

REFERENCE TITLE: course choice and funding portability

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

HB 2568

Introduced by
Representative Kaiser

AN ACT

AMENDING TITLE 15, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-809; AMENDING TITLE 15, CHAPTER 9, ARTICLE 1, ARIZONA
REVISED STATUTES, BY ADDING SECTION 15-901.04; RELATING TO SCHOOL
INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-809, to read:

4 15-809. Course choice and funding portability program; online
5 catalog; application; definitions

6 A. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A COURSE CHOICE AND
7 FUNDING PORTABILITY PROGRAM TO FACILITATE STUDENTS IN ENROLLING IN CLASSES
8 OUTSIDE OF THEIR SCHOOL OF RECORD. THE DEPARTMENT SHALL ESTABLISH RULES
9 FOR THE PURPOSES OF CARRYING OUT THIS SECTION. BEGINNING IN THE 2023-2024
10 SCHOOL YEAR, FOR STUDENTS IN ANY OF GRADES SIX THROUGH TWELVE, ON OR
11 BEFORE MAY 1 BEFORE THE SCHOOL YEAR BEGINS THE STUDENT'S PARENT MAY INFORM
12 THE STUDENT'S SCHOOL OF RECORD THAT THE STUDENT WILL PARTICIPATE IN THE
13 COURSE CHOICE AND FUNDING PORTABILITY PROGRAM DURING THE UPCOMING SCHOOL
14 YEAR PURSUANT TO RULES ADOPTED BY THE DEPARTMENT OF EDUCATION. THE
15 STUDENT'S SCHOOL OF RECORD SHALL DO ALL OF THE FOLLOWING:

16 1. APPROVE THE STUDENT'S PROGRAM COURSE SELECTIONS.

17 2. ENSURE THAT THE PROGRAM COURSE SELECTIONS ARE CONSISTENT WITH
18 THE STATE COURSE OF STUDY.

19 3. REVIEW PROGRAM COURSES THROUGH THE SCHOOL OF RECORD'S ADVISING
20 SYSTEM TO ENSURE THAT A STUDENT ENROLLED IN THE PROGRAM STAYS ON TRACK TO
21 COMPLETE THE REQUIRED COURSEWORK BEFORE THE STUDENT'S GRADUATION DATE.

22 B. ON OR BEFORE JULY 1, 2023, THE DEPARTMENT OF EDUCATION SHALL
23 ESTABLISH AND POST ON ITS WEBSITE AN ONLINE CATALOG OF ELIGIBLE PROGRAM
24 COURSES AND SHALL UPDATE THE CATALOG ON OR BEFORE JULY 1 OF EACH YEAR
25 THEREAFTER. THE STATE BOARD OF EDUCATION SHALL APPROVE THE CATALOG BEFORE
26 THE DEPARTMENT POSTS THE CATALOG ON ITS WEBSITE. THE DEPARTMENT SHALL
27 INDICATE IN THE CATALOG EACH PROGRAM COURSE'S CLASSIFICATION, SUCH AS A
28 CORE SUBJECT OR AN ELECTIVE SUBJECT, AND MAY INCLUDE A PARENT AND STUDENT
29 REVIEW SECTION IN THE CATALOG FOR EACH PROGRAM COURSE. EACH SCHOOL
30 DISTRICT AND CHARTER SCHOOL IN THIS STATE SHALL POST A LINK TO THE CATALOG
31 ON ITS WEBSITE. THE DEPARTMENT SHALL INCLUDE IN THE CATALOG THE
32 INFORMATION DESCRIBED IN SECTION 15-808, SUBSECTION C, INCLUDING STUDENT
33 OUTCOME DATA AND STUDENT RATINGS.

34 C. THE DEPARTMENT OF EDUCATION SHALL INCLUDE IN THE INITIAL ONLINE
35 CATALOG ANY PROGRAM COURSE PROVIDED VIA ONLINE INSTRUCTION AS OF THE
36 EFFECTIVE DATE OF THIS SECTION, INCLUDING COURSES PROVIDED BY ONLINE
37 SCHOOLS AS DEFINED IN SECTION 15-808 AND COURSES PROVIDED BY SCHOOLS THAT
38 WERE APPROVED TO PROVIDE ONLINE COURSES IN THE 2021-2022 SCHOOL YEAR OR
39 SCHOOLS WITH APPLICATIONS STILL PENDING. THE STATE BOARD OF EDUCATION MAY
40 DEVELOP A SYSTEM TO REVIEW PROGRAM COURSES LISTED IN THE CATALOG UNDER
41 THIS SUBSECTION BASED ON A SCHOOL'S PERFORMANCE DATA AND STUDENT AND
42 PARENTAL FEEDBACK AND MAY INCLUDE PROGRAM COURSES FROM THE ONLINE CATALOG
43 REGARDLESS OF THE SCHOOL'S LETTER GRADE ASSIGNED UNDER SECTION 15-241 OR
44 THE SCHOOL'S STATUS WITH THE STATE BOARD FOR CHARTER SCHOOLS.

1 D. THE STATE BOARD OF EDUCATION SHALL ESTABLISH APPLICATION
2 POLICIES AND PROCEDURES FOR PROGRAM COURSES UNDER THIS SECTION. A SCHOOL
3 DISTRICT OR CHARTER SCHOOL SHALL FILE NOTICE OF ITS INTENT TO OFFER
4 PROGRAM COURSES WITH THE STATE BOARD OF EDUCATION AND SHALL INCLUDE, FOR
5 EACH PROGRAM COURSE, AT LEAST THE FOLLOWING IN ITS NOTIFICATION:

- 6 1. THE PROPOSED PROGRAM COURSE FORMAT.
- 7 2. THE PROPOSED ENROLLMENT CAPACITY.
- 8 3. THE PLAN FOR PROCTORING ANY TESTS IN THE PROGRAM COURSE.
- 9 4. ANY EQUIPMENT OR TECHNOLOGY REQUIRED FOR STUDENT PARTICIPATION
10 IN THE PROGRAM COURSE.
- 11 5. A PLAN FOR STUDENT SUPPORT.

12 E. IF A STUDENT COMPLETES AND RECEIVES CREDIT FOR A PROGRAM COURSE
13 THAT IS INCLUDED IN THE ONLINE CATALOG ESTABLISHED UNDER THIS SECTION, THE
14 STUDENT'S SCHOOL OF RECORD SHALL ACCEPT THE CREDIT AND SHALL CLASSIFY THE
15 PROGRAM COURSE AS INDICATED IN THE ONLINE CATALOG.

16 F. PROGRAM COURSES MAY BE OFFERED ONLINE OR VIA ANY OTHER FORMAT.

17 G. ANY STUDENT IN THIS STATE WHO IS IN ANY OF GRADES SIX THROUGH
18 TWELVE AND WHO IS ENROLLED FULL TIME IN A SCHOOL DISTRICT OR CHARTER
19 SCHOOL OR WHO HAS OTHERWISE ALREADY GENERATED 1.0 AVERAGE DAILY MEMBERSHIP
20 MAY ENROLL IN A NUMBER OF PROGRAM COURSES THAT IS LESS THAN HALF OF THE
21 STUDENT'S REQUIRED COURSES FOR GRADUATION PER YEAR. THE STUDENT MUST TAKE
22 A MAJORITY OF THE COURSES AT THE STUDENT'S SCHOOL OF RECORD.

23 H. FOR ANY STUDENT PARTICIPATING IN THE PROGRAM, A SCHOOL OF RECORD
24 SHALL BE DESIGNATED FOR EACH STUDENT. THE SCHOOL OF RECORD SHALL AWARD
25 THE STUDENT'S DIPLOMA AND MANAGE ANY ASSISTANCE PROGRAMS, SUCH AS
26 INDIVIDUALIZED EDUCATION PROGRAMS. A STUDENT SHALL BE CONSIDERED A
27 STUDENT OF THE SCHOOL OF RECORD FOR THE PURPOSES OF ATHLETIC PARTICIPATION
28 AND ACADEMIC AND ANY OTHER COMPETITIONS AND MAY NOT PARTICIPATE IN THESE
29 ACTIVITIES IN THE SCHOOL FROM WHICH THE STUDENT IS TAKING A PROGRAM
30 COURSE. ANY CHANGE OF A STUDENT'S SCHOOL OF RECORD IS CONSIDERED A FULL
31 TRANSFER, AND ALL EXTRACURRICULAR ELIGIBILITY REQUIREMENTS AND LIMITS
32 APPLY.

33 I. A SCHOOL DISTRICT OR CHARTER SCHOOL PARTICIPATING IN THE COURSE
34 CHOICE AND FUNDING PORTABILITY PROGRAM SHALL ACCEPT ANY STUDENT
35 PARTICIPATING IN THE PROGRAM AS CONCURRENTLY ENROLLED AND ALLOW THE
36 STUDENT TO ENROLL IN ONE OR MORE PROGRAM COURSES WITHOUT BEING ENROLLED
37 FULL TIME. A STUDENT'S SCHOOL OF RECORD SHALL ACCEPT ANY CREDIT RECEIVED
38 BY A STUDENT PARTICIPATING IN THE PROGRAM IN ACCORDANCE WITH THIS SECTION
39 AND MAY NOT REQUIRE THE STUDENT TO TAKE A TEST OR TO RETAKE A COURSE AS A
40 CONDITION OF RECEIVING THE CREDIT.

41 J. THIS SECTION DOES NOT AFFECT THE OPERATION OF SECTION 15-808,
42 EXCEPT THAT IF A STUDENT ENROLLS IN A PROGRAM COURSE THAT IS PROVIDED BY
43 AN ONLINE SCHOOL AS DEFINED IN SECTION 15-808, THE FUNDING FOR THAT
44 PROGRAM COURSE SHALL BE DETERMINED AS PRESCRIBED IN SECTION 15-901.04.

1 K. FOR THE PURPOSES OF THIS SECTION:
2 1. "COURSE CHOICE AND FUNDING PORTABILITY PROGRAM COURSE" OR
3 "PROGRAM COURSE" MEANS A COURSE THAT MEETS BOTH OF THE FOLLOWING
4 REQUIREMENTS:
5 (a) IS PROVIDED BY A SCHOOL DISTRICT OR CHARTER SCHOOL IN AN ONLINE
6 OR OTHER FORMAT.
7 (b) IS EITHER:
8 (i) A CLASS IN ANY SUBJECT FOR WHICH CREDIT IS REQUIRED FOR
9 GRADUATION.
10 (ii) A RETAKE OF A COURSE THAT A STUDENT HAS ALREADY COMPLETED OR
11 PARTIALLY COMPLETED.
12 (iii) AN INTERSESSION COURSE THAT IS OFFERED EITHER OVER WINTER
13 BREAK OR ANY TIME FROM AND AFTER APRIL 30 UNTIL THE START DATE OF A
14 STUDENT'S SCHOOL OF RECORD.
15 (iv) A HIGHER EDUCATION COURSE MADE AVAILABLE THROUGH CAMPUSES WITH
16 DUAL ENROLLMENT OR OTHER INTERGOVERNMENTAL AGREEMENTS.
17 2. "SCHOOL OF RECORD" MEANS THE PUBLIC SCHOOL IN WHICH A STUDENT IS
18 OR WILL BE PRIMARILY ENROLLED.
19 Sec. 2. Title 15, chapter 9, article 1, Arizona Revised Statutes,
20 is amended by adding section 15-901.04, to read:
21 15-901.04. Course choice and funding portability program;
22 calculation of average daily membership;
23 definition
24 A. EACH COURSE CHOICE AND FUNDING PORTABILITY PROGRAM COURSE
25 COMPLETED UNDER SECTION 15-809 GENERATES THE LESSER OF THE FOLLOWING:
26 1. AN AMOUNT OF AVERAGE DAILY MEMBERSHIP EQUAL TO 1.0 DIVIDED BY
27 THE TOTAL NUMBER OF COURSES, INCLUDING PROGRAM COURSES AND FAILED COURSES
28 THAT ARE TAKEN AGAIN FOR CREDIT, THAT THE STUDENT IS TAKING THAT SCHOOL
29 YEAR.
30 2. ONE-SIXTH AVERAGE DAILY MEMBERSHIP.
31 B. ANY AVERAGE DAILY MEMBERSHIP GENERATED UNDER SUBSECTION A OF
32 THIS SECTION BY A STUDENT PARTICIPATING IN A PROGRAM COURSE SHALL BE
33 TRANSFERRED TO THE SCHOOL DISTRICT OR CHARTER SCHOOL OR SCHOOLS IN WHICH
34 THE STUDENT IS TAKING THE PROGRAM COURSE. THE MAIN SCHOOL DISTRICT OR
35 CHARTER SCHOOL IN WHICH THE STUDENT IS ENROLLED SHALL SUBTRACT THE AVERAGE
36 DAILY MEMBERSHIP GENERATED UNDER SUBSECTION A OF THIS SECTION FROM ITS
37 AVERAGE DAILY MEMBERSHIP CALCULATION.
38 C. FOR A STUDENT WHO IS PRIMARILY ENROLLED IN A SCHOOL DISTRICT OR
39 CHARTER SCHOOL AND WHO IS ALSO TAKING AT LEAST ONE PROGRAM COURSE IN
40 ANOTHER SCHOOL DISTRICT OR CHARTER SCHOOL UNDER THIS SECTION, THE SUM OF
41 THE AVERAGE DAILY MEMBERSHIP, WHICH INCLUDES ENROLLMENT AS PRESCRIBED IN
42 SECTION 15-901, SUBSECTION A, PARAGRAPH 1, SUBDIVISIONS (a) AND (b) AND
43 DAILY ATTENDANCE AS PRESCRIBED IN SECTION 15-901, SUBSECTION A, PARAGRAPH
44 5, MAY NOT EXCEED 1.0. IF THE STUDENT IS PRIMARILY ENROLLED IN A SCHOOL
45 DISTRICT OR A CHARTER SCHOOL AND ALSO IS TAKING AT LEAST ONE PROGRAM

1 COURSE IN ANOTHER SCHOOL DISTRICT OR CHARTER SCHOOL UNDER THIS SECTION AND
2 THE SUM OF THE DAILY MEMBERSHIP OR DAILY ATTENDANCE FOR THAT STUDENT IS
3 GREATER THAN 1.0, THE SUM SHALL BE REDUCED TO 1.0 AND SHALL BE APPORTIONED
4 BETWEEN THE CHARTER SCHOOL OR SCHOOL DISTRICT OF RECORD AND THE SCHOOLS
5 OFFERING THE PROGRAM COURSES AS PRESCRIBED IN SUBSECTIONS A AND B OF THIS
6 SECTION. THE UNIFORM SYSTEM OF FINANCIAL RECORDS SHALL INCLUDE GUIDELINES
7 FOR APPORTIONING THE STUDENT ENROLLMENT AND ATTENDANCE AS PROVIDED IN THIS
8 SECTION. FUNDING FOR STUDENTS TAKING PROGRAM COURSES IS DETERMINED
9 PURSUANT TO SUBSECTION D OF THIS SECTION.

10 D. STUDENTS PARTICIPATING IN THE COURSE CHOICE AND FUNDING
11 PORTABILITY PROGRAM MAY DIVIDE THE VALUE OF THEIR ANNUAL AVERAGE DAILY
12 MEMBERSHIP AS PRESCRIBED IN SUBSECTION A OF THIS SECTION AND TRANSFER THE
13 VALUE OF THIS FUNDING TO ANY SCHOOL DISTRICT OR CHARTER SCHOOL AS
14 PRESCRIBED IN SUBSECTION B OF THIS SECTION.

15 E. FOR THE PURPOSES OF THIS SECTION, "COURSE CHOICE AND FUNDING
16 PORTABILITY PROGRAM COURSE" OR "PROGRAM COURSE" HAS THE SAME MEANING
17 PRESCRIBED IN SECTION 15-809.