

REFERENCE TITLE: schools; hours of instruction.

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1164

Introduced by
Senator Gray L

AN ACT

AMENDING SECTIONS 15-341, 15-797, 15-901, 15-913.01, 15-1371 AND 15-1372,
ARIZONA REVISED STATUTES; RELATING TO SCHOOL FINANCE.

(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 for the governance of
7 the schools, not inconsistent with law or rules prescribed by the state board
8 of education.

9 2. Maintain the schools established by it for the attendance of each
10 pupil for a period of not less than ~~one hundred seventy-five~~ ONE HUNDRED
11 EIGHTY school days or two hundred school days, as applicable, or its
12 equivalent as approved by the superintendent of public instruction for a
13 school district operating on a year-round operation basis, to offer an
14 educational program on the basis of a four day school week or to offer an
15 alternative kindergarten program on the basis of a three day school week, in
16 each school year, and if the funds of the district are sufficient, for a
17 longer period, and as far as practicable with equal rights and privileges.

18 3. Exclude from schools all books, publications, papers or audiovisual
19 materials of a sectarian, partisan or denominational character.

20 4. Manage and control the school property within its district.

21 5. Acquire school furniture, apparatus, equipment, library books and
22 supplies for the use of the schools.

23 6. Prescribe the curricula and criteria for the promotion and
24 graduation of pupils as provided in sections 15-701 and 15-701.01.

25 7. Furnish, repair and insure, at full insurable value, the school
26 property of the district.

27 8. Construct school buildings on approval by a vote of the district
28 electors.

29 9. Make in the name of the district conveyances of property belonging
30 to the district and sold by the board.

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

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

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

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

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

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

10 16. Provide that, if a parent or legal guardian chooses not to accept a
 11 decision of the teacher as provided in section 15-521, paragraph 3, the
 12 parent or legal guardian may request in writing that the governing board
 13 review the teacher's decision. Nothing in this paragraph shall be construed
 14 to release school districts from any liability relating to a child's
 15 promotion or retention.

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

18 18. Use school monies received from the state and county school
 19 apportionment exclusively for payment of salaries of teachers and other
 20 employees and contingent expenses of the district.

21 19. Make an annual report to the county school superintendent on or
 22 before October 1 each year in the manner and form and on the blanks
 23 prescribed by the superintendent of public instruction or county school
 24 superintendent. The board shall also make reports directly to the county
 25 school superintendent or the superintendent of public instruction whenever
 26 required.

27 20. Deposit all monies received by school districts other than student
 28 activities monies or monies from auxiliary operations as provided in sections
 29 15-1125 and 15-1126 with the county treasurer to the credit of the school
 30 district except as provided in paragraph 21 of this subsection and sections
 31 15-1223 and 15-1224, and the board shall expend the monies as provided by law
 32 for other school funds.

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

38 22. Employ an attorney admitted to practice in this state whose
 39 principal practice is in the area of commercial real estate, or a real estate
 40 broker who is licensed by this state and who is employed by a reputable
 41 commercial real estate company, to negotiate a lease of five or more years
 42 for the school district if the governing board decides to enter into a lease
 43 of five or more years as lessor of school buildings or grounds as provided in
 44 section 15-342, paragraph 7 or 10. Any lease of five or more years
 45 negotiated pursuant to this paragraph shall provide that the lessee is

1 responsible for payment of property taxes pursuant to the requirements of
2 section 42-11104.

3 23. Prescribe and enforce policies and procedures for disciplinary
4 action against a teacher who engages in conduct that is a violation of the
5 policies of the governing board but that is not cause for dismissal of the
6 teacher or for revocation of the certificate of the teacher. Disciplinary
7 action may include suspension without pay for a period of time not to exceed
8 ten school days. Disciplinary action shall not include suspension with pay
9 or suspension without pay for a period of time longer than ten school
10 days. The procedures shall include notice, hearing and appeal provisions for
11 violations that are cause for disciplinary action. The governing board may
12 designate a person or persons to act on behalf of the board on these matters.

13 24. Prescribe and enforce policies and procedures for disciplinary
14 action against an administrator who engages in conduct that is a violation of
15 the policies of the governing board regarding duties of administrators but
16 that is not cause for dismissal of the administrator or for revocation of the
17 certificate of the administrator. Disciplinary action may include suspension
18 without pay for a period of time not to exceed ten school days. Disciplinary
19 action shall not include suspension with pay or suspension without pay for a
20 period of time longer than ten school days. The procedures shall include
21 notice, hearing and appeal provisions for violations that are cause for
22 disciplinary action. The governing board may designate a person or persons
23 to act on behalf of the board on these matters. For violations that are
24 cause for dismissal, the provisions of notice, hearing and appeal in chapter
25 5, article 3 of this title shall apply. The filing of a timely request for a
26 hearing suspends the imposition of a suspension without pay or a dismissal
27 pending completion of the hearing.

28 25. Notwithstanding section 13-3108, prescribe and enforce policies and
29 procedures that prohibit a person from carrying or possessing a weapon on
30 school grounds unless the person is a peace officer or has obtained specific
31 authorization from the school administrator.

32 26. Prescribe and enforce policies and procedures relating to the
33 health and safety of all pupils participating in district sponsored practice
34 sessions, games or other interscholastic athletic activities, including the
35 provision of water.

36 27. Prescribe and enforce policies and procedures regarding the smoking
37 of tobacco within school buildings. The policies and procedures shall be
38 adopted in consultation with school district personnel and members of the
39 community and shall state whether smoking is prohibited in school
40 buildings. If smoking in school buildings is not prohibited, the policies
41 and procedures shall clearly state the conditions and circumstances under
42 which smoking is permitted, those areas in a school building that may be
43 designated as smoking areas and those areas in a school building that may not
44 be designated as smoking areas.

1 28. Establish an assessment, data gathering and reporting system as
2 prescribed in chapter 7, article 3 of this title.

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

6 30. Administer competency tests prescribed by the state board of
7 education for the graduation of pupils from high school.

8 31. Secure insurance coverage for all construction projects for
9 purposes of general liability, property damage and workers' compensation and
10 secure performance and payment bonds for all construction projects.

11 32. Keep on file the resumes of all current and former employees who
12 provide instruction to pupils at a school. Resumes shall include an
13 individual's educational and teaching background and experience in a
14 particular academic content subject area. A school district shall inform
15 parents and guardians of the availability of the resume information and shall
16 make the resume information available for inspection on request of parents
17 and guardians of pupils enrolled at a school. Nothing in this paragraph
18 shall be construed to require any school to release personally identifiable
19 information in relation to any teacher or employee, including the teacher's
20 or employee's address, salary, social security number or telephone number.

21 33. Report to local law enforcement agencies any suspected crime
22 against a person or property that is a serious offense as defined in section
23 13-604 or that involves a deadly weapon or dangerous instrument or serious
24 physical injury and any conduct that poses a threat of death or serious
25 physical injury to employees, students or anyone on the property of the
26 school. This paragraph does not limit or preclude the reporting by a school
27 district or an employee of a school district of suspected crimes other than
28 those required to be reported by this paragraph. For the purposes of this
29 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
30 injury" have the same ~~meaning~~ MEANINGS prescribed in section 13-105.

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

36 35. Annually assign at least one school district employee to
37 participate in a multihazard crisis training program developed or selected by
38 the governing board.

39 36. Provide written notice to the parents or guardians of all students
40 affected in the school district at least thirty days prior to a public
41 meeting to discuss closing a school within the school district. The notice
42 shall include the reasons for the proposed closure and the time and place of
43 the meeting. The governing board shall fix a time for a public meeting on
44 the proposed closure no less than thirty days before voting in a public
45 meeting to close the school. The school district governing board shall give

1 notice of the time and place of the meeting. At the time and place
2 designated in the notice, the school district governing board shall hear
3 reasons for or against closing the school. The school district governing
4 board is exempt from this paragraph if it is determined by the governing
5 board that the school shall be closed because it poses a danger to the health
6 or safety of the pupils or employees of the school.

7 37. Incorporate instruction on Native American history into appropriate
8 existing curricula.

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

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

37 40. Prescribe and enforce policies and procedures to prohibit pupils
38 from harassing, intimidating and bullying other pupils on school grounds, on
39 school property, on school buses, at school bus stops and at school sponsored
40 events and activities that include the following components:

41 (a) A procedure for pupils to confidentially report to school
42 officials incidents of harassment, intimidation or bullying.

43 (b) A procedure for parents and guardians of pupils to submit written
44 reports to school officials of suspected incidents of harassment,
45 intimidation or bullying.

1 (c) A requirement that school district employees report suspected
2 incidents of harassment, intimidation or bullying to the appropriate school
3 official.

4 (d) A formal process for the documentation of reported incidents of
5 harassment, intimidation or bullying, except that no documentation shall be
6 maintained unless the harassment, intimidation or bullying has been proven.

7 (e) A formal process for the investigation by the appropriate school
8 officials of suspected incidents of harassment, intimidation or bullying.

9 (f) Disciplinary procedures for pupils who have admitted or been found
10 to have committed incidents of harassment, intimidation or bullying.

11 (g) A procedure that sets forth consequences for submitting false
12 reports of incidents of harassment, intimidation or bullying.

13 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
14 section, the county school superintendent may construct, improve and furnish
15 school buildings or purchase or sell school sites in the conduct of an
16 accommodation school.

17 C. If any school district acquires real or personal property, whether
18 by purchase, exchange, condemnation, gift or otherwise, the governing board
19 shall pay to the county treasurer any taxes on the property that were unpaid
20 as of the date of acquisition, including penalties and interest. The lien
21 for unpaid delinquent taxes, penalties and interest on property acquired by a
22 school district:

23 1. Is not abated, extinguished, discharged or merged in the title to
24 the property.

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

26 D. The governing board may not locate a school on property that is
27 less than one-fourth mile from agricultural land regulated pursuant to
28 section 3-365, except that the owner of the agricultural land may agree to
29 comply with the buffer zone requirements of section 3-365. If the owner
30 agrees in writing to comply with the buffer zone requirements and records the
31 agreement in the office of the county recorder as a restrictive covenant
32 running with the title to the land, the school district may locate a school
33 within the affected buffer zone. The agreement may include any stipulations
34 regarding the school, including conditions for future expansion of the school
35 and changes in the operational status of the school that will result in a
36 breach of the agreement.

37 E. A school district, its governing board members, its school council
38 members and its employees are immune from civil liability for the
39 consequences of adoption and implementation of policies and procedures
40 pursuant to subsection A of this section and section 15-342. This waiver
41 does not apply if the school district, its governing board members, its
42 school council members or its employees are guilty of gross negligence or
43 intentional misconduct.

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

4 G. Notwithstanding any other provision of this title, a school
5 district governing board shall not take any action that would result in an
6 immediate reduction or a reduction within three years of pupil square footage
7 that would cause the school district to fall below the minimum adequate gross
8 square footage requirements prescribed in section 15-2011, subsection C,
9 unless the governing board notifies the school facilities board established
10 by section 15-2001 of the proposed action and receives written approval from
11 the school facilities board to take the action. A reduction includes an
12 increase in administrative space that results in a reduction of pupil square
13 footage or sale of school sites or buildings, or both. A reduction includes
14 a reconfiguration of grades that results in a reduction of pupil square
15 footage of any grade level. This subsection does not apply to temporary
16 reconfiguration of grades to accommodate new school construction if the
17 temporary reconfiguration does not exceed one year. The sale of equipment
18 that results in an immediate reduction or a reduction within three years that
19 falls below the equipment requirements prescribed in section 15-2011,
20 subsection B is subject to commensurate withholding of school district
21 capital outlay revenue limit monies pursuant to the direction of the school
22 facilities board. Except as provided in section 15-342, paragraph 10,
23 proceeds from the sale of school sites, buildings or other equipment shall be
24 deposited in the school plant fund as provided in section 15-1102.

25 H. Subsections C through G of this section apply to a county board of
26 supervisors and a county school superintendent when operating and
27 administering an accommodation school.

28 I. Until the state board of education and the auditor general adopt
29 rules pursuant to section 15-213, subsection ~~I~~ I, a school district may
30 procure construction services, including services for new school construction
31 pursuant to section 15-2041, by the construction-manager-at-risk,
32 design-build and job-order-contracting methods of project delivery as
33 provided in title 41, chapter 23, except that the rules adopted by the
34 director of the department of administration do not apply to procurements
35 pursuant to this subsection. Any procurement commenced pursuant to this
36 subsection may be completed pursuant to this subsection.

37 Sec. 2. Section 15-797, Arizona Revised Statutes, is amended to read:
38 15-797. Financial provisions for pupils in alternative
39 education programs

40 A. School districts may count pupils for daily attendance as provided
41 in section 15-901 who are not actually and physically in attendance in a
42 recognized common or high school but who are enrolled in and actually and
43 physically in attendance in an alternative education program which is
44 provided by any public body or private person and which meets the standards

1 that the state board of education and the governing board prescribe for the
2 course of study given in the common and high schools.

3 B. The governing board of a school district shall prescribe procedures
4 for verifying the attendance of pupils enrolled in an alternative education
5 program which is provided by any public body or private person.

6 C. The governing board may make payments for the cost of the education
7 of pupils as provided in this article not to exceed the cost per student
8 count as provided in section 15-824, subsection G.

9 D. School districts operating alternative schools pursuant to this
10 section and charter schools operating on approved alternative calendars
11 pursuant to section 15-183 may count pupils as having attended full time in
12 any week for which the pupil was enrolled in and physically attended at least
13 ~~twenty~~ TWENTY-FIVE hours of instruction during that week.

14 E. School districts operating alternative schools pursuant to this
15 section and charter schools operating on approved alternative calendars
16 pursuant to section 15-183 shall comply with the annual hours of instruction
17 requirement pursuant to section 15-901.

18 Sec. 3. Section 15-901, Arizona Revised Statutes, is amended to read:
19 15-901. Definitions

20 A. In this title, unless the context otherwise requires:

21 1. "Average daily attendance" or "ADA" means actual average daily
22 attendance through the first one hundred days or two hundred days in session,
23 as applicable.

24 2. "Average daily membership" means the total enrollment of fractional
25 students and full-time students, minus withdrawals, of each school day
26 through the first one hundred days or two hundred days in session, as
27 applicable, for the current year. Withdrawals include students formally
28 withdrawn from schools and students absent for ten consecutive school days,
29 except for excused absences as identified by the department of
30 education. For computation purposes, the effective date of withdrawal shall
31 be retroactive to the last day of actual attendance of the student.

32 (a) "Fractional student" means:

33 (i) For common schools, until fiscal year 2001-2002, a preschool child
34 who is enrolled in a program for preschool children with disabilities of at
35 least three hundred sixty minutes each week or a kindergarten student at
36 least five years of age prior to January 1 of the school year and enrolled in
37 a school kindergarten program that meets at least three hundred forty-six
38 instructional hours during the minimum number of days required in a school
39 year as provided in section 15-341. In fiscal year 2001-2002, the
40 kindergarten program shall meet at least three hundred forty-eight hours. In
41 fiscal year 2002-2003, the kindergarten program shall meet at least three
42 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
43 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
44 the kindergarten program shall meet at least three hundred fifty-four
45 hours. In fiscal year 2005-2006 and each fiscal year thereafter, the

1 kindergarten program shall meet at least three hundred fifty-six
2 hours. Lunch periods and recess periods may not be included as part of the
3 instructional hours unless the child's individualized education program
4 requires instruction during those periods and the specific reasons for such
5 instruction are fully documented. In computing the average daily membership,
6 preschool children with disabilities and kindergarten students shall be
7 counted as one-half of a full-time student. For common schools, a part-time
8 student is a student enrolled for less than the total time for a full-time
9 student as defined in this section. A part-time common school student shall
10 be counted as one-fourth, one-half or three-fourths of a full-time student if
11 the student is enrolled in an instructional program that is at least
12 one-fourth, one-half or three-fourths of the time a full-time student is
13 enrolled as defined in subdivision (b) of this paragraph.

14 (ii) For high schools, a part-time student who is enrolled in less
15 than ~~four~~ FIVE subjects that count toward graduation as defined by the state
16 board of education in a recognized high school and who is taught in less than
17 ~~twenty~~ TWENTY-FIVE instructional hours per week prorated for any week with
18 fewer than five school days. A part-time high school student shall be
19 counted as ~~one-fourth~~ ONE-FIFTH, ~~one-half~~ TWO-FIFTHS, THREE-FIFTHS or
20 ~~three-fourths~~ FOUR-FIFTHS of a full-time student if the student is enrolled
21 in an instructional program that is at least ~~one-fourth~~ ONE-FIFTH, ~~one-half~~
22 TWO-FIFTHS, THREE-FIFTHS or ~~three-fourths~~ FOUR-FIFTHS of a full-time
23 instructional program as defined in subdivision (c) of this paragraph.

24 (b) "Full-time student" means:

25 (i) For common schools, a student who is at least six years of age
26 prior to January 1 of a school year, who has not graduated from the highest
27 grade taught in the school district and who is regularly enrolled in a course
28 of study required by the state board of education. Until fiscal year
29 2001-2002, first, second and third grade students, ungraded students at least
30 six, but under nine, years of age by September 1 or ungraded group B children
31 with disabilities who are at least five, but under six, years of age by
32 September 1 must be enrolled in an instructional program that meets for a
33 total of at least six hundred ninety-two hours during the minimum number of
34 days required in a school year as provided in section 15-341. In fiscal year
35 2001-2002, the program shall meet at least six hundred ninety-six hours. In
36 fiscal year 2002-2003, the program shall meet at least seven hundred
37 hours. In fiscal year 2003-2004, the program shall meet at least seven
38 hundred four hours. In fiscal year 2004-2005, the program shall meet at
39 least seven hundred eight hours. In fiscal year 2005-2006 and in each fiscal
40 year thereafter, the program shall meet at least seven hundred twelve
41 hours. Until fiscal year 2001-2002, fourth, fifth and sixth grade students
42 or ungraded students at least nine, but under twelve, years of age by
43 September 1 must be enrolled in an instructional program that meets for a
44 total of at least eight hundred sixty-five hours during the minimum number of
45 school days required in a school year as provided in section 15-341. In

1 fiscal year 2001-2002, the program shall meet at least eight hundred seventy
2 hours. In fiscal year 2002-2003, the program shall meet at least eight
3 hundred seventy-five hours. In fiscal year 2003-2004, the program shall meet
4 at least eight hundred eighty hours. In fiscal year 2004-2005, the program
5 shall meet at least eight hundred eighty-five hours. In fiscal year
6 2005-2006 and each fiscal year thereafter, the program shall meet at least
7 eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth
8 grade students or ungraded students at least twelve, but under fourteen,
9 years of age by September 1 must be enrolled in an instructional program that
10 meets for a total of at least one thousand thirty-eight hours during the
11 minimum number of days required in a school year as provided in section
12 15-341. In fiscal year 2001-2002, the program shall meet at least one
13 thousand forty-four hours. In fiscal year 2002-2003, the program shall meet
14 at least one thousand fifty hours. In fiscal year 2003-2004, the program
15 shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005,
16 the program shall meet at least one thousand sixty-two hours. In fiscal year
17 2005-2006 and each fiscal year thereafter, the program shall meet at least
18 one thousand sixty-eight hours. Lunch periods and recess periods may not be
19 included as part of the instructional hours unless the student is a child
20 with a disability and the child's individualized education program requires
21 instruction during those periods and the specific reasons for such
22 instruction are fully documented.

23 (ii) For high schools, a student not graduated from the highest grade
24 taught in the school district, or an ungraded student at least fourteen years
25 of age by September 1, and enrolled in at least a full-time instructional
26 program of subjects that count toward graduation as defined by the state
27 board of education in a recognized high school. A full-time student shall
28 not be counted more than once for computation of average daily membership.

29 (iii) For homebound or hospitalized, a student receiving at least four
30 hours of instruction per week.

31 (c) "Full-time instructional program" means:

32 ~~(i) Through fiscal year 2000-2001, at least four subjects, each of~~
33 ~~which, if taught each school day for the minimum number of days required in a~~
34 ~~school year, would meet a minimum of one hundred twenty hours a year, or the~~
35 ~~equivalent, or one or more subjects taught in amounts of time totaling at~~
36 ~~least twenty hours per week prorated for any week with fewer than five school~~
37 ~~days.~~

38 ~~(ii) For fiscal year 2001-2002, an instructional program that meets at~~
39 ~~least a total of seven hundred four hours during the minimum number of days~~
40 ~~required and includes at least four subjects each of which, if taught each~~
41 ~~school day for the minimum number of days required in a school year, would~~
42 ~~meet a minimum of one hundred twenty-two hours a year, or the equivalent, or~~
43 ~~one or more subjects taught in amounts of time totaling at least twenty hours~~
44 ~~per week prorated for any week with fewer than five school days.~~

1 ~~(iii) For fiscal year 2002-2003, an instructional program that meets~~
2 ~~at least a total of seven hundred eight hours during the minimum number of~~
3 ~~days required and includes at least four subjects each of which, if taught~~
4 ~~each school day for the minimum number of days required in a school year,~~
5 ~~would meet a minimum of one hundred twenty two hours a year, or the~~
6 ~~equivalent, or one or more subjects taught in amounts of time totaling at~~
7 ~~least twenty hours per week prorated for any week with fewer than five school~~
8 ~~days.~~

9 ~~(iv) For fiscal year 2003-2004, an instructional program that meets at~~
10 ~~least a total of seven hundred twelve hours during the minimum number of days~~
11 ~~required and includes at least four subjects each of which, if taught each~~
12 ~~school day for the minimum number of days required in a school year, would~~
13 ~~meet a minimum of one hundred twenty three hours a year, or the equivalent,~~
14 ~~or one or more subjects taught in amounts of time totaling at least twenty~~
15 ~~hours per week prorated for any week with fewer than five school days.~~

16 ~~(v)~~ (i) For fiscal year 2004-2005, an instructional program that
17 meets at least a total of seven hundred sixteen hours during the minimum
18 number of days required and includes at least four subjects each of which, if
19 taught each school day for the minimum number of days required in a school
20 year, would meet a minimum of one hundred twenty-three hours a year, or the
21 equivalent, or one or more subjects taught in amounts of time totaling at
22 least twenty hours per week prorated for any week with fewer than five school
23 days.

24 ~~(vi)~~ (ii) For fiscal year 2005-2006 ~~and each fiscal year thereafter,~~
25 an instructional program that meets at least a total of seven hundred twenty
26 hours during the minimum number of days required and includes at least four
27 subjects each of which, if taught each school day for the minimum number of
28 days required in a school year, would meet a minimum of one hundred
29 twenty-three hours a year, or the equivalent, or one or more subjects taught
30 in amounts of time totaling at least twenty hours per week prorated for any
31 week with fewer than five school days.

32 (iii) FOR FISCAL YEAR 2008-2009 AND EACH FISCAL YEAR THEREAFTER, AN
33 INSTRUCTIONAL PROGRAM THAT MEETS AT LEAST A TOTAL OF NINE HUNDRED HOURS
34 DURING THE MINIMUM NUMBER OF DAYS REQUIRED AND INCLUDES AT LEAST FIVE
35 SUBJECTS EACH OF WHICH, IF TAUGHT EACH SCHOOL DAY FOR THE MINIMUM NUMBER OF
36 DAYS REQUIRED IN A SCHOOL YEAR, WOULD MEET A MINIMUM OF ONE HUNDRED EIGHTY
37 HOURS A YEAR, OR THE EQUIVALENT, OR ONE OR MORE SUBJECTS TAUGHT IN AMOUNTS OF
38 TIME TOTALING AT LEAST TWENTY-FIVE HOURS PER WEEK PRORATED FOR ANY WEEK WITH
39 FEWER THAN FIVE SCHOOL DAYS.

40 3. "Budget year" means the fiscal year for which the school district
41 is budgeting and which immediately follows the current year.

42 4. "Common school district" means a political subdivision of this
43 state offering instruction to students in programs for preschool children
44 with disabilities and kindergarten programs and grades one through eight.

1 5. "Current year" means the fiscal year in which a school district is
2 operating.

3 6. "Daily attendance" means:

4 (a) For common schools, days in which a pupil:

5 (i) Of a kindergarten program or ungraded, but not group B children
6 with disabilities, and at least five, but under six, years of age by
7 September 1 attends at least three-quarters of the instructional time
8 scheduled for the day. If the total instruction time scheduled for the year
9 is at least three hundred forty-six hours but is less than six hundred
10 ninety-two hours such attendance shall be counted as one-half day of
11 attendance. If the instructional time scheduled for the year is at least six
12 hundred ninety-two hours, "daily attendance" means days in which a pupil
13 attends at least one-half of the instructional time scheduled for the
14 day. Such attendance shall be counted as one-half day of attendance.

15 (ii) Of the first, second or third grades, ungraded and at least six,
16 but under nine, years of age by September 1 or ungraded group B children with
17 disabilities and at least five, but under six, years of age by September 1
18 attends more than three-quarters of the instructional time scheduled for the
19 day.

20 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
21 nine, but under twelve, years of age by September 1 attends more than
22 three-quarters of the instructional time scheduled for the day, except as
23 provided in section 15-797.

24 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
25 but under fourteen, years of age by September 1 attends more than
26 three-quarters of the instructional time scheduled for the day, except as
27 provided in section 15-797.

28 (b) For common schools, the attendance of a pupil at three-quarters or
29 less of the instructional time scheduled for the day shall be counted as
30 follows, except as provided in section 15-797 and except that attendance for
31 a fractional student shall not exceed the pupil's fractional membership:

32 (i) If attendance for all pupils in the school is based on quarter
33 days, the attendance of a pupil shall be counted as one-fourth of a day's
34 attendance for each one-fourth of full-time instructional time attended.

35 (ii) If attendance for all pupils in the school is based on half days,
36 the attendance of at least three-quarters of the instructional time scheduled
37 for the day shall be counted as a full day's attendance and attendance at a
38 minimum of one-half but less than three-quarters of the instructional time
39 scheduled for the day equals one-half day of attendance.

40 (c) For common schools, the attendance of a preschool child with
41 disabilities shall be counted as one-fourth day's attendance for each
42 thirty-six minutes of attendance not including lunch periods and recess
43 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
44 subsection for children with disabilities up to a maximum of three hundred
45 sixty minutes each week.

1 (d) For high schools or ungraded schools in which the pupil is at
2 least fourteen years of age by September 1, the attendance of a pupil shall
3 not be counted as a full day unless the pupil is actually and physically in
4 attendance and enrolled in and carrying ~~four~~ FIVE subjects, each of which, if
5 taught each school day for the minimum number of days required in a school
6 year, would meet a minimum of ~~one-hundred-twenty~~ ONE HUNDRED EIGHTY hours a
7 year, or the equivalent, that count toward graduation in a recognized high
8 school except as provided in section 15-797 and subdivision (e) of this
9 paragraph. Attendance of a pupil carrying less than the load prescribed
10 shall be prorated.

11 (e) For high schools or ungraded schools in which the pupil is at
12 least fourteen years of age by September 1, the attendance of a pupil may be
13 counted as ~~one-fourth~~ ONE-FIFTH of a day's attendance for each ~~sixty minutes~~
14 HOUR of instructional time in a subject that counts toward graduation, except
15 that attendance for a pupil shall not exceed the pupil's full or fractional
16 membership.

17 (f) For homebound or hospitalized, a full day of attendance may be
18 counted for each day during a week in which the student receives at least
19 ~~four~~ FIVE hours of instruction.

20 (g) For school districts which maintain school for an approved
21 year-round school year operation, attendance shall be based on a computation,
22 as prescribed by the superintendent of public instruction, of the one hundred
23 eighty days' equivalency or two hundred days' equivalency, as applicable, of
24 instructional time as approved by the superintendent of public instruction
25 during which each pupil is enrolled.

26 7. "Daily route mileage" means the sum of:

27 (a) The total number of miles driven daily by all buses of a school
28 district while transporting eligible students from their residence to the
29 school of attendance and from the school of attendance to their residence on
30 scheduled routes approved by the superintendent of public instruction.

31 (b) The total number of miles driven daily on routes approved by the
32 superintendent of public instruction for which a private party, a political
33 subdivision or a common or a contract carrier is reimbursed for bringing an
34 eligible student from the place of his residence to a school transportation
35 pickup point or to the school of attendance and from the school
36 transportation scheduled return point or from the school of attendance to his
37 residence. Daily route mileage includes the total number of miles necessary
38 to drive to transport eligible students from and to their residence as
39 provided in this paragraph.

40 8. "District support level" means the base support level plus the
41 transportation support level.

42 9. "Eligible students" means:

43 (a) Students who are transported by or for a school district and who
44 qualify as full-time students or fractional students, except students for

1 whom transportation is paid by another school district or a county school
2 superintendent, and:

3 (i) For common school students, whose place of actual residence within
4 the school district is more than one mile from the school facility of
5 attendance or students who are admitted pursuant to section 15-816.01 and who
6 meet the economic eligibility requirements established under the national
7 school lunch and child nutrition acts (42 United States Code sections 1751
8 through 1785) for free or reduced price lunches and whose actual place of
9 residence outside the school district boundaries is more than one mile from
10 the school facility of attendance.

11 (ii) For high school students, whose place of actual residence within
12 the school district is more than one and one-half miles from the school
13 facility of attendance or students who are admitted pursuant to section
14 15-816.01 and who meet the economic eligibility requirements established
15 under the national school lunch and child nutrition acts (42 United States
16 Code sections 1751 through 1785) for free or reduced price lunches and whose
17 actual place of residence outside the school district boundaries is more than
18 one and one-half miles from the school facility of attendance.

19 (b) Kindergarten students, for purposes of computing the number of
20 eligible students under subdivision (a), item (i) of this paragraph, shall be
21 counted as full-time students, notwithstanding any other provision of law.

22 (c) Children with disabilities, as defined by section 15-761, who are
23 transported by or for the school district or who are admitted pursuant to
24 chapter 8, article 1.1 of this title and who qualify as full-time students or
25 fractional students regardless of location or residence within the school
26 district or children with disabilities whose transportation is required by
27 the pupil's individualized education program.

28 (d) Students whose residence is outside the school district and who
29 are transported within the school district on the same basis as students who
30 reside in the school district.

31 10. "Enrolled" or "enrollment" means when a pupil is currently
32 registered in the school district.

33 11. "GDP price deflator" means the average of the four implicit price
34 deflators for the gross domestic product reported by the United States
35 department of commerce for the four quarters of the calendar year.

36 12. "High school district" means a political subdivision of this state
37 offering instruction to students for grades nine through twelve or that
38 portion of the budget of a common school district which is allocated to
39 teaching high school subjects with permission of the state board of
40 education.

41 13. "Revenue control limit" means the base revenue control limit plus
42 the transportation revenue control limit.

43 14. "Student count" means average daily membership as prescribed in
44 this subsection for the fiscal year prior to the current year, except that

1 for the purpose of budget preparation student count means average daily
2 membership as prescribed in this subsection for the current year.

3 15. "Submit electronically" means submitted in a format and in a manner
4 prescribed by the department of education.

5 16. "Total bus mileage" means the total number of miles driven by all
6 buses of a school district during the school year.

7 17. "Total students transported" means all eligible students
8 transported from their place of residence to a school transportation pickup
9 point or to the school of attendance and from the school of attendance or
10 from the school transportation scheduled return point to their place of
11 residence.

12 18. "Unified school district" means a political subdivision of the
13 state offering instruction to students in programs for preschool children
14 with disabilities and kindergarten programs and grades one through twelve.

15 B. In this title, unless the context otherwise requires:

16 1. "Base" means the revenue level per student count specified by the
17 legislature.

18 2. "Base level" means:

19 (a) For fiscal year 2004-2005, two thousand eight hundred ninety-three
20 dollars eighteen cents.

21 (b) For fiscal year 2005-2006, three thousand one dollars.

22 (c) For fiscal year 2006-2007, three thousand one hundred thirty-three
23 dollars fifty-three cents.

24 3. "Base revenue control limit" means the base revenue control limit
25 computed as provided in section 15-944.

26 4. "Base support level" means the base support level as provided in
27 section 15-943.

28 5. "Certified teacher" means a person who is certified as a teacher
29 pursuant to the rules adopted by the state board of education, who renders
30 direct and personal services to school children in the form of instruction
31 related to the school district's educational course of study and who is paid
32 from the maintenance and operation section of the budget.

33 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
34 emotional disabilities, mild mental retardation, a specific learning
35 disability, a speech/language impairment and other health impairments.

36 7. "ED-P" means programs for children with emotional disabilities who
37 are enrolled in private special education programs as prescribed in section
38 15-765, subsection D, paragraph 1 or in an intensive school district program
39 as provided in section 15-765, subsection D, paragraph 2.

40 8. "ELL" means English learners who do not speak English or whose
41 native language is not English, who are not currently able to perform
42 ordinary classroom work in English and who are enrolled in an English
43 language education program pursuant to sections 15-751, 15-752 and 15-753.

44 9. "Full-time equivalent certified teacher" or "FTE certified teacher"
45 means for a certified teacher the following:

1 (a) If employed full time as defined in section 15-501, 1.00.

2 (b) If employed less than full time, multiply 1.00 by the percentage
3 of a full school day, or its equivalent, or a full class load, or its
4 equivalent, for which the teacher is employed as determined by the governing
5 board.

6 10. "Group A" means educational programs for career exploration, a
7 specific learning disability, an emotional disability, mild mental
8 retardation, remedial education, a speech/language impairment, homebound,
9 bilingual, preschool moderate delay, preschool speech/language delay, other
10 health impairments and gifted pupils.

11 11. "Group B" means educational improvements for pupils in kindergarten
12 programs and grades one through three, educational programs for autism, a
13 hearing impairment, moderate mental retardation, multiple disabilities,
14 multiple disabilities with severe sensory impairment, orthopedic impairments,
15 preschool severe delay, severe mental retardation and emotional disabilities
16 for school age pupils enrolled in private special education programs or in
17 school district programs for children with severe disabilities or visual
18 impairment and English learners enrolled in a program to promote English
19 language proficiency pursuant to section 15-752.

20 12. "HI" means programs for pupils with hearing impairment.

21 13. "Homebound" or "hospitalized" means a pupil who is capable of
22 profiting from academic instruction but is unable to attend school due to
23 illness, disease, accident or other health conditions, who has been examined
24 by a competent medical doctor and who is certified by that doctor as being
25 unable to attend regular classes for a period of not less than three school
26 months or a pupil who is capable of profiting from academic instruction but
27 is unable to attend school regularly due to chronic or acute health problems,
28 who has been examined by a competent medical doctor and who is certified by
29 that doctor as being unable to attend regular classes for intermittent
30 periods of time totaling three school months during a school year. The
31 medical certification shall state the general medical condition, such as
32 illness, disease or chronic health condition, that is the reason that the
33 pupil is unable to attend school. Homebound or hospitalized includes a
34 student who is unable to attend school for a period of less than three months
35 due to a pregnancy if a competent medical doctor, after an examination,
36 certifies that the student is unable to attend regular classes due to risk to
37 the pregnancy or to the student's health.

38 14. "K" means kindergarten programs.

39 15. "K-3" means kindergarten programs and grades one through three.

40 16. "MD-R, A-R and SMR-R" means resource programs for pupils with
41 multiple disabilities, autism and severe mental retardation.

42 17. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
43 with multiple disabilities, autism and severe mental retardation.

44 18. "MDSSI" means a program for pupils with multiple disabilities with
45 severe sensory impairment.

- 1 19. "MOMR" means programs for pupils with moderate mental retardation.
2 20. "OI-R" means a resource program for pupils with orthopedic
3 impairments.
4 21. "OI-SC" means a self-contained program for pupils with orthopedic
5 impairments.
6 22. "PSD" means preschool programs for children with disabilities as
7 provided in section 15-771.
8 23. "P-SD" means programs for children who meet the definition of
9 preschool severe delay as provided in section 15-771.
10 24. "Qualifying tax rate" means the qualifying tax rate specified in
11 section 15-971 applied to the assessed valuation used for primary property
12 taxes.
13 25. "Small isolated school district" means a school district which
14 meets all of the following:
15 (a) Has a student count of fewer than six hundred in kindergarten
16 programs and grades one through eight or grades nine through twelve.
17 (b) Contains no school which is fewer than thirty miles by the most
18 reasonable route from another school, or, if road conditions and terrain make
19 the driving slow or hazardous, fifteen miles from another school which
20 teaches one or more of the same grades and is operated by another school
21 district in this state.
22 (c) Is designated as a small isolated school district by the
23 superintendent of public instruction.
24 26. "Small school district" means a school district which meets all of
25 the following:
26 (a) Has a student count of fewer than six hundred in kindergarten
27 programs and grades one through eight or grades nine through twelve.
28 (b) Contains at least one school which is fewer than thirty miles by
29 the most reasonable route from another school which teaches one or more of
30 the same grades and is operated by another school district in this state.
31 (c) Is designated as a small school district by the superintendent of
32 public instruction.
33 27. "Transportation revenue control limit" means the transportation
34 revenue control limit computed as prescribed in section 15-946.
35 28. "Transportation support level" means the support level for pupil
36 transportation operating expenses as provided in section 15-945.
37 29. "VI" means programs for pupils with visual impairments.
38 30. "Voc. Ed." means career and technical education and vocational
39 education programs, as defined in section 15-781.
40 Sec. 4. Section 15-913.01, Arizona Revised Statutes, is amended to
41 read:
42 15-913.01. Education program; county jails
43 A. Each county that operates a county jail shall offer an education
44 program to serve all prisoners who are under eighteen years of age and
45 prisoners with disabilities who are age twenty-one or younger and who are

1 confined in the county jail. The county school superintendent and the
2 sheriff in each county shall agree on the method of delivery of the education
3 program.

4 B. The county school superintendent shall develop policies and
5 procedures for the transfer of educational records of any prisoner confined
6 in a county jail who has been transferred from a juvenile detention center or
7 from any other public agency which has provided educational services to that
8 prisoner.

9 C. A county may operate its county jail education program through an
10 accommodation school that provides alternative education services pursuant to
11 section 15-308, except that each pupil enrolled in the accommodation school
12 county jail education program shall be funded at an amount equal to
13 seventy-two per cent of the amount for that pupil if that pupil were enrolled
14 in another accommodation school program.

15 D. If a county chooses not to operate its county jail education
16 program through an accommodation school, the county school superintendent may
17 establish a county jail education fund to provide financial support to the
18 program. The county jail education fund for each program shall consist of a
19 base amount plus a variable amount. For fiscal year 1999-2000 the base
20 amount is fourteen thousand four hundred dollars and the variable amount
21 shall be determined pursuant to subsection E of this section. The base
22 amount and variable amount for each county or counties served shall be funded
23 with state general fund monies, subject to appropriation. The county school
24 superintendent must submit claims for payments to the state superintendent of
25 public instruction. The county school superintendent shall deposit the
26 payments into the county jail education fund.

27 E. UNTIL FISCAL YEAR 2008-2009, the variable amount shall be
28 determined as follows:

29 1. Determine the number of days in the prior fiscal year that each
30 pupil who is a prisoner and had been in the county jail for more than
31 forty-eight hours received an instructional program of at least two hundred
32 forty minutes. No school district may count a pupil as being in attendance
33 in that school district on a day that the pupil is counted as a prisoner for
34 the purposes of this paragraph.

35 2. Multiply the number of days determined under paragraph 1 of this
36 subsection by the following amount:

37 (a) For fiscal year 1999-2000, ten dollars eighty cents.

38 (b) For fiscal year 2000-2001 and each year thereafter, the amount for
39 the prior year adjusted by any growth rate prescribed by law, subject to
40 legislative appropriation.

41 3. For each pupil who is a child with a disability as defined in
42 section 15-761, who is a prisoner and who had been in the county jail for
43 more than forty-eight hours:

1 (a) Determine the amount prescribed in section 15-1204, subsection E,
2 paragraph 1 or 2, multiply the amount by .72 and add seventy-two dollars for
3 capital outlay costs.

4 (b) Divide the sum determined under subdivision (a) of this paragraph
5 by one hundred seventy-five.

6 (c) Subtract the amount prescribed in paragraph 2 of this subsection
7 from the quotient determined in subdivision (b) of this paragraph.

8 (d) Determine the number of days in the prior fiscal year that the
9 pupil received an instructional program of at least two hundred forty
10 minutes.

11 (e) Multiply the amount determined in subdivision (d) of this
12 paragraph by the difference determined in subdivision (c) of this paragraph.

13 4. Add the amounts determined in paragraph 3 of this subsection for
14 all pupils with disabilities who are prisoners.

15 5. Add the sum determined in paragraph 4 of this subsection to the
16 product determined in paragraph 2 of this subsection. This sum is the
17 variable amount.

18 F. FOR FISCAL YEAR 2008-2009 AND EACH FISCAL YEAR THEREAFTER, THE
19 VARIABLE AMOUNT SHALL BE DETERMINED AS FOLLOWS:

20 1. DETERMINE THE NUMBER OF DAYS IN THE PRIOR FISCAL YEAR THAT EACH
21 PUPIL WHO IS A PRISONER AND HAD BEEN IN THE COUNTY JAIL FOR MORE THAN
22 FORTY-EIGHT HOURS RECEIVED AN INSTRUCTIONAL PROGRAM OF AT LEAST THREE HUNDRED
23 FORTY MINUTES. NO SCHOOL DISTRICT MAY COUNT A PUPIL AS BEING IN ATTENDANCE
24 IN THAT SCHOOL DISTRICT ON A DAY THAT THE PUPIL IS COUNTED AS A PRISONER FOR
25 THE PURPOSES OF THIS PARAGRAPH.

26 2. MULTIPLY THE NUMBER OF DAYS DETERMINED UNDER PARAGRAPH 1 OF THIS
27 SUBSECTION BY THE AMOUNT FOR THE PRIOR YEAR ADJUSTED BY ANY GROWTH RATE
28 PRESCRIBED BY LAW, SUBJECT TO LEGISLATIVE APPROPRIATION.

29 3. FOR EACH PUPIL WHO IS A CHILD WITH A DISABILITY AS DEFINED IN
30 SECTION 15-761, WHO IS A PRISONER AND WHO HAD BEEN IN THE COUNTY JAIL FOR
31 MORE THAN FORTY-EIGHT HOURS:

32 (a) DETERMINE THE AMOUNT PRESCRIBED IN SECTION 15-1204, SUBSECTION E,
33 PARAGRAPH 1 OR 2, MULTIPLY THE AMOUNT BY .72 AND ADD SEVENTY-TWO DOLLARS FOR
34 CAPITAL OUTLAY COSTS.

35 (b) DIVIDE THE SUM DETERMINED UNDER SUBDIVISION (a) BY ONE HUNDRED
36 SEVENTY-FIVE.

37 (c) SUBTRACT THE AMOUNT PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION
38 FROM THE QUOTIENT DETERMINED IN SUBDIVISION (b).

39 (d) DETERMINE THE NUMBER OF DAYS IN THE PRIOR FISCAL YEAR THAT THE
40 PUPIL RECEIVED AN INSTRUCTIONAL PROGRAM OF AT LEAST THREE HUNDRED FORTY
41 MINUTES.

42 (e) MULTIPLY THE AMOUNT DETERMINED IN SUBDIVISION (d) BY THE
43 DIFFERENCE DETERMINED IN SUBDIVISION (c).

44 4. ADD THE AMOUNTS DETERMINED IN PARAGRAPH 3 OF THIS SUBSECTION FOR
45 ALL PUPILS WITH DISABILITIES WHO ARE PRISONERS.

1 5. ADD THE SUM DETERMINED IN PARAGRAPH 4 OF THIS SUBSECTION TO THE
2 PRODUCT DETERMINED IN PARAGRAPH 2 OF THIS SUBSECTION. THIS SUM IS THE
3 VARIABLE AMOUNT.

4 ~~F.~~ G. If a county jail education program serves more than one county,
5 the county school superintendents and the sheriffs of the counties being
6 served shall agree on a county of jurisdiction. The county school
7 superintendent shall deposit into the county jail education fund of the
8 county of jurisdiction monies that are received from the superintendent of
9 public instruction pursuant to this section for all counties served by the
10 county of jurisdiction.

11 ~~G.~~ H. If a county operated a county jail education program through an
12 accommodation school in the year before it begins to operate its county jail
13 education program as provided in subsection D of this section, for the first
14 year of operation as provided in subsection D of this section, the student
15 count of the accommodation school shall be reduced by the average daily
16 membership attributable to the accommodation school's county jail program in
17 its last fiscal year of operation. The provisions of section 15-942 shall
18 not apply to this reduction in student count.

19 Sec. 5. Section 15-1371, Arizona Revised Statutes, is amended to read:

20 15-1371. Equalization assistance for state educational system
21 for committed youth; state education fund for
22 committed youth

23 A. The superintendent of the state educational system for committed
24 youth shall calculate a base support level as prescribed in section 15-943
25 and a capital outlay revenue limit as prescribed in section 15-961 for the
26 educational system established pursuant to section 41-2831, except that:

27 1. Notwithstanding section 15-901:

28 (a) The student count shall be determined using the following
29 definitions:

30 (i) "Daily attendance" means days in which a pupil attends an
31 educational program for a minimum of ~~two hundred forty minutes~~ FIVE HOURS not
32 including meal and recess periods. Attendance for ~~one hundred twenty or more~~
33 ~~minutes~~ TWO AND ONE-HALF OR MORE HOURS but fewer than ~~two hundred forty~~
34 ~~minutes~~ FIVE HOURS shall be counted as one-half day's attendance.

35 (ii) "Fractional student" means a pupil enrolled in an educational
36 program of ~~one hundred twenty or more minutes~~ TWO AND ONE-HALF OR MORE HOURS
37 but fewer than ~~two hundred forty minutes~~ FIVE HOURS a day not including meal
38 and recess periods. A fractional student shall be counted as one-half of a
39 full-time student.

40 (iii) "Full-time student" means a pupil enrolled in an educational
41 program for a minimum of ~~two hundred forty minutes~~ FIVE HOURS a day not
42 including meal and recess periods.

43 (b) "Seriously emotionally disabled pupils enrolled in a school
44 district program as provided in section 15-765" includes seriously

1 emotionally disabled pupils enrolled in the department of juvenile
2 corrections school system.

3 2. All pupils shall be counted as if they were enrolled in grades nine
4 through twelve.

5 3. The teacher experience index is 1.00.

6 4. The base support level shall be calculated using the base level
7 multiplied by 1.0, except that the state educational system for committed
8 youth is also eligible beginning with fiscal year 1992-1993 for additional
9 teacher compensation monies as specified in section 15-952.

10 5. Section 15-943, paragraph 1 does not apply.

11 B. The superintendent may use sections 15-855, 15-942 and 15-948 in
12 making the calculations prescribed in subsection A of this section, ~~except~~
13 ~~that for the 1992-1993 fiscal year rapid decline shall not be used.~~ The
14 superintendent of the system and the department of education shall prescribe
15 procedures for determining average daily attendance and average daily
16 membership.

17 C. Equalization assistance for the state educational system for
18 committed youth for the budget year is determined by adding the amount of the
19 base support level and the capital outlay revenue limit for the budget year
20 calculated as prescribed in subsection A of this section.

21 D. The state educational system for committed youth shall not receive
22 twenty-five per cent of the equalization assistance unless it is accredited
23 by the north central association of colleges and secondary schools.

24 E. The state education fund for committed youth is established. Fund
25 monies shall be used for the purposes of the state educational system for
26 committed youth, and notwithstanding section 35-173, monies appropriated to
27 the fund shall not be transferred to or used for any program not within the
28 state educational system for committed youth. State equalization assistance
29 for the state educational system for committed youth as determined in
30 subsection A of this section, other state and federal monies received from
31 the department of education for the state educational system for committed
32 youth and monies appropriated for the state educational system for committed
33 youth, except monies appropriated pursuant to subsection F of this section,
34 shall be deposited in the fund. The state treasurer shall maintain separate
35 accounts for fund monies if the separate accounts are required by statute or
36 federal law.

37 F. The department of juvenile corrections may seek appropriations for
38 capital needs for land, buildings and improvements, including repairs and
39 maintenance, required to maintain the state educational system for committed
40 youth.

41 G. The state board of education shall apportion state aid and deposit
42 it, pursuant to sections 35-146 and 35-147, in the state education fund for
43 committed youth in an amount as determined by subsection A of this section.
44 The apportionments shall be as follows:

1 1. On July 1, one-third of the total amount to be apportioned during
2 the fiscal year.

3 2. On October 15, one-twelfth of the total amount to be apportioned
4 during the fiscal year.

5 3. On December 15, one-twelfth of the total amount to be apportioned
6 during the fiscal year.

7 4. On January 15, one-twelfth of the total amount to be apportioned
8 during the fiscal year.

9 5. On February 15, one-twelfth of the total amount to be apportioned
10 during the fiscal year.

11 6. On March 15, one-twelfth of the total amount to be apportioned
12 during the fiscal year.

13 7. On April 15, one-twelfth of the total amount to be apportioned
14 during the fiscal year.

15 8. On May 15, one-twelfth of the total amount to be apportioned during
16 the fiscal year.

17 9. On June 15, one-twelfth of the total amount to be apportioned
18 during the fiscal year.

19 H. In conjunction with the department of administration, the
20 superintendent of the state educational system for committed youth shall
21 establish procedures to account for the receipt and expenditure of state
22 education fund for committed youth monies by modifying the current accounting
23 system used for state agencies as necessary.

24 Sec. 6. Section 15-1372, Arizona Revised Statutes, is amended to read:
25 15-1372. Equalization assistance for state educational system
26 for persons in the state department of corrections;
27 fund

28 A. The state department of corrections shall provide educational
29 services for pupils who are under the age of eighteen years and pupils with
30 disabilities who are age twenty-one or younger who are committed to the state
31 department of corrections. The department of education shall provide
32 technical assistance to the state department of corrections on request and
33 shall assist the state department of corrections in establishing program and
34 personnel standards.

35 B. The state education fund for correctional education is established.
36 Subject to legislative appropriation, fund monies shall be used for the
37 purposes of providing education to pupils as specified in subsection A of
38 this section. Notwithstanding section 35-173, monies appropriated to the
39 fund shall not be transferred to or used for any program not directly related
40 to the educational services required by this section. State equalization
41 assistance, other state and federal monies received from the department of
42 education for which the pupils in correctional education programs qualify and
43 monies appropriated for correctional education except monies appropriated
44 pursuant to subsection C of this section shall be deposited in the fund. The

1 state treasurer shall maintain separate accounts for fund monies if the
2 separate accounts are required by statute or federal law.

3 C. The state department of corrections may seek appropriations for
4 capital needs for land, buildings and improvements, including repairs and
5 maintenance, required to maintain the educational services required by this
6 section.

7 D. The state board of education shall apportion state aid and deposit
8 it, pursuant to sections 35-146 and 35-147, in the state education fund for
9 correctional education in an amount as determined by subsection E OR F of
10 this section. The apportionments are as follows:

11 1. On July 1, one-third of the total amount to be apportioned during
12 the fiscal year.

13 2. On October 15, one-twelfth of the total amount to be apportioned
14 during the fiscal year.

15 3. On December 15, one-twelfth of the total amount to be apportioned
16 during the fiscal year.

17 4. On January 15, one-twelfth of the total amount to be apportioned
18 during the fiscal year.

19 5. On February 15, one-twelfth of the total amount to be apportioned
20 during the fiscal year.

21 6. On March 15, one-twelfth of the total amount to be apportioned
22 during the fiscal year.

23 7. On April 15, one-twelfth of the total amount to be apportioned
24 during the fiscal year.

25 8. On May 15, one-twelfth of the total amount to be apportioned during
26 the fiscal year.

27 9. On June 15, one-twelfth of the total amount to be apportioned
28 during the fiscal year.

29 E. UNTIL FISCAL YEAR 2008-2009, the director of the state department
30 of corrections shall calculate a base support level as prescribed in section
31 15-943 and a capital outlay revenue limit as prescribed in section 15-961 for
32 the educational services required by this section, except that:

33 1. Notwithstanding section 15-901, the student count shall be
34 determined using the following definitions:

35 (a) "Daily attendance" means days in which a pupil attends an
36 educational program for a minimum of one hundred eighty minutes not including
37 meal and recess periods. Attendance for ninety or more minutes but fewer
38 than one hundred eighty minutes shall be counted as one-half day's
39 attendance.

40 (b) "Fractional student" means a pupil enrolled in an educational
41 program of ninety or more minutes but fewer than one hundred eighty minutes
42 per day not including meal and recess periods. A fractional student shall be
43 counted as one-half of a full-time student.

1 (c) "Full-time student" means a pupil enrolled in an educational
2 program for a minimum of one hundred eighty minutes per day not including
3 meal and recess periods.

4 (d) "Pupil with a disability" has the same meaning as child with a
5 disability prescribed in section 15-761.

6 2. All pupils shall be counted as if they were enrolled in grades nine
7 through twelve.

8 3. The teacher experience index is 1.00.

9 4. The calculation for additional teacher compensation monies as
10 prescribed in section 15-952 is available.

11 5. Section 15-943, paragraph 1 does not apply.

12 6. The base support level and capital outlay amounts calculated
13 pursuant to this section shall be multiplied by 0.67.

14 7. The school year shall consist of a period of not less than two
15 hundred eight days.

16 F. FOR FISCAL YEAR 2008-2009 AND EACH YEAR THEREAFTER, THE DIRECTOR OF
17 THE STATE DEPARTMENT OF CORRECTIONS SHALL CALCULATE A BASE SUPPORT LEVEL AS
18 PRESCRIBED IN SECTION 15-943 AND A CAPITAL OUTLAY REVENUE LIMIT AS PRESCRIBED
19 IN SECTION 15-961 FOR THE EDUCATIONAL SERVICES REQUIRED BY THIS SECTION,
20 EXCEPT THAT:

21 1. NOTWITHSTANDING SECTION 15-901, THE STUDENT COUNT SHALL BE
22 DETERMINED USING THE FOLLOWING DEFINITIONS:

23 (a) "DAILY ATTENDANCE" MEANS DAYS IN WHICH A PUPIL ATTENDS AN
24 EDUCATIONAL PROGRAM FOR A MINIMUM OF TWO HUNDRED TWENTY-FIVE MINUTES NOT
25 INCLUDING MEAL AND RECESS PERIODS. ATTENDANCE FOR ONE HUNDRED FIFTEEN OR
26 MORE MINUTES BUT FEWER THAN TWO HUNDRED TWENTY-FIVE MINUTES SHALL BE COUNTED
27 AS ONE-HALF DAY'S ATTENDANCE.

28 (b) "FRACTIONAL STUDENT" MEANS A PUPIL ENROLLED IN AN EDUCATIONAL
29 PROGRAM OF ONE HUNDRED FIFTEEN OR MORE MINUTES BUT FEWER THAN TWO HUNDRED
30 TWENTY-FIVE MINUTES PER DAY NOT INCLUDING MEAL AND RECESS PERIODS. A
31 FRACTIONAL STUDENT SHALL BE COUNTED AS ONE-HALF OF A FULL-TIME STUDENT.

32 (c) "FULL-TIME STUDENT" MEANS A PUPIL ENROLLED IN AN EDUCATIONAL
33 PROGRAM FOR A MINIMUM OF TWO HUNDRED TWENTY-FIVE MINUTES PER DAY NOT
34 INCLUDING MEAL AND RECESS PERIODS.

35 (d) "PUPIL WITH A DISABILITY" HAS THE SAME MEANING AS CHILD WITH A
36 DISABILITY PRESCRIBED IN SECTION 15-761.

37 2. ALL PUPILS SHALL BE COUNTED AS IF THEY WERE ENROLLED IN GRADES NINE
38 THROUGH TWELVE.

39 3. THE TEACHER EXPERIENCE INDEX IS 1.00.

40 4. THE CALCULATION FOR ADDITIONAL TEACHER COMPENSATION MONIES AS
41 PRESCRIBED IN SECTION 15-952 IS AVAILABLE.

42 5. SECTION 15-943, PARAGRAPH 1 DOES NOT APPLY.

43 6. THE BASE SUPPORT LEVEL AND CAPITAL OUTLAY AMOUNTS CALCULATED
44 PURSUANT TO THIS SECTION SHALL BE MULTIPLIED BY 0.67.

1 7. THE SCHOOL YEAR SHALL CONSIST OF A PERIOD OF NOT LESS THAN TWO
2 HUNDRED EIGHT DAYS.

3 ~~F.~~ G. The director of the state department of corrections may use
4 sections 15-855, 15-942 and 15-948 in making the calculations prescribed in
5 subsection E OR F of this section. The director of the state department of
6 corrections and the department of education shall prescribe procedures for
7 calculating average daily attendance and average daily membership.

8 ~~G.~~ H. Equalization assistance for correctional education programs
9 provided for those pupils specified in subsection A of this section is
10 determined by adding the amount of the base support level and the capital
11 outlay revenue limit for the budget year calculated as prescribed in
12 subsection E OR F of this section.

13 ~~H.~~ I. The director of the state department of corrections shall keep
14 records and provide information as the department of education requires to
15 determine the appropriate amount of equalization assistance. Equalization
16 assistance shall be used to provide educational services in this section.

17 ~~I.~~ J. The department of education and the state department of
18 corrections shall enter into an intergovernmental agreement that establishes
19 the necessary accountability between the two departments regarding the
20 administrative and funding requirements contained in subsections A and B of
21 this section. The agreement shall:

- 22 1. Provide for appropriate education to all committed youths as
23 required by state and federal law.
- 24 2. Provide financial information to meet requirements for equalization
25 assistance.
- 26 3. Provide for appropriate pupil intake and assessment procedures.
- 27 4. Require pupil performance assessment and the reporting of results.