

REFERENCE TITLE: schools; developmentally delayed pupils

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1359**

Introduced by  
Senator O'Halleran; Representatives Hershberger: Anderson, Tobin

AN ACT

AMENDING SECTIONS 15-761, 15-901 AND 15-943, ARIZONA REVISED STATUTES;  
RELATING TO SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-761, Arizona Revised Statutes, is amended to read:

15-761. Definitions

In this article, unless the context otherwise requires:

1. "Autism" means a developmental disability that significantly affects verbal and nonverbal communication and social interaction and that adversely affects educational performance. Characteristics include irregularities and impairments in communication, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences. Autism does not include children with characteristics of emotional disability as defined in this section.

2. "Child with a disability":

(a) Means a child who is at least three years but less than twenty-two years of age, who has been evaluated pursuant to section 15-766 and found to have at least one of the following disabilities and who, because of the disability, needs special education and related services:

(i) Autism.

(ii) DEVELOPMENTAL DELAY.

(iii) EARLY CHILDHOOD SEVERE DELAY.

~~(iv)~~ (iv) Emotional disability.

~~(v)~~ (v) Hearing impairment.

~~(vi)~~ (vi) Other health impairments.

~~(vii)~~ (vii) Specific learning disability.

~~(viii)~~ (viii) Mild, moderate or severe mental retardation.

~~(ix)~~ (ix) Multiple disabilities.

~~(x)~~ (x) Multiple disabilities with severe sensory impairment.

~~(xi)~~ (xi) Orthopedic impairment.

~~(xii)~~ (xii) Preschool moderate delay.

~~(xiii)~~ Preschool severe delay.

~~(xiv)~~ Preschool speech/language delay.

(xiii) Speech/language impairment.

(xiv) Traumatic brain injury.

(xv) Visual impairment.

(b) Does not include a child if the determinant factor for the classification is one or more of the following:

(i) A lack of appropriate instruction in reading, including essential components of reading instruction.

(ii) A lack of appropriate instruction in mathematics.

(iii) Difficulty in writing, speaking or understanding the English language due to an environmental background in which a language other than English is primarily or exclusively used.

3. "DEVELOPMENTAL DELAY" MEANS PERFORMANCE BY A CHILD WHO IS AT LEAST THREE YEARS BUT LESS THAN TEN YEARS OF AGE THAT MEASURES AT LEAST ONE AND ONE-HALF OR MORE STANDARD DEVIATIONS BELOW THE MEAN FOR CHILDREN OF THE SAME CHRONOLOGICAL AGE IN TWO OR MORE OF THE FOLLOWING AREAS:

- (a) COGNITIVE DEVELOPMENT.
- (b) PHYSICAL DEVELOPMENT.
- (c) COMMUNICATION DEVELOPMENT, INCLUDING SPEECH THAT OUT OF CONTEXT IS UNINTELLIGIBLE TO A LISTENER WHO IS UNFAMILIAR WITH THE CHILD AND INCLUDING A DISORDER IN PHONOLOGICAL PROCESSING.
- (d) SOCIAL OR EMOTIONAL DEVELOPMENT.
- (e) ADAPTIVE DEVELOPMENT.

THE RESULTS OF THE NORM-REFERENCED MEASURE MUST BE CORROBORATED BY INFORMATION FROM A FULL AND INDIVIDUAL PSYCHOLOGICAL AND EDUCATIONAL EVALUATION AND FROM PARENTAL INPUT, IF AVAILABLE, AS MEASURED BY A JUDGMENT BASED ASSESSMENT OR SURVEY. IF THERE IS A DISCREPANCY BETWEEN THE MEASURES, THE EVALUATION TEAM SHALL DETERMINE ELIGIBILITY BASED ON A PREPONDERANCE OF THE INFORMATION PRESENTED.

~~3-~~ 4. "Due process hearing" means a fair and impartial administrative hearing conducted by the state educational agency by an impartial administrative law judge in accordance with federal and state law.

5. "EARLY CHILDHOOD SEVERE DELAY" MEANS PERFORMANCE BY A PRESCHOOL CHILD ON A NORM-REFERENCED TEST THAT MEASURES MORE THAN THREE STANDARD DEVIATIONS BELOW THE MEAN FOR CHILDREN OF THE SAME CHRONOLOGICAL AGE IN TWO OR MORE OF THE FOLLOWING AREAS:

- (a) COGNITIVE DEVELOPMENT.
- (b) PHYSICAL DEVELOPMENT.
- (c) COMMUNICATION DEVELOPMENT, INCLUDING SPEECH THAT OUT OF CONTEXT IS UNINTELLIGIBLE TO A LISTENER WHO IS UNFAMILIAR WITH THE CHILD AND INCLUDING A DISORDER IN PHONOLOGICAL PROCESSING.
- (d) SOCIAL OR EMOTIONAL DEVELOPMENT.
- (e) ADAPTIVE DEVELOPMENT.

THE RESULTS OF THE NORM-REFERENCED MEASURE MUST BE CORROBORATED BY INFORMATION FROM A FULL AND INDIVIDUAL PSYCHOLOGICAL AND EDUCATIONAL EVALUATION AND FROM PARENTAL INPUT, IF AVAILABLE, AS MEASURED BY A JUDGMENT BASED ASSESSMENT OR SURVEY. IF THERE IS A DISCREPANCY BETWEEN THE MEASURES, THE EVALUATION TEAM SHALL DETERMINE ELIGIBILITY BASED ON A PREPONDERANCE OF THE INFORMATION PRESENTED.

~~4-~~ 6. "Educational disadvantage" means a condition which has limited a child's opportunity for educational experience resulting in a child achieving less than a normal level of learning development.

~~5-~~ 7. "Eligibility for special education" means the pupil must have one of the disabilities contained in paragraph 2 of this section and must also require special education services in order to benefit from an educational program.

~~6-~~ 8. "Emotional disability":

(a) Means a condition whereby a child exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects the child's performance in the educational environment:

(i) An inability to learn which cannot be explained by intellectual, sensory or health factors.

(ii) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(iii) Inappropriate types of behavior or feelings under normal circumstances.

(iv) A general pervasive mood of unhappiness or depression.

(v) A tendency to develop physical symptoms or fears associated with personal or school problems.

(b) Includes children who are schizophrenic but does not include children who are socially maladjusted unless they are also determined to have an emotional disability as determined by evaluation as provided in section 15-766.

~~7.~~ 9. "Hearing impairment" means a loss of hearing acuity, as determined by evaluation pursuant to section 15-766, which interferes with the child's performance in the educational environment and requires the provision of special education and related services.

~~8.~~ 10. "Home school district" means the school district in which the person resides who has legal custody of the child, as provided in section 15-824, subsection B. If the child is a ward of the state and a specific person does not have legal custody of the child, the home school district is the district that the child last attended or, if the child has not previously attended a public school in this state, the school district within which the child currently resides.

~~9.~~ 11. "Impartial administrative law judge" means an administrative law judge of the office of administrative hearings who is knowledgeable in the laws governing special education and administrative hearings.

~~10.~~ 12. "Individualized education program" means a written statement, as defined in 20 United States Code sections 1401 and 1412, for providing special education and related services to a child with a disability.

~~11.~~ 13. "Individualized education program team" means a team whose task is to develop an appropriate educational program for the child and has the same meaning prescribed in 20 United States Code section 1414.

~~12.~~ 14. "Mental retardation" means a significant impairment of general intellectual functioning that exists concurrently with deficits in adaptive behavior and that adversely affects the child's performance in the educational environment.

~~13.~~ 15. "Mild mental retardation" means performance on standard measures of intellectual and adaptive behavior between two and three standard deviations below the mean for children of the same age.

~~14.~~ 16. "Moderate mental retardation" means performance on standard measures of intellectual and adaptive behavior between three and four standard deviations below the mean for children of the same age.

~~15.~~ 17. "Multidisciplinary evaluation team" means a team of persons including individuals described as the individualized education program team and other qualified professionals who shall determine whether a child is eligible for special education.

~~16.~~ 18. "Multiple disabilities" means learning and developmental problems resulting from multiple disabilities as determined by evaluation pursuant to section 15-766 that cannot be provided for adequately in a program designed to meet the needs of children with less complex disabilities. Multiple disabilities include any of the following conditions that require the provision of special education and related services:

(a) Two or more of the following conditions:

(i) Hearing impairment.

(ii) Orthopedic impairment.

(iii) Moderate mental retardation.

(iv) Visual impairment.

(b) A child with a disability listed in subdivision (a) of this paragraph existing concurrently with a condition of mild mental retardation, emotional disability or specific learning disability.

~~17.~~ 19. "Multiple disabilities with severe sensory impairment" means multiple disabilities that include at least one of the following:

(a) Severe visual impairment or severe hearing impairment in combination with another severe disability.

(b) Severe visual impairment and severe hearing impairment.

~~18.~~ 20. "Orthopedic impairment" means one or more severe orthopedic impairments and includes those that are caused by congenital anomaly, disease and other causes, such as amputation or cerebral palsy, and that adversely affect a child's performance in the educational environment.

~~19.~~ 21. "Other health impairments" means limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, due to chronic or acute health problems which adversely affect a pupil's educational performance.

~~20.~~ 22. "Out-of-home care" means the placement of a child with a disability outside of the home environment and includes twenty-four hour residential care, group care or foster care on either a full-time or part-time basis.

~~21.~~ 23. "Parent" means:

(a) Either a natural or adoptive parent of a child.

(b) A guardian, but not this state if the child is a ward of this state.

(c) A person acting in the place of a natural or adoptive parent with whom the child lives or a person who is legally responsible for the child's welfare.

(d) A surrogate parent.

(e) A foster parent to the extent permitted by state law.

~~22.~~ 24. "Preschool child" means a child who is at least three years of age but who has not reached the required age for kindergarten, subject to section 15-771, subsection G.

~~23. "Preschool moderate delay" means performance by a preschool child on a norm referenced test that measures at least one and one half, but not more than three, standard deviations below the mean for children of the same chronological age in two or more of the following areas:~~

~~(a) Cognitive development.~~

~~(b) Physical development.~~

~~(c) Communication development.~~

~~(d) Social or emotional development.~~

~~(e) Adaptive development.~~

~~The results of the norm referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.~~

~~24. "Preschool severe delay" means performance by a preschool child on a norm referenced test that measures more than three standard deviations below the mean for children of the same chronological age in one or more of the following areas:~~

~~(a) Cognitive development.~~

~~(b) Physical development.~~

~~(c) Communication development.~~

~~(d) Social or emotional development.~~

~~(e) Adaptive development.~~

~~The results of the norm referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.~~

~~25. "Preschool speech/language delay" means performance by a preschool child on a norm referenced language test that measures at least one and one-half standard deviations below the mean for children of the same chronological age or whose speech, out of context, is unintelligible to a listener who is unfamiliar with the child. Eligibility under this paragraph is appropriate only if a comprehensive developmental assessment or norm referenced assessment and parental input indicate that the child is not eligible for services under another preschool category. The evaluation team shall determine eligibility based on a preponderance of the information presented.~~

~~26.~~ 25. "Prior written notice" means written prior notice that a public educational agency is required to send to parents whenever the public educational agency proposes or refuses to initiate or change the identification, evaluation or educational placement of a child with a disability or the provision of a free appropriate public education.

~~27.~~ 26. "Public educational agency" means a school district, a charter school, an accommodation school, a state supported institution or any other political subdivision of this state that is responsible for providing education to children with disabilities.

~~28.~~ 27. "Related services" means those supportive services, as defined in 20 United States Code section 1401, that are required to assist a child with a disability who is eligible to receive special education services in order for the child to benefit from special education.

~~29.~~ 28. "Residential special education placement" means the placement of a child with a disability in a public or private residential program, as provided in section 15-765, subsection G, in order to provide necessary special education and related services as specified in the child's individualized education program.

~~30.~~ 29. "Severe mental retardation" means performance on standard measures of intellectual and adaptive behavior measures at least four standard deviations below the mean for children of the same age.

~~31.~~ 30. "Special education" means specially designed instruction that meets the unique needs of a child with a disability and that is provided without cost to the parents of the child.

~~32.~~ 31. "Special education referral" means a written request for an evaluation to determine whether a pupil is eligible for special education services that, for referrals not initiated by a parent, includes documentation of appropriate efforts to educate the pupil in the regular education program.

~~33.~~ 32. "Specially designed instruction" means adapting the content, methodology or delivery of instruction to address the unique needs of a child with a disability and to ensure that child's access to the general curriculum as identified in the academic standards adopted by the state board of education.

~~34.~~ 33. "Specific learning disability" has the same meaning prescribed in 20 United States Code section 1401.

~~35.~~ 34. "Speech/language impairment" means ~~A~~ speech or language impairment as ~~prescribed~~ **DEFINED** in 34 Code of Federal Regulations section ~~300.8~~ **300.7**.

~~36.~~ 35. "State educational agency" means the Arizona department of education.

~~37.~~ 36. "State placing agency" has the same meaning prescribed in section 15-1181.

~~38.~~ 37. "Surrogate parent" means a person who has been appointed by the court or by the department of education pursuant to section 15-763.01 in order to represent a child in decisions regarding special education.

~~39.~~ 38. "Traumatic brain injury":

(a) Means an acquired injury to the brain that is caused by an external physical force and that results in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance.

(b) Applies to open or closed head injuries resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing and speech.

(c) Does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

~~40.~~ 39. "Visual impairment" has the same meaning prescribed in 34 Code of Federal Regulations section ~~300.8~~ 300.7.

~~41.~~ 40. "Ward of the state" has the same meaning prescribed in 20 United States Code section 1401.

Sec. 2. Section 15-901, Arizona Revised Statutes, is amended to read:

15-901. Definitions

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

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

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

(a) "Fractional student" means:

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



1 the kindergarten program shall meet at least three hundred fifty-four hours.  
2 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten  
3 program shall meet at least three hundred fifty-six hours. Lunch periods and  
4 recess periods may not be included as part of the instructional hours unless  
5 the child's individualized education program requires instruction during  
6 those periods and the specific reasons for such instruction are fully  
7 documented. In computing the average daily membership, preschool children  
8 with disabilities and kindergarten students shall be counted as one-half of a  
9 full-time student. For common schools, a part-time student is a student  
10 enrolled for less than the total time for a full-time student as defined in  
11 this section. A part-time common school student shall be counted as  
12 one-fourth, one-half or three-fourths of a full-time student if the student  
13 is enrolled in an instructional program that is at least one-fourth, one-half  
14 or three-fourths of the time a full-time student is enrolled as defined in  
15 subdivision (b) of this paragraph.

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

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

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

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

24 (ii) For high schools, except as provided in section 15-105, a student  
25 not graduated from the highest grade taught in the school district, or an  
26 ungraded student at least fourteen years of age by September 1, and enrolled  
27 in at least a full-time instructional program of subjects that count toward  
28 graduation as defined by the state board of education in a recognized high  
29 school. A full-time student shall not be counted more than once for  
30 computation of average daily membership.

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

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

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

40 (ii) For fiscal year 2001-2002, an instructional program that meets at  
41 least a total of seven hundred four hours during the minimum number of days  
42 required and includes at least four subjects each of which, if taught each  
43 school day for the minimum number of days required in a school year, would  
44 meet a minimum of one hundred twenty-two hours a year, or the equivalent, or

one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

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

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

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

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

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

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

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

6. "Daily attendance" means:

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

(i) Of a kindergarten program or ungraded, but not group B children with disabilities, and at least five, but under six, years of age by September 1 attends at least three-quarters of the instructional time

1 scheduled for the day. If the total instruction time scheduled for the year  
2 is at least three hundred forty-six hours but is less than six hundred  
3 ninety-two hours such attendance shall be counted as one-half day of  
4 attendance. If the instructional time scheduled for the year is at least six  
5 hundred ninety-two hours, "daily attendance" means days in which a pupil  
6 attends at least one-half of the instructional time scheduled for the day.  
7 Such attendance shall be counted as one-half day of attendance.

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

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

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

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

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

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

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

39 (d) For high schools or ungraded schools in which the pupil is at  
40 least fourteen years of age by September 1, the attendance of a pupil shall  
41 not be counted as a full day unless the pupil is actually and physically in  
42 attendance and enrolled in and carrying four subjects, each of which, if  
43 taught each school day for the minimum number of days required in a school  
44 year, would meet a minimum of one hundred twenty hours a year, or the  
45 equivalent, that count toward graduation in a recognized high school except

1 as provided in section 15-797 and subdivision (e) of this paragraph.  
 2 Attendance of a pupil carrying less than the load prescribed shall be  
 3 prorated.

4 (e) For high schools or ungraded schools in which the pupil is at  
 5 least fourteen years of age by September 1, the attendance of a pupil may be  
 6 counted as one-fourth of a day's attendance for each sixty minutes of  
 7 instructional time in a subject that counts toward graduation, except that  
 8 attendance for a pupil shall not exceed the pupil's full or fractional  
 9 membership.

10 (f) For homebound or hospitalized, a full day of attendance may be  
 11 counted for each day during a week in which the student receives at least  
 12 four hours of instruction.

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

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

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

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

33 8. "District support level" means the base support level plus the  
 34 transportation support level.

35 9. "Eligible students" means:

36 (a) Students who are transported by or for a school district and who  
 37 qualify as full-time students or fractional students, except students for  
 38 whom transportation is paid by another school district or a county school  
 39 superintendent, and:

40 (i) For common school students, whose place of actual residence within  
 41 the school district is more than one mile from the school facility of  
 42 attendance or students who are admitted pursuant to section 15-816.01 and who  
 43 meet the economic eligibility requirements established under the national  
 44 school lunch and child nutrition acts (42 United States Code sections 1751  
 45 through 1785) for free or reduced price lunches and whose actual place of

1 residence outside the school district boundaries is more than one mile from  
2 the school facility of attendance.

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

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

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

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

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

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

28 12. "High school district" means a political subdivision of this state  
29 offering instruction to students for grades nine through twelve or that  
30 portion of the budget of a common school district which is allocated to  
31 teaching high school subjects with permission of the state board of  
32 education.

33 13. "Revenue control limit" means the base revenue control limit plus  
34 the transportation revenue control limit.

35 14. "Student count" means average daily membership as prescribed in  
36 this subsection for the fiscal year prior to the current year, except that  
37 for the purpose of budget preparation student count means average daily  
38 membership as prescribed in this subsection for the current year.

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

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

43 17. "Total students transported" means all eligible students  
44 transported from their place of residence to a school transportation pickup  
45 point or to the school of attendance and from the school of attendance or

1 from the school transportation scheduled return point to their place of  
2 residence.

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

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

7 1. "Base" means the revenue level per student count specified by the  
8 legislature.

9 2. "Base level" means:

10 (a) For fiscal year 2006-2007, three thousand one hundred thirty-three  
11 dollars fifty-three cents.

12 (b) For fiscal year 2007-2008, three thousand two hundred twenty-six  
13 dollars eighty-eight cents.

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

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

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

23 6. "DD" MEANS PROGRAMS FOR CHILDREN WITH DEVELOPMENTAL DELAY.

24 7. "ECSD" MEANS PROGRAMS FOR CHILDREN WITH EARLY CHILDHOOD SEVERE  
25 DELAY.

26 ~~6-~~ 8. "ED, MIMR, SLD, SLI and OHI" means programs for children with  
27 emotional disabilities, mild mental retardation, a specific learning  
28 disability, a speech/language impairment and other health impairments.

29 ~~7-~~ 9. "ED-P" means programs for children with emotional disabilities  
30 who are enrolled in private special education programs as prescribed in  
31 section 15-765, subsection D, paragraph 1 or in an intensive school district  
32 program as provided in section 15-765, subsection D, paragraph 2.

33 ~~8-~~ 10. "ELL" means English learners who do not speak English or whose  
34 native language is not English, who are not currently able to perform  
35 ordinary classroom work in English and who are enrolled in an English  
36 language education program pursuant to sections 15-751, 15-752 and 15-753.

37 ~~9-~~ 11. "Full-time equivalent certified teacher" or "FTE certified  
38 teacher" means for a certified teacher the following:

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

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

44 ~~10-~~ 12. "Group A" means educational programs for career exploration, a  
45 specific learning disability, an emotional disability, mild mental

1 retardation, remedial education, a speech/language impairment, homebound,  
 2 bilingual, preschool moderate delay, preschool speech/language delay, other  
 3 health impairments and gifted pupils.

4 ~~11.~~ 13. "Group B" means educational improvements for pupils in  
 5 kindergarten programs and grades one through three, educational programs for  
 6 autism, a hearing impairment, moderate mental retardation, multiple  
 7 disabilities, multiple disabilities with severe sensory impairment,  
 8 orthopedic impairments, preschool severe delay, severe mental retardation and  
 9 emotional disabilities for school age pupils enrolled in private special  
 10 education programs or in school district programs for children with severe  
 11 disabilities or visual impairment and English learners enrolled in a program  
 12 to promote English language proficiency pursuant to section 15-752.

13 ~~12.~~ 14. "HI" means programs for pupils with hearing impairment.

14 ~~13.~~ 15. "Homebound" or "hospitalized" means a pupil who is capable of  
 15 profiting from academic instruction but is unable to attend school due to  
 16 illness, disease, accident or other health conditions, who has been examined  
 17 by a competent medical doctor and who is certified by that doctor as being  
 18 unable to attend regular classes for a period of not less than three school  
 19 months or a pupil who is capable of profiting from academic instruction but  
 20 is unable to attend school regularly due to chronic or acute health problems,  
 21 who has been examined by a competent medical doctor and who is certified by  
 22 that doctor as being unable to attend regular classes for intermittent  
 23 periods of time totaling three school months during a school year. The  
 24 medical certification shall state the general medical condition, such as  
 25 illness, disease or chronic health condition, that is the reason that the  
 26 pupil is unable to attend school. Homebound or hospitalized includes a  
 27 student who is unable to attend school for a period of less than three months  
 28 due to a pregnancy if a competent medical doctor, after an examination,  
 29 certifies that the student is unable to attend regular classes due to risk to  
 30 the pregnancy or to the student's health.

31 ~~14.~~ 16. "K" means kindergarten programs.

32 ~~15.~~ 17. "K-3" means kindergarten programs and grades one through  
 33 three.

34 ~~16.~~ 18. "MD-R, A-R and SMR-R" means resource programs for pupils with  
 35 multiple disabilities, autism and severe mental retardation.

36 ~~17.~~ 19. "MD-SC, A-SC and SMR-SC" means self-contained programs for  
 37 pupils with multiple disabilities, autism and severe mental retardation.

38 ~~18.~~ 20. "MDSSI" means a program for pupils with multiple disabilities  
 39 with severe sensory impairment.

40 ~~19.~~ 21. "MOMR" means programs for pupils with moderate mental  
 41 retardation.

42 ~~20.~~ 22. "OI-R" means a resource program for pupils with orthopedic  
 43 impairments.

44 ~~21.~~ 23. "OI-SC" means a self-contained program for pupils with  
 45 orthopedic impairments.



~~22. "PSD" means preschool programs for children with disabilities as provided in section 15-771.~~

~~23. "P-SD" means programs for children who meet the definition of preschool severe delay as provided in section 15-771.~~

24. "Qualifying tax rate" means the qualifying tax rate specified in section 15-971 applied to the assessed valuation used for primary property taxes.

25. "Small isolated school district" means a school district which meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains no school which is fewer than thirty miles by the most reasonable route from another school, or, if road conditions and terrain make the driving slow or hazardous, fifteen miles from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small isolated school district by the superintendent of public instruction.

26. "Small school district" means a school district which meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains at least one school which is fewer than thirty miles by the most reasonable route from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small school district by the superintendent of public instruction.

27. "Transportation revenue control limit" means the transportation revenue control limit computed as prescribed in section 15-946.

28. "Transportation support level" means the support level for pupil transportation operating expenses as provided in section 15-945.

29. "VI" means programs for pupils with visual impairments.

30. "Voc. Ed." means career and technical education and vocational education programs, as defined in section 15-781.

Sec. 3. Section 15-943, Arizona Revised Statutes, is amended to read: 15-943. Base support level

The base support level for each school district shall be computed as follows:

1. The following support level weights shall be used in paragraph 2, subdivision (a) for the following school districts:

(a) For school districts whose student count in kindergarten programs and grades one through eight is classified in column 1 of this subdivision, the support level weight for kindergarten programs and grades one through eight is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

(b) For school districts whose student count in grades nine through twelve is classified in column 1 of this subdivision, the support level weight for grades nine through twelve is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight	Support Level Weight
	For Small Isolated	For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows:

					Support Level Weight	Student Count		Weighted Student Count
<u>Grade</u>	<u>Base</u>		<u>Group A</u>		<u>Weight</u>	<u>Count</u>		<u>Count</u>
PSD	1.000	+	0.450	=	1.450	x	=	
K-8	1.000	+	0.158	=	1.158	x	=	
9-12	1.163	+	0.105	=	1.268	x	=	
						Subtotal	A	

					Support Level Weight	Student Count		Weighted Student Count
<u>Funding Category</u>					<u>Weight</u>	<u>Count</u>		<u>Count</u>
HI					4.771	x	=	
K, for fiscal year 2006-2007					0.835	x	=	
K, for fiscal year 2007-2008 and each fiscal year thereafter					1.352	x	=	
K-3					0.060	x	=	
ELL					0.115	x	=	

1	MD-R, A-R and					
2	SMR-R	6.024	x	_____	=	_____
3	MD-SC, A-SC and					
4	SMR-SC	5.833	x	_____	=	_____
5	MD-SSI	7.947	x	_____	=	_____
6	OI-R	3.158	x	_____	=	_____
7	OI-SC	6.773	x	_____	=	_____
8	<del>P-SD</del> ECSD	3.595	x	_____	=	_____
9	DD, ED, MIMR, SLD,					
10	SLI and OHI	0.003	x	_____	=	_____
11	ED-P	4.822	x	_____	=	_____
12	MOMR	4.421	x	_____	=	_____
13	VI	4.806	x	_____	=	_____
14				Subtotal	B	_____
15	(c) Total of subtotals A and B: _____					
16	3. Multiply the total determined in paragraph 2 by the base level.					
17	4. Multiply the teacher experience index of the district or 1.00,					
18	whichever is greater, by the product obtained in paragraph 3.					
19	Sec. 4. <u>Conforming legislation</u>					
20	The legislative council staff shall prepare proposed legislation					
21	conforming the Arizona Revised Statutes to the provisions of this act for					
22	consideration in the forty-ninth legislature, first regular session.					