Senate Engrossed House Bill

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KEN BENNETT
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CHAPTER 174

HOUSE BILL 2129

AN ACT

AMENDING SECTION 15-808, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 17, SECTION 11; RELATING TO ARIZONA ONLINE INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-808, Arizona Revised Statutes, as amended by Laws 2010, chapter 17, section 11, is amended to read:

15-808. Arizona online instruction; reports; definitions

A. Arizona online instruction shall be instituted to meet the needs of pupils in the information age. The state board of education shall select traditional public schools and the state board for charter schools shall sponsor charter schools to be online course providers or online schools. The state board of education and the state board for charter schools shall jointly develop standards for the approval of online course providers and online schools based on the following criteria:

1. The depth and breadth of curriculum choices.

2. The variety of educational methodologies employed by the school and the means of addressing the unique needs and learning styles of targeted pupil populations, including computer assisted learning systems, virtual classrooms, virtual laboratories, electronic field trips, electronic mail, virtual tutoring, online help desk, group chat sessions and noncomputer based activities performed under the direction of a certificated teacher.

3. The availability of an intranet or private network to safeguard pupils against predatory and pornographic elements of the internet.

4. The availability of filtered research access to the internet.

5. The availability of private individual electronic mail between pupils, teachers, administrators and parents in order to protect the confidentiality of pupil records and information.

6. The availability of faculty members who are experienced with computer networks, the internet and computer animation.

7. The extent to which the school intends to develop partnerships with universities, community colleges and private businesses.

8. The services offered to developmentally disabled populations.

9. The grade levels that will be served.

B. Each new school that provides online instruction shall provide online instruction on a probationary status. After a new school that provides online instruction has clearly demonstrated the academic integrity of its instruction through the actual improvement of the academic performance of its students, the school may apply to be removed from probationary status. The state board of education or the state board for charter schools shall remove from Arizona online instruction any probationary school that fails to clearly demonstrate improvement in academic performance within three years measured against goals in the approved application and the state's accountability system. The state board of education and the state board for charter schools shall review the effectiveness of each participating school and other information that is contained in the annual report prescribed in subsection D of this section. All pupils who participate in Arizona online instruction shall reside in this state. Pupils who participate in Arizona online instruction are subject to the testing requirements prescribed in

chapter 7, article 3 of this title. Upon enrollment, the school shall notify the parents or guardians of the pupil of the state testing requirements. If a pupil fails to comply with the testing requirements and the school administers the tests pursuant to this subsection to less than ninety-five per cent of the pupils in Arizona online instruction, the pupil shall not be allowed to participate in Arizona online instruction.

C. Beginning July 1, 2010, the state board of education and the state board for charter schools shall develop annual reporting mechanisms for schools that participate in Arizona online instruction.

D. The department of education shall compile the information submitted in the annual reports by schools participating in Arizona online instruction. The department of education shall submit the compiled report to the governor, the speaker of the house of representatives and the president of the senate by November 15 of each year.

E. Each school selected for Arizona online instruction shall ensure that a daily log is maintained for each pupil who participates in Arizona online instruction. The daily log shall describe the amount of time spent by each pupil participating in Arizona online instruction pursuant to this section on academic tasks. The daily log shall be used by the school district or charter school to qualify the pupils who participate in Arizona online instruction in the school's average daily attendance calculations pursuant to section 15-901.

F. If a pupil is enrolled in a school district or charter school and also participates in Arizona online instruction, the sum of the average daily membership, which includes enrollment as prescribed in section 15-901, subsection A, paragraph 2, subdivisions (a) and (b) and daily attendance as prescribed in section 15-901, subsection A, paragraph 6, for that pupil in the school district or charter school and in Arizona online instruction shall not exceed 1.0. If the pupil is enrolled in a school district or a charter school and also participates in Arizona online instruction and the sum of the daily membership or daily attendance for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and shall be apportioned between the school district, unless the school district is a joint technical education district subject to the apportionment requirements of section 15-393, or charter school and Arizona online instruction based on the percentage of total time that the pupil is enrolled or in attendance in the school district or charter school and Arizona online instruction. The uniform system of financial records shall include guidelines for the apportionment of the pupil enrollment and attendance as provided in this subsection. Pupils in Arizona online instruction do not incur absences for purposes of section 15-901 and may generate an average daily attendance of 1.0 for attendance hours during any hour of the day, during any day of the week and at any time between July 1 and June 30 of each fiscal year. For kindergarten programs and grades one through eight, average daily membership shall be calculated by dividing the instructional hours as reported in the daily log required in subsection E of

this section by the applicable hourly requirements prescribed in section 15-901. For grades nine through twelve, average daily membership shall be calculated by dividing the instructional hours as reported in the daily log required in subsection E of this section by nine hundred. The average daily membership of a pupil who participates in online instruction shall not exceed 1.0. Average daily membership shall not be calculated on the one hundredth day of instruction for the purposes of this section. Funding shall be determined as follows:

1. A pupil who is enrolled full-time in Arizona online instruction shall be funded for online instruction at ninety-five per cent of the base support level that would be calculated for that pupil if that pupil were enrolled as a full-time student in a school district or charter school that does not participate in Arizona online instruction. Additional assistance, capital outlay revenue limit and soft capital allocation limit shall be calculated in the same manner they would be calculated if the student were enrolled in a district or charter school that does not participate in Arizona online instruction. ~~A pupil enrolled in Arizona online instruction shall be considered full-time if the pupil's average instructional hours, as reported in the daily log required in subsection E of this section, exceed one hundred nineteen minutes for kindergarten programs, two hundred thirty-eight minutes for grades one through three, two hundred ninety-seven minutes for grades four through six, three hundred fifty-six minutes for grades seven and eight and three hundred minutes for grades nine through twelve.~~

2. A pupil who is enrolled part-time in Arizona online instruction shall be funded for online instruction at eighty-five per cent of the base support level that would be calculated for that pupil if that pupil were enrolled as a part-time student in a school district or charter school that does not participate in Arizona online instruction. Additional assistance, capital outlay revenue limit and soft capital allocation limit shall be calculated in the same manner they would be calculated if the student were enrolled in a district or charter school that does not participate in Arizona online instruction. ~~A pupil enrolled in Arizona online instruction shall be considered part-time if the pupil's average instructional hours, as reported in the daily log required in subsection E of this section, are less than the hours required for a full-time pupil pursuant to paragraph 1 of this subsection.~~

G. If the academic achievement of a pupil declines while the pupil is participating in Arizona online instruction, the pupil's parents, the pupil's teachers and the principal or head teacher of the school shall confer to evaluate whether the pupil should be allowed to continue to participate in Arizona online instruction.

H. To ensure the academic integrity of pupils who participate in online instruction, Arizona online instruction shall include multiple diverse assessment measures and the proctored administration of required state standardized tests.

I. For the purposes of this section:

1. "FULL-TIME STUDENT" MEANS:

(a) A STUDENT WHO IS AT LEAST FIVE YEARS OF AGE BEFORE SEPTEMBER 1 OF A SCHOOL YEAR AND WHO IS ENROLLED IN A SCHOOL KINDERGARTEN PROGRAM THAT MEETS AT LEAST THREE HUNDRED FORTY SIX HOURS DURING THE SCHOOL YEAR.

(b) A STUDENT WHO IS AT LEAST SIX YEARS OF AGE BEFORE SEPTEMBER 1 OF A SCHOOL YEAR, WHO HAS NOT GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE SCHOOL AND WHO IS REGULARLY ENROLLED IN A COURSE OF STUDY REQUIRED BY THE STATE BOARD OF EDUCATION. THE INSTRUCTIONAL PROGRAM SHALL MEET AT LEAST EIGHT HUNDRED NINETY HOURS DURING THE SCHOOL YEAR.

(c) SEVENTH AND EIGHTH GRADE STUDENTS OR UNGRADED STUDENTS WHO ARE AT LEAST TWELVE, BUT UNDER FOURTEEN, YEARS OF AGE ON OR BEFORE SEPTEMBER 1 AND WHO ARE ENROLLED IN AN INSTRUCTIONAL PROGRAM OF COURSES THAT MEETS AT LEAST ONE THOUSAND SIXTY-EIGHT HOURS DURING THE SCHOOL YEAR.

(d) FOR HIGH SCHOOLS, EXCEPT AS PROVIDED IN SECTION 15-105, A STUDENT NOT GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE SCHOOL DISTRICT, OR AN UNGRADED STUDENT AT LEAST FOURTEEN YEARS OF AGE ON OR BEFORE SEPTEMBER 1, AND WHO IS ENROLLED IN AT LEAST FOUR COURSES THROUGHOUT THE YEAR THAT MEET AT LEAST NINE HUNDRED HOURS DURING THE SCHOOL YEAR. A FULL-TIME STUDENT SHALL NOT BE COUNTED MORE THAN ONCE FOR COMPUTATION OF AVERAGE DAILY MEMBERSHIP.

~~1.~~ 2. "Online course provider" means a school other than an online school that is selected by the state board of education or the state board for charter schools to participate in Arizona online instruction pursuant to this section and that provides at least one online academic course that is approved by the state board of education.

~~2.~~ 3. "Online school" means a school that provides at least four online academic courses or one or more online courses for the equivalent of at least five hours each day for one hundred eighty school days and that is a charter school that is sponsored by the state board for charter schools or a traditional public school that is selected by the state board of education to participate in Arizona online instruction.

4. "PART-TIME STUDENT" MEANS:

(a) ANY STUDENT WHO IS ENROLLED IN A PROGRAM THAT DOES NOT MEET THE DEFINITION IN PARAGRAPH 1 OF THIS SUBSECTION SHALL BE FUNDED AT EIGHTY-FIVE PER CENT OF THE BASE SUPPORT LEVEL THAT WOULD BE CALCULATED FOR THAT PUPIL IF THAT PUPIL WERE ENROLLED AS A PART-TIME STUDENT IN A SCHOOL DISTRICT OR CHARTER SCHOOL THAT DOES NOT PARTICIPATE IN ARIZONA ONLINE INSTRUCTION.

(b) FOR STUDENTS IN GRADES ONE THROUGH SIX, A PART-TIME STUDENT OF SEVENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST THREE SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST SIX HUNDRED SIXTY-EIGHT INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF FIFTY PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST TWO SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST FOUR HUNDRED FORTY-FIVE INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF TWENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST ONE SUBJECT

THROUGHOUT THE YEAR THAT OFFERS AT LEAST TWO HUNDRED TWENTY-THREE INSTRUCTIONAL HOURS IN A SCHOOL YEAR.

(c) FOR SEVENTH AND EIGHTH GRADE STUDENTS, A PART-TIME STUDENT OF SEVENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST THREE SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST EIGHT HUNDRED ONE INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF FIFTY PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST TWO SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST FIVE HUNDRED THIRTY-FOUR INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF TWENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST ONE SUBJECT THROUGHOUT THE YEAR THAT OFFERS AT LEAST TWO HUNDRED SIXTY-SEVEN INSTRUCTIONAL HOURS IN A SCHOOL YEAR.

(d) FOR HIGH SCHOOL STUDENTS, A PART-TIME STUDENT OF SEVENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST THREE SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST SIX HUNDRED SEVENTY-FIVE INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF FIFTY PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST TWO SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST FOUR HUNDRED FIFTY INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF TWENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST ONE SUBJECT THROUGHOUT THE YEAR THAT OFFERS AT LEAST TWO HUNDRED TWENTY-FIVE INSTRUCTIONAL HOURS IN A SCHOOL YEAR.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.