

REFERENCE TITLE: public schools; first day; restriction

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 4038

Introduced by
Representatives Pingerelli; Livingston; Senator Carroll

AN ACT

AMENDING SECTION 15-901.08, ARIZONA REVISED STATUTES; RELATING TO SCHOOL YEAR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-901.08, Arizona Revised Statutes, is amended
3 to read:

4 15-901.08. School year; school month; instructional time
5 models; requirements; funding; definition

6 A. Except as may be otherwise authorized by the superintendent of
7 public instruction to accommodate a year-round school operation or as
8 otherwise prescribed under an instructional time model adopted pursuant to
9 this section: ~~;~~

10 1. The school year begins July 1 and ends June 30. ~~, and~~

11 2. A school month is twenty school days or four weeks of five days
12 each.

13 3. BEGINNING IN THE 2027-2028 SCHOOL YEAR, THE FIRST DAY OF
14 INSTRUCTION IN ANY SCHOOL YEAR MAY NOT OCCUR BEFORE SEPTEMBER 1.

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

23 1. Determining average daily membership.

24 2. Determining daily attendance.

25 3. Determining student count.

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

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

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

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

39 (a) Direct instruction.

40 (b) Project-based learning.

41 (c) Independent learning.

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

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

(a) In-person instruction.

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

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

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

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

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

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

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

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

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

1. Calculate the total percentage of instructional time provided by 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.