

2011 Legislative Summary

ARIZONA STATE SENATE
Fiftieth Legislature, First Regular Session
(Includes Special Sessions 1, 2 and 3)
Russell Pearce, President



CONVENED: January 10, 2011
ADJOURNED SINE DIE: April 20, 2011
GENERAL EFFECTIVE DATE: July 20, 2011

Education Committee

Senator Rich Crandall, Chairman



Liisa Laikko, Research Analyst
Sharon Langford, Assistant Analyst
Aiden Fleming, Intern

EDUCATION COMMITTEE

LEGISLATION ENACTED

medical student loans; board; continuation (S.B. 1042) – Chapter 16

SEE THE HEALTHCARE AND MEDICAL LIABILITY REFORM COMMITTEE.

character education special plate fund (S.B. 1053) – Chapter 320

Allows the Arizona Department of Education to use up to 10 percent of monies in the Character Education Special Plate Fund for administrative costs, and modifies the plate proceeds distribution for the *In God We Trust* special plates. Creates the following special license plates: Arizona Professional Hockey Club; Arizona Public Broadcast Television; Childhood Cancer Research; Global Graduate Management School; Hunger Relief; Law Enforcement; Litter Prevention and Cleanup; Multiple Sclerosis Awareness; and Youth Development Organization.

character education grants; administrative costs (S.B. 1055) – Chapter 223

Allows, retroactive to July 1, 2010, the Arizona Department of Education to retain up to seven percent of Character Education Matching Grants money for program administration. Continues the Character Education Matching Grants program permanently.

~~displaced pupils choice grants; continuation (NOW: universities; taxpayer funded programs; restrictions) (S.B. 1116)~~ – Chapter 158

Prohibits a person acting on behalf of a university from using university resources to advocate support for or opposition to pending or proposed legislation. Prohibits universities under ABOR's jurisdiction from providing publicly funded programs, or allowing publicly funded organizations on campus, if the purpose is to advocate for a specified public policy. Outlines exceptions including a registered lobbyist advocating on behalf of the university or ABOR, any university employee who expresses a personal opinion, student produced media, recognized student government clubs or organizations and activities of university employees that involve the study of information that recommends public policy.

~~technical correction; escape; secure facility (NOW: schools; residency requirements) (S.B. 1141)~~ – Chapter 205

SEE THE APPROPRIATIONS COMMITTEE.

homeschools; designation (S.B. 1152) – Chapter 19

Modifies the definition of *homeschool* by clarifying that homeschooling is a form of private education.

EDUCATION COMMITTEE (Cont'd.)

small transportation school districts; dissolution (S.B. 1205) – Chapter 21

Establishes a process for a small transportation school district that transports fewer than 10 pupils annually to another school district to revert to an unorganized territory. Allows the school district's governing board to request the county school superintendent call an election to dissolve the district and specifies requirements for the election.

community college districts; alternative formation (S.B. 1213) – Chapter 248

Effective October 1, 2011, allows a county that does not meet the requirements to form a community college district to establish a district if specified requirements are met. Adds that a provisional community college that converts to a community college district pursuant to this act is required to maintain a regional accreditation and oversight relationship with another district until the new district has achieved initial candidacy status from an accreditation agency.

Permits the governing board of a provisional community college district that converts to a community college district pursuant to this act to call an election to increase the property tax levy for the district. The election must be held on a general election date and the tax levy may not be increased again once it is passed by the voters.

Prohibits community college districts formed pursuant to this act from receiving state equalization aid. For a community college district that is formed under the provisions of this act and that contracts with another district for accreditation purposes, the full-time equivalent student (FTSE) enrollment of the new district shall be added to the FTSE enrollment of the other district for the purposes of distribution of Workforce Development monies until the new district achieves initial candidacy status for accreditation.

shared revenues; provisional community colleges (S.B. 1217) – Chapter 249

SEE THE APPROPRIATIONS COMMITTEE.

education; omnibus (S.B. 1256) – Chapter 306

Suspends the July 1, 2011 implementation of Laws 2010, Chapter 318, which modified the method for calculating Average Daily Membership (ADM), until July 1, 2012. Under the new method, ADM is defined as the average of the total enrollment of fractional and full-time students who are enrolled on four specific days: September 15, November 15, January 15 and March 15. Clarifies language relating to early kindergarten students (students who are not five years old before September 1) who enroll in kindergarten but withdraw and re-enroll the following year to allow state aid to be apportioned between the two years. Continues to limit funding to one year of kindergarten. Makes numerous additional technical and conforming changes to statutes relating to education.

schools; administrative tasks; reduction (S.B. 1263) – Chapter 344

School District Governing Boards – Reduces the timeframe from 30 days to 10 days for a governing board to provide notice of a public meeting to discuss the closure of a school, and schedule a meeting to discuss a school closure prior to a public meeting to vote on the closure. Allows a school district that qualifies as a small district under statute, if permitted by federal law, to opt out of federal grant opportunities if the school's governing body determines that the federal

EDUCATION COMMITTEE (Cont'd.)

requirements impose *unduly burdensome* reporting requirements. Prohibits State Board of Education rules from requiring school districts to obtain bid security for construction-manager-at-risk services. Allows school districts to enter into contracts for materials, services and job-order contracting construction services if the provisions pertaining to renewal or extension are included in the request for proposal.

Charter Schools – Allows a charter school, if permitted by federal law, to opt out of federal grant opportunities if the charter holder or school's governing body determines that the federal requirements impose unduly burdensome reporting requirements. Allows the State Board for Charter Schools to accept gifts or grants of monies or real or personal property from public or private sources. Requires charter schools to change auditors at least every six years.

School District and Charter School Budgets – Sets the Classroom Site Fund (CSF) per pupil amount at \$120 for FY 2012. Exempts those school districts and charter schools that used non-CSF monies for teacher compensation in FY 2012, due to adjustments for prior year CSF shortfalls, from maintaining the higher level of spending in FY 2013. Allows school districts to calculate their Revenue Control Limit for purposes of determining their authorized budget override capacity for FY 2012 and FY 2013 using: a) the greater of the actual base level funding plus the statutory inflation factor or the FY 2011 base level of \$3,267.72; and b) the weighted student count for kindergarten students using a group B kindergarten weight of 1.352.

Bonding – Increases the Class B bonding capacity for school districts from five to ten percent and for unified school districts from ten to twenty percent. The increased limitations only apply to bonds approved by voters before April 15, 2011 and the revenue from these bonds may only be spent for capital purposes and cannot be used for maintenance and operations expenses. Permits a school district governing board to hold an election to change the list of capital projects or purposes authorized by prior voter approval to issue bonds, or extend from six years to ten years the time period to issue Class B bonds authorized in 2009 or earlier.

Personnel Policies – Specifies that employment contracts for school superintendents shall be structured so that up to 20 percent of the superintendent's annual salary is classified as performance pay.

Miscellaneous – Exempts academic competitions conducted by school districts and charter schools that award cash, prizes and scholarships from gambling regulations. Changes the CSF report required by school districts and charter schools to a district-wide report instead of a per school report. Changes the date on which county school superintendents must file an estimate of the amount of school monies required by each school district for the ensuing year with the Property Tax Oversight Commission from August 1 to the date the board of supervisors adopts the tax rate for the year. Allows a school district governing board to consult with the School Facilities Board for technical assistance and information on the impact of closing a school. Requires the State Board of Education to allow automatic certification reciprocity for teachers who provide Arizona Online Instruction if they are certified in a state that provides similar instruction.

provisional community colleges; levy limit (S.B. 1295) – Chapter 233

SEE THE WATER, LAND USE AND RURAL DEVELOPMENT COMMITTEE.

EDUCATION COMMITTEE (Cont'd.)

schools; dropout recovery programs (S.B. 1303) – Chapter 270

Effective July 1, 2012, allows charter schools and school districts at the high school level to offer a specialized program for students who have dropped out of school and then return. Requires the State Board of Education to prescribe standards and requirements for the dropout recovery program. States that program attendance and funding is based on Average Daily Attendance. Funding received by schools for program students shall not exceed 1.0 average daily membership. Allows a school district or charter school to contract with an educational management organization to provide the program.

high school; board examination systems (S.B. 1451) – Chapter 310

Makes numerous changes to the Grand Canyon Diploma (GCD) program and the statutes controlling the private organization that operates and administers the Board Examination Systems (BES) for the GCD program.

Private BES Provider – Requires the private BES provider to collaborate instead of contract with a national organization that provides technical assistance to develop an interstate system of BES. Requires school district governing boards and charter schools to collaborate with the designated private organization that provides BES. Updates the criteria for the approved BES that are included in the interstate compact on BES.

Students Earning a GCD – Allows community colleges to require students who earned a GCD and are admitted to the community college to take remedial courses after admission. Permits the school district or charter school where a student earned a GCD to count that student in its average daily membership (ADM) and receive funding for that student through the time that the student would have finished twelfth grade if that student is enrolled as a full-time community college student. Requires a school district or charter school to reimburse a community college 20 percent of the ADM amount that is received for a student who earned a GCD and left the school before the end of the twelfth grade to enroll full-time at a community college. A student who earns a GCD is responsible for tuition at the community college. Requires, for GCD students who earn a GCD and receive instruction at a community college, the funding and implementation issues between the school district or a charter school and the community college be determined by an agreement between the parties involved. Outlines how districts may spend the remaining 80 percent of the ADM from a GCD student.

Students who are eligible for a GCD shall not be prevented from enrolling in high school after becoming eligible in order to take advanced preparation board examinations. If a student who earns a GCD enrolls in a full-time career and technical education program provided by a Joint Technical Education District (JTED), the total ADM for that student shall not exceed 1.25. A student who earns a GCD cannot be prevented from enrolling in high school after earning a GCD.

schools; parents' rights (NOW: parents' rights; schools) (SB 1453) – Chapter 134

Grants a parent of a student in a public educational institution the right to remove his or her child from an educational setting where the parent finds the instructional material to be harmful or objectionable. States that a parent of a student in a public educational institution has the right to review learning material and activities in advance and requires a public educational institution to obtain signed, written consent from a parent or guardian before using video, audio or electronic

EDUCATION COMMITTEE (Cont'd.)

materials that may be inappropriate for the age of the student. Permits a charter school to require parents to waive their right to object to learning material if the school provides a complete list of materials for review each year before enrollment. A parent has the right to object to learning material if it was not disclosed prior to enrollment.

schools; head injury policies; athletics (S.B. 1521) – Chapter 167

Directs school district governing boards, in consultation with a statewide private entity, to develop and provide guidelines, forms and information to educate involved parties of the risks of continued participation in athletics following concussions. Additionally, requires parents of students who participate in school athletics to sign an annual information form stating their awareness of the dangers of concussions. Mandates that a student be removed from an athletic event, practice or other interscholastic athletic activity if the student is suspected of having sustained a concussion and stipulates that a student athlete may return to play if a licensed health care provider clears that athlete for return.

education; Arizona empowerment accounts. (S.B. 1553) – Chapter 75

Prescribes rules and requirements for the Arizona Empowerment Scholarship Accounts (Account) Program pertaining to special education students. The Accounts require the State of Arizona to deposit monies to each Account equal to 90 percent of base support levels that otherwise be allocated for that student. Additionally, requires a parent of a qualified student to sign a written agreement in order for his or her child to receive an Account. Defines a *qualified student* as: a) a resident of Arizona with a disability who is a full-time student attending a governmental primary or secondary school for at least 100 days of the prior fiscal year; b) a student who receives a scholarship from an School Tuition Organization intended for a student with a disability and continues to attend a qualified school; or c) a student who has previously participated in the Empowerment Scholarship Account program.

~~K-12 education; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; K-12 education; 2011-2012) (S.B. 1617) – Chapter 29

SEE THE APPROPRIATIONS COMMITTEE.

~~higher education; 2011-2012; budget reconciliation~~ (NOW: budget reconciliation; higher education; 2011-2012) (S.B. 1618) – Chapter 30

SEE THE APPROPRIATIONS COMMITTEE.

charter schools; age restricted communities (H.B. 2197) – Chapter 15 E

An emergency measure, effective April 6, 2011, stating that charter schools shall not be established or operated on commercial or residential property located in an age restricted community in unincorporated territory.

EDUCATION COMMITTEE (Cont'd.)

school districts; consolidation; textbooks (NOW: study committee; unification; consolidation) (H.B. 2219) – Chapter 215

Establishes a 16-member study committee on school district unification and consolidation. Requires the committee to develop legislation for consideration in the next legislative session designed to encourage the unification and consolidation of existing school districts. Repeals the Committee on October 1, 2012.

persistently lowest achieving schools (HB 2234) – Chapter 49

Permits the State Board of Education to give a persistently lowest achieving school a grade of “F” to conform with AZLEARNS.

JTEDs; ADM; student count (H.B. 2237) – Chapter 258

Replaces average daily attendance (ADA) with average daily membership (ADM) for Joint Technical Education Districts (JTEDs). Specifies that each approved JTED course equals 0.25 ADM unless the class is taught for 150 minutes on a JTED main campus, in which case the class equals 0.75 ADM. Permits JTEDs to use property tax monies to fund ninth grade students who attend JTEDs. Allows students to attend a JTED that falls outside of the student’s district if the school district pays tuition to a member district of JTED. Specifies that a JTED’s student count is equal to its ADM beginning in FY 2012.

schools; instructional salaries; soft capital (NOW: soft capital; uses) (H.B. 2301) – Chapter 195

Removes the statutory restrictions on schools’ use of soft capital allocation monies. For FYs 2012 and 2013, allows 50 percent of unencumbered extracurricular activities (ECA) tax credits to be used for short term capital items. Specifies that ECA contributions that are not used for two consecutive fiscal years become undesignated monies in the following fiscal year. Schools may only use unencumbered ECA credits received before TY 2011 for these purposes. Expands reporting requirements for school that use ECA tax credits.

schools; bullying policies (H.B. 2415) – Chapter 196

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

school districts; budgets; financial reports (H.B. 2421) – Chapter 197

Requires school districts to submit specific financial reports to the Arizona Department of Education (ADE) for posting on ADE’s official website. Reports that will be posted are the school district’s annual financial report for the previous fiscal year including any fund expenditures from the most recent override election, the school district’s proposed budget and the finalized budget. ADE is required to begin posting these documents within six months of the effective date of this act. Requires that school districts update voters on the use of monies spent as authorized by a maintenance and override election as part of the annual meeting currently required to update voters on the monies spent as authorized by a capital outlay override.

EDUCATION COMMITTEE (Cont'd.)

postsecondary education; students' rights (H.B. 2565) – Chapter 337

States that a university or community college shall not discriminate or adopt policy that penalizes or punishes a student on the basis of the student's religious viewpoint, expression or belief. Also requires that a student who engages in religious expression through a classroom assignment in which the student's viewpoint is requested to be graded based on ordinary academic standards for that assignment. Additionally, enables a religious or political student organization to determine its own internal affairs. Requires a university or community college to give equal access and recognition to all student organizations and to not discriminate on the basis of religion, politics, philosophical ideology, worship practices or other content of the group's speech. Prohibits a community college or university from discriminating against or disciplining a student in a counseling, social work or psychology program because of the student's refusal to counsel a client about goals that conflict with the student's religious belief or moral objection. Prohibits a community college or university from restricting in a public forum a student's right to speak, hold a sign or distribute flyers. Allows a community college or university to restrict speech in a public forum if it furthers a compelling governmental interest and it is the least restrictive means of furthering the governmental interest.

high schools; military recruiting; form (H.B. 2587) – Chapter 302

If a charter school or school district permits the release of student directory information to individuals and entities providing information relating to postsecondary opportunities, the information must be provided by October 31 of each year. Requires the Arizona Department of Education (ADE) to design and provide a form allowing pupils to consent to the release of directory information to postsecondary institutions and the military. Instructs school districts and charter schools to annually distribute the form provided by ADE to students separately from any other form. School districts or charter schools that distribute forms electronically or on a website may deliver this form in the same manner.

JTEDs; adult students (H.B. 2646) – Chapter 203

SEE THE APPROPRIATIONS COMMITTEE.

~~education; Arizona empowerment accounts (NOW: supplementary reading instruction; teachers)~~ (H.B. 2706) – Chapter 221

Directs the State Board of Education to implement guidelines for supplementary training in reading instruction for teachers in schools that receive a label of "underperforming" or "D" who teach kindergarten or grades one, two or three as part of an improvement plan.

study committee; outcome-based funding (H.B. 2710) – Chapter 80 E

An emergency measure, effective April 12, 2011, establishing a 13-member study committee on outcome-based funding for schools. Requires the committee to develop legislation for consideration in the next legislative session that is designed to transition public school funding from a system based on instructional hours to a system based on student achievement.

EDUCATION COMMITTEE (Cont'd.)

LEGISLATION VETOED

WICHE student loans; repayment (S.B. 1386) – VETOED

SEE THE APPROPRIATIONS COMMITTEE.

board of supervisors; powers (H.B. 2067) – VETOED

SEE THE JUDICIARY COMMITTEE.

STOs; credits; administration (H.B. 2581/S.B. 1312) – VETOED

SEE THE FINANCE COMMITTEE.