 15-342, paragraph 11, shall base its decision on the
24 prescribed criteria.

25 F. A TEACHER MAY PROMOTE A PUPIL WHO DOES NOT MEET THE PRESCRIBED
26 CRITERIA IF THE PUPIL EITHER:

27 1. IS ELIGIBLE FOR PROMOTION PURSUANT TO EITHER:
28 (a) SUBSECTION A, PARAGRAPH 2, SUBDIVISION (b) OF THIS SECTION.
29 (b) A SPECIAL EXCEPTION THAT THE GOVERNING BOARD PRESCRIBES.

30 2. MEETS ONE OR BOTH OF THE FOLLOWING CRITERIA:

31 (a) IS AN ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT STUDENT
32 AS DEFINED IN SECTION 15-751 AND HAS HAD FEWER THAN TWO YEARS OF ENGLISH
33 LANGUAGE INSTRUCTION IF THE PUPIL'S TEACHER AND PARENT OR GUARDIAN AGREE
34 THAT PROMOTION IS APPROPRIATE.

35 (b) IS IN THE PROCESS OF A SPECIAL EDUCATION REFERRAL OR EVALUATION
36 FOR PLACEMENT IN SPECIAL EDUCATION, HAS BEEN DIAGNOSED AS HAVING A
37 SIGNIFICANT READING IMPAIRMENT, INCLUDING DYSLEXIA, OR IS A CHILD WITH A
38 DISABILITY AS DEFINED IN SECTION 15-761 IF THE PUPIL'S INDIVIDUALIZED
39 EDUCATION PROGRAM TEAM AND THE PUPIL'S PARENT OR GUARDIAN AGREE THAT
40 PROMOTION IS APPROPRIATE BASED ON THE PUPIL'S INDIVIDUALIZED EDUCATION
41 PROGRAM.

42 F. A governing board may provide and issue certificates of
43 promotion to pupils whom it promotes from the eighth grade of a common
44 school. Such certificates shall be signed by the principal or
45 superintendent of schools. If there is no principal or superintendent of

1 schools, the certificates shall be signed by the teacher of an eighth
2 grade. The certificates shall admit the holders to any high school in the
3 state.

4 ~~G.~~ H. Within any high school district or union high school
5 district, the superintendent of the high school district shall supervise
6 the work of the eighth grade of all schools employing no superintendent or
7 principal.

8 ~~H.~~ I. A school district shall not deny a pupil who is between the
9 ages of sixteen and twenty-one years admission to a high school because
10 the pupil does not hold an eighth grade certificate. Governing boards
11 shall establish procedures for determining the admissibility of pupils who
12 are under sixteen years of age and who do not hold eighth grade
13 certificates.

14 ~~I.~~ J. The state board of education shall adopt rules to allow
15 common school pupils who can demonstrate competency in a particular
16 academic course or subject to obtain academic credit for the course or
17 subject without enrolling in the course or subject.

18 ~~J.~~ K. A school district may conduct a ceremony to honor pupils who
19 have been promoted from the eighth grade.

20 ~~K.~~ L. For the purposes of this section, "dyslexia" means a
21 condition that:

22 1. Is neurological in origin.
23 2. Is characterized by difficulties with accurate or fluent word
24 recognition and by poor spelling and decoding abilities, including
25 difficulties that typically result from a deficit in the phonological
26 component of language that is often unexpected in relation to other
27 cognitive abilities and to the provision of effective classroom
28 instruction.

29 3. May include secondary consequences such as problems with reading
30 comprehension and reduced reading experience that may impede the growth of
31 vocabulary and background knowledge.

32 Sec. 3. Section 15-701.01, Arizona Revised Statutes, is amended to
33 read:

34 15-701.01. High schools; graduation; requirements; community
35 college or university courses; transfer from
36 other schools; academic credit

37 A. The state board of education shall:
38 1. Prescribe a minimum course of study that incorporates the
39 academic standards adopted by the state board for the graduation of pupils
40 from high school.
41 2. Prescribe competency requirements for the graduation of pupils
42 from high school incorporating the academic standards in at least the
43 areas of reading, writing, mathematics, science and social studies. The
44 academic standards prescribed by the state board in social studies shall
45 include personal finance and American civics education. The state board

1 may consider establishing a required separate personal finance course for
2 the purpose of the graduation of pupils from high school. The state board
3 shall require at least one-half of a course credit in economics, which
4 shall include financial literacy and personal financial management. The
5 competency requirements for social studies shall include a requirement
6 that, in order to graduate from high school or obtain a high school
7 equivalency diploma, a pupil must correctly answer at least sixty of the
8 one hundred questions listed on a test that is identical to the civics
9 portion of the naturalization test used by the United States citizenship
10 and immigration services. A district school or charter school shall
11 document on the pupil's transcript that the pupil has passed a test that
12 is identical to the civics portion of the naturalization test used by the
13 United States citizenship and immigration services as required by this
14 section.

15 3. Develop and adopt competency tests pursuant to section 15-741.
16 English language learners who are subject to article 3.1 of this chapter
17 are subject to the assessments prescribed in section 15-741.

18 B. The governing board of a school district shall:

19 1. Prescribe curricula that include the academic standards in the
20 required subject areas pursuant to subsection A, paragraph 1 of this
21 section.

22 2. Prescribe criteria for the graduation of pupils from the high
23 schools in the school district. These criteria shall include
24 accomplishment of the academic standards in at least reading, writing,
25 mathematics, science and social studies, as determined by district
26 assessment. Other criteria may include additional measures of academic
27 achievement and attendance. Pursuant to the prescribed graduation
28 requirements adopted by the state board of education, the governing board
29 may approve a rigorous computer science course that would fulfill a
30 mathematics course required for graduation from high school. The
31 governing board may approve a rigorous computer science course only if the
32 rigorous computer science course includes significant mathematics content
33 and the governing board determines the high school where the rigorous
34 computer science course is offered has sufficient capacity, infrastructure
35 and qualified staff, including competent teachers of computer science.
36 The school district governing board or charter school governing body may
37 determine the method and manner in which to administer a test that is
38 identical to the civics portion of the naturalization test used by the
39 United States citizenship and immigration services. A pupil who does not
40 obtain a passing score on the test that is identical to the civics portion
41 of the naturalization test may retake the test until the pupil obtains a
42 passing score.

43 C. The governing board may prescribe the course of study and
44 competency requirements for the graduation of pupils from high school that

1 are in addition to or higher than the course of study and competency
2 requirements that the state board prescribes.

3 D. The governing board may prescribe competency requirements for
4 the passage of pupils in courses that are required for graduation from
5 high school.

6 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, a teacher
7 shall ~~determine whether to pass or~~ fail a pupil in a course in high school
8 ~~on the basis of~~ IF THE PUPIL DOES NOT MEET the competency requirements, if
9 any have been prescribed. The governing board, if it reviews the decision
10 of a teacher to pass or fail a pupil in a course in high school as
11 provided in section 15-342, paragraph 11, shall base its decision on the
12 competency requirements, if any have been prescribed.

13 F. A TEACHER MAY PASS A PUPIL WHO DOES NOT MEET THE COMPETENCY
14 REQUIREMENTS OF A COURSE IN HIGH SCHOOL IF THE PUPIL EITHER:

15 1. MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION THAT THE
16 GOVERNING BOARD PRESCRIBES.

17 2. MEETS ONE OR BOTH OF THE FOLLOWING CRITERIA:

18 (a) IS AN ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT STUDENT
19 AS DEFINED IN SECTION 15-751 AND HAS HAD FEWER THAN TWO YEARS OF ENGLISH
20 LANGUAGE INSTRUCTION IF THE PUPIL'S TEACHER AND PARENT OR GUARDIAN AGREE
21 THAT PASSING IS APPROPRIATE.

22 (b) IS IN THE PROCESS OF A SPECIAL EDUCATION REFERRAL OR EVALUATION
23 FOR PLACEMENT IN SPECIAL EDUCATION, HAS BEEN DIAGNOSED AS HAVING A
24 SIGNIFICANT READING IMPAIRMENT, INCLUDING DYSLEXIA, OR IS A CHILD WITH A
25 DISABILITY AS DEFINED IN SECTION 15-761 IF THE PUPIL'S INDIVIDUALIZED
26 EDUCATION PROGRAM TEAM AND THE PUPIL'S PARENT OR GUARDIAN AGREE THAT
27 PASSING IS APPROPRIATE BASED ON THE PUPIL'S INDIVIDUALIZED EDUCATION
28 PROGRAM.

29 F. G. Graduation requirements established by the governing board
30 may be met by a pupil who passes courses in the required or elective
31 subjects at a community college or university, if the course is at a
32 higher level than the course taught in the high school attended by the
33 pupil or, if the course is not taught in the high school, the level of the
34 course is equal to or higher than the level of a high school course. The
35 governing board shall determine whether the subject matter of the
36 community college or university course is appropriate to the specific
37 requirement the pupil intends it to fulfill and whether the level of the
38 community college or university course is less than, equal to or higher
39 than a high school course, and the governing board shall award at least
40 one-half of a Carnegie unit and up to and including one Carnegie unit for
41 each three semester hours of credit that the pupil earns in an appropriate
42 community college or university course. If a pupil is not satisfied with
43 the decision of the governing board regarding the amount of credit granted
44 or the subjects for which credit is granted, the pupil may request that
45 the state board of education review the decision of the governing board,

1 and the state board shall make the final determination of the amount of
2 credit to be given the pupil and for which subjects. The governing board
3 shall not limit the number of credits that is required for high school
4 graduation and that may be met by taking community college or university
5 courses. For the purposes of this subsection:

6 1. "Community college" means an educational institution that is
7 operated by a community college district as defined in section 15-1401 or
8 a postsecondary educational institution under the jurisdiction of an
9 Indian tribe recognized by the United States department of the interior.

10 2. "University" means a university under the jurisdiction of the
11 Arizona board of regents.

12 ~~G.~~ H. A pupil who transfers from a private school shall be
13 provided with a list that indicates those credits that have been accepted
14 and denied by the school district. A pupil may request to take an
15 examination in each particular course in which credit has been denied.
16 The school district shall accept the credit for each particular course in
17 which the pupil takes an examination and receives a passing score on a
18 test designed and evaluated by a teacher in the school district who
19 teaches the subject matter on which the examination is based. In addition
20 to the above requirements, the governing board of a school district may
21 prescribe requirements for the acceptance of the credits of pupils who
22 transfer from a private school.

23 ~~H.~~ I. If a pupil who was previously enrolled in a charter school
24 or school district enrolls in a school district in this state, the school
25 district shall accept credits earned by the pupil in courses or
26 instructional programs at the charter school or school district. The
27 governing board of a school district may adopt a policy concerning the
28 application of transfer credits for the purpose of determining whether a
29 credit earned by a pupil who was previously enrolled in a school district
30 or charter school will be assigned as an elective or core credit. A
31 school district or charter school may note the learning outcomes that a
32 student mastered as prescribed in the rules adopted pursuant to section
33 15-203, subsection A, paragraph 38 to provide a record of the demonstrated
34 competencies and award partial credit.

35 ~~I.~~ J. A pupil who transfers credit from a charter school, a school
36 district or Arizona online instruction shall be provided with a list that
37 indicates which credits have been accepted as elective credits and which
38 credits have been accepted as core credits by the school district or
39 charter school. Within ten school days after receiving the list, the
40 pupil may request to take an examination in each particular course in
41 which core credit has been denied. The school district or charter school
42 shall accept the credit as a core credit for each particular course in
43 which the pupil takes an examination and receives a passing score on a
44 test that is aligned to the competency requirements adopted pursuant to
45 this section and that is designed and evaluated by a teacher in the school

1 district or charter school who teaches the subject matter on which the
2 examination is based. If a pupil is enrolled in a school district or
3 charter school and that pupil also participates in Arizona online
4 instruction between May 1 and July 31, the school district or charter
5 school shall not require proof of payment as a condition of the school
6 district or charter school accepting credits earned from the online course
7 provider.

8 ~~J.~~ **K.** The state board of education shall adopt rules to allow high
9 school pupils who can demonstrate competency in a particular academic
10 course or subject to obtain academic credit for the course or subject
11 without enrolling in the course or subject.

12 ~~K.~~ **L.** Pupils who earn a Grand Canyon diploma pursuant to article 6
13 of this chapter are exempt from the graduation requirements prescribed in
14 this section. Pupils who earn a Grand Canyon diploma are entitled to all
15 the rights and privileges of persons who graduate with a high school
16 diploma issued pursuant to this section, including access to postsecondary
17 scholarships and other forms of student financial aid and access to all
18 forms of postsecondary education. Notwithstanding any other law, a pupil
19 who is eligible for a Grand Canyon diploma may elect to remain in high
20 school through grade twelve and shall not be prevented from enrolling at a
21 high school after the pupil becomes eligible for a Grand Canyon diploma.
22 A pupil who is eligible for a Grand Canyon diploma and who elects not to
23 pursue one of the options prescribed in section 15-792.03 may only be
24 readmitted to that high school or another high school in this state
25 pursuant to policies adopted by the school district of readmission.

26 Sec. 4. Section 15-702, Arizona Revised Statutes, is amended to
27 read:

28 **15-702. High school equivalency diploma: fees: rules**

29 A. Any person who is sixteen years of age or older and who passes
30 an equivalency test adopted by the state board of education shall be
31 awarded an Arizona high school equivalency diploma by the state board of
32 education and the state superintendent of public instruction. The state
33 board of education may establish eligibility requirements for persons
34 wishing to take ~~an~~ THE equivalency test adopted by the state board of
35 education, except that the minimum age required to take the test may not
36 be older than sixteen ~~nor shall~~ AND the board **MAY NOT** require the
37 completion of any high school credits.

38 B. A person who meets the minimum course of study and competency
39 requirements prescribed by the state board of education for graduation
40 from high school through a combination of high school credits and
41 community college and university credits, which are converted to high
42 school credits in the same manner as provided in section 15-701.01,
43 subsection ~~F~~ G by the **SCHOOL DISTRICT** governing board or the state board
44 of education, shall be awarded an Arizona high school equivalency diploma.

1 C. The state board of education may establish and collect fees for
2 ~~the issuance~~ ISSUING and ~~reissuance of~~ REISSUING the following:

- 3 1. A high school equivalency diploma.
- 4 2. A high school equivalency transcript.

5 D. The state board of education shall adopt rules for fee waivers
6 for the high school equivalency diploma and high school equivalency
7 transcripts.

8 Sec. 5. Section 15-808, Arizona Revised Statutes, is amended to
9 read:

10 15-808. Arizona online instruction; reports; definitions

11 A. Arizona online instruction shall be instituted to meet the needs
12 of pupils in the information age. The state board of education shall
13 select district public schools and state-approved charter authorizers
14 shall sponsor charter schools to be online course providers or online
15 schools. The state board of education and state-approved charter
16 authorizers shall develop standards for the approval of online course
17 providers and online schools based on the following criteria:

- 18 1. The depth and breadth of curriculum choices.

19 2. The variety of educational methodologies employed by the school
20 and the means of addressing the unique needs and learning styles of
21 targeted pupil populations, including computer-assisted learning systems,
22 virtual classrooms, virtual laboratories, electronic field trips, ~~e-mail~~
23 EMAIL, virtual tutoring, online help desk, group chat sessions and
24 noncomputer-based activities performed under the direction of a
25 certificated teacher.

26 3. The availability of an intranet or private network to safeguard
27 pupils against predatory and pornographic elements of the internet.

- 28 4. The availability of filtered research access to the internet.

29 5. The availability of private individual ~~e-mail~~ EMAIL between
30 pupils, teachers, administrators and parents in order to protect the
31 confidentiality of pupil records and information.

32 6. The availability of faculty members who are experienced with
33 computer networks, the internet and computer animation.

34 7. The extent to which the school intends to develop partnerships
35 with universities, community colleges and private businesses.

36 8. The services offered to populations with developmental
37 disabilities.

- 38 9. The grade levels that will be served.

39 B. Each new school that provides online instruction shall provide
40 online instruction on a probationary status. After a new school that
41 provides online instruction has clearly demonstrated the academic
42 integrity of its instruction through the actual improvement of the
43 academic performance of its students, the school may apply to be removed
44 from probationary status. The state board of education or the
45 state-approved charter authorizer that sponsored the charter school shall

1 remove from Arizona online instruction any probationary school that fails
2 to clearly demonstrate improvement in academic performance within three
3 years measured against goals in the approved application and the state's
4 accountability system. All pupils who participate in Arizona online
5 instruction shall reside in this state. Pupils who participate in Arizona
6 online instruction are subject to the testing requirements prescribed in
7 chapter 7, article 3 of this title. On enrollment, the school shall
8 notify the parents or guardians of the pupil of the state testing
9 requirements. If a pupil fails to comply with the testing requirements
10 and the school administers the tests pursuant to this subsection to less
11 than ninety-five percent of the pupils in Arizona online instruction, the
12 pupil shall not be allowed to participate in Arizona online instruction.

13 C. The state board of education and state-approved charter
14 authorizers shall develop annual reporting mechanisms for schools that
15 participate in Arizona online instruction.

16 D. The department of education shall compile the information
17 submitted in the annual reports by schools participating in Arizona online
18 instruction. The department of education shall submit the compiled report
19 to the governor, the speaker of the house of representatives and the
20 president of the senate by November 15 of each year.

21 E. Each school selected for Arizona online instruction shall ensure
22 that a daily log is maintained for each pupil who participates in Arizona
23 online instruction. The daily log shall describe the amount of time spent
24 by each pupil participating in Arizona online instruction pursuant to this
25 section on academic tasks. The daily log shall be used by the school
26 district or charter school to qualify the pupils who participate in
27 Arizona online instruction in the school's average daily attendance
28 calculations pursuant to subsection F of this section.

29 F. If a pupil is enrolled in a school district or charter school
30 and also participates in Arizona online instruction, the sum of the
31 average daily membership, which includes enrollment as prescribed in
32 section 15-901, subsection A, paragraph 1, subdivisions (a) and (b) and
33 daily attendance as prescribed in section 15-901, subsection A, paragraph
34 5, for that pupil in the school district or charter school and in Arizona
35 online instruction shall not exceed 1.0. If the pupil is enrolled in a
36 school district or a charter school and also participates in Arizona
37 online instruction and the sum of the daily membership or daily attendance
38 for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and
39 shall be apportioned between the school district, unless the school
40 district is a career technical education district subject to the
41 apportionment requirements of section 15-393, or charter school and
42 Arizona online instruction based on the percentage of total time that the
43 pupil is enrolled or in attendance in the school district or charter
44 school and Arizona online instruction. The uniform system of financial
45 records shall include guidelines for the apportionment of the pupil

1 enrollment and attendance as provided in this subsection. Pupils in
2 Arizona online instruction do not incur absences for purposes of this
3 subsection and may generate an average daily attendance of 1.0 for
4 attendance hours during any hour of the day, during any day of the week
5 and at any time between July 1 and June 30 of each fiscal year. For
6 kindergarten programs and grades one through eight, average daily
7 membership shall be calculated by dividing the instructional hours as
8 reported in the daily log required in subsection E of this section by the
9 applicable hourly requirements prescribed in section 15-901. For grades
10 nine through twelve, average daily membership shall be calculated by
11 dividing the instructional hours as reported in the daily log required in
12 subsection E of this section by nine hundred. The average daily
13 membership of a pupil who participates in online instruction shall not
14 exceed 1.0. Average daily membership shall not be calculated on the one
15 hundredth day of instruction for the purposes of this section. Funding
16 shall be determined as follows:

17 1. A pupil who is enrolled full-time in Arizona online instruction
18 shall be funded for online instruction at ninety-five percent of the base
19 support level that would be calculated for that pupil if that pupil were
20 enrolled as a full-time student in a school district or charter school
21 that does not participate in Arizona online instruction. Charter
22 additional assistance and district additional assistance shall be
23 calculated in the same manner they would be calculated if the student were
24 enrolled in a district or charter school that does not participate in
25 Arizona online instruction.

26 2. A pupil who is enrolled part-time in Arizona online instruction
27 shall be funded for online instruction at eighty-five percent of the base
28 support level that would be calculated for that pupil if that pupil were
29 enrolled as a part-time student in a school district or charter school
30 that does not participate in Arizona online instruction. Charter
31 additional assistance and district additional assistance shall be
32 calculated in the same manner they would be calculated if the student were
33 enrolled in a district or charter school that does not participate in
34 Arizona online instruction.

35 G. If the academic achievement of a pupil declines while the pupil
36 is participating in Arizona online instruction, the pupil's parents, the
37 pupil's teachers and the principal or head teacher of the school shall
38 confer to evaluate whether the pupil should be allowed to continue to
39 participate in Arizona online instruction.

40 H. To ensure the academic integrity of pupils who participate in
41 online instruction, Arizona online instruction shall include multiple
42 diverse assessment measures and the proctored administration of required
43 state standardized tests.

44 I. A school district or charter school may not charge a fee to a
45 pupil who takes an examination in a particular course to obtain academic

1 credit, pursuant to section 15-701.01, subsection ~~F~~ J, from the school
2 district or charter school if the academic credit for a course was
3 previously earned in an Arizona online instruction course or at any public
4 school in this state. Any test administered pursuant to this subsection
5 shall be an assessment that is aligned to the course-relevant state
6 academic standards.

7 J. For the purposes of this section:

8 1. "Full-time student" means:

9 (a) A student who is at least five years of age before September 1
10 of a school year and who is enrolled in a school kindergarten program that
11 meets at least three hundred forty-six hours during the school year.

12 (b) A student who is at least six years of age before September 1
13 of a school year, who has not graduated from the highest grade taught in
14 the school and who is regularly enrolled in a course of study required by
15 the state board of education. For first, second and third grade students,
16 the instructional program shall meet at least seven hundred twelve
17 hours. For fourth, fifth and sixth grade students, the instructional
18 program shall meet at least eight hundred ninety hours during the school
19 year.

20 (c) Seventh and eighth grade students or ungraded students who are
21 at least twelve, but under fourteen, years of age on or before September 1
22 and who are enrolled in an instructional program of courses that meets at
23 least one thousand sixty-eight hours during the school year.

24 (d) For high schools, a student who has not graduated from the
25 highest grade taught in the school district, or an ungraded student who is
26 at least fourteen years of age on or before September 1, and who is
27 enrolled in at least four courses throughout the year that meet at least
28 nine hundred hours during the school year. A full-time student shall not
29 be counted more than once for computation of average daily membership.

30 2. "Online course provider" means a school other than an online
31 school that is selected by the state board of education or a
32 state-approved charter authorizer to participate in Arizona online
33 instruction pursuant to this section and that provides at least one online
34 academic course that is approved by the state board of education.

35 3. "Online school" means a school that provides at least four
36 online academic courses or one or more online courses for the equivalent
37 of at least five hours each day for one hundred eighty school days and
38 that is a charter school that is sponsored by a state-approved charter
39 authorizer or a district public school that is selected by the state board
40 of education to participate in Arizona online instruction.

41 4. "Part-time student" means:

42 (a) Any student who is enrolled in a program that does not meet the
43 definition in paragraph 1 of this subsection shall be funded at
44 eighty-five percent of the base support level that would be calculated for
45 that pupil if that pupil were enrolled as a part-time student in a school

1 district or charter school that does not participate in Arizona online
2 instruction.

3 (b) A part-time student of seventy-five percent average daily
4 membership shall be enrolled in at least three subjects throughout the
5 year that offer for first, second and third grade students at least five
6 hundred thirty-four instructional hours in a school year and for fourth,
7 fifth and sixth grade students at least six hundred sixty-eight
8 instructional hours in a school year. A part-time student of fifty
9 percent average daily membership shall be enrolled in at least two
10 subjects throughout the year that offer for first, second and third grade
11 students at least three hundred fifty-six instructional hours in a school
12 year and for fourth, fifth and sixth grade students at least four hundred
13 forty-five instructional hours in a school year. A part-time student of
14 twenty-five percent average daily membership shall be enrolled in at least
15 one subject throughout the year that offers for first, second and third
16 grade students at least one hundred seventy-eight instructional hours in a
17 school year and for fourth, fifth and sixth grade students at least two
18 hundred twenty-three instructional hours in a school year.

19 (c) For seventh and eighth grade students, a part-time student of
20 seventy-five percent average daily membership shall be enrolled in at
21 least three subjects throughout the year that offer at least eight hundred
22 one instructional hours in a school year. A part-time student of fifty
23 percent average daily membership shall be enrolled in at least two
24 subjects throughout the year that offer at least five hundred thirty-four
25 instructional hours in a school year. A part-time student of twenty-five
26 percent average daily membership shall be enrolled in at least one subject
27 throughout the year that offers at least two hundred sixty-seven
28 instructional hours in a school year.

29 (d) For high school students, a part-time student of seventy-five
30 percent average daily membership shall be enrolled in at least three
31 subjects throughout the year that offer at least six hundred seventy-five
32 instructional hours in a school year. A part-time student of fifty
33 percent average daily membership shall be enrolled in at least two
34 subjects throughout the year that offer at least four hundred fifty
35 instructional hours in a school year. A part-time student of twenty-five
36 percent average daily membership shall be enrolled in at least one subject
37 throughout the year that offers at least two hundred twenty-five
38 instructional hours in a school year.

39 5. "State-approved charter authorizer" means any charter school
40 sponsor authorized pursuant to section 15-183.