Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 312

SENATE BILL 1361

AN ACT

AMENDING SECTIONS 15-346 AND 15-901, ARIZONA REVISED STATUTES; RELATING TO STUDENTS WITH CHRONIC HEALTH PROBLEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-346, Arizona Revised Statutes, is amended to read:

15-346. Policies and procedures concerning pupils with chronic health problems; definition

A. The governing board shall adopt policies and procedures concerning pupils with chronic health problems in consultation with parents, teachers and at least one health professional. The policies and procedures shall be designed to provide continuing learning for pupils with chronic health problems while they are absent from school and to provide for the integration of pupils with chronic health problems into the regular education program as much as possible. The policies and procedures shall include provisions for:

1. Homework availability to ensure that pupils with chronic health problems have the opportunity to keep up with assignments and avoid losing credit because of their absence from school.

2. Flexibility in physical education activity requirements so that pupils with chronic health problems may participate in the regular physical education program to the extent that their health permits.

B. For the purpose of this section, "pupils with chronic health problems" means:

1. Pupils who are unable to attend regular classes for intermittent periods of one or more consecutive days because of illness, disease, PREGNANCY COMPLICATIONS, or accident but who are not homebound. The chronic health problem shall be certified by a person licensed under title 32, chapter 7, 13 or 17.

2. PUPILS WHO HAVE AN INFANT WITH A SEVERE HEALTH PROBLEM. THE SEVERE HEALTH PROBLEM OF THE INFANT SHALL BE CERTIFIED BY A PERSON LICENSED UNDER TITLE 32, CHAPTER 7, 13 OR 17.

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

1 least three hundred sixty minutes each week or a kindergarten student at
2 least five years of age prior to January 1 of the school year and enrolled
3 in a school kindergarten program that meets at least three hundred forty-six
4 instructional hours during the minimum number of days required in a school
5 year as provided in section 15-341. In fiscal year 2001-2002, the
6 kindergarten program shall meet at least three hundred forty-eight hours. In
7 fiscal year 2002-2003, the kindergarten program shall meet at least three
8 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
9 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
10 the kindergarten program shall meet at least three hundred fifty-four hours.
11 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten
12 program shall meet at least three hundred fifty-six hours. Lunch periods and
13 recess periods may not be included as part of the instructional hours unless
14 the child's individualized education program requires instruction during
15 those periods and the specific reasons for such instruction are fully
16 documented. In computing the average daily membership, preschool children
17 with disabilities and kindergarten students shall be counted as one-half of
18 a full-time student. For common schools, a part-time student is a student
19 enrolled for less than the total time for a full-time student as defined in
20 this section. A part-time common 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 the time a full-time student is enrolled as defined in
24 subdivision (b) of this paragraph.
25 (ii) For high schools, a part-time student who is enrolled in less
26 than four subjects that count toward graduation as defined by the state board
27 of education in a recognized high school and who is taught in less than
28 twenty instructional hours per week prorated for any week with fewer than
29 five school days. A part-time high school student shall be counted as
30 one-fourth, one-half or three-fourths of a full-time student if the student
31 is enrolled in an instructional program that is at least one-fourth, one-half
32 or three-fourths of a full-time instructional program as defined in
33 subdivision (c) of this paragraph.
34 (b) "Full-time student" means:
35 (i) For common schools, a student who is at least six years of age
36 prior to January 1 of a school year, who has not graduated from the highest
37 grade taught in the school district and who is regularly enrolled in a course
38 of study required by the state board of education. Until fiscal year
39 2001-2002, first, second and third grade students, ungraded students at least
40 six, but under nine, years of age by September 1 or ungraded group B children
41 with disabilities who are at least five, but under six, years of age by
42 September 1 must be enrolled in an instructional program that meets for a
43 total of at least six hundred ninety-two hours during the minimum number of
44 days required in a school year as provided in section 15-341. In fiscal year
45 2001-2002, the program shall meet at least six hundred ninety-six hours. In

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

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

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

(c) "Full-time instructional program" means at least four subjects, each of which, if taught each school day for the minimum number of days required in a school year, through fiscal year 2000-2001, would meet a minimum of one hundred twenty hours a year, or the equivalent, or one or more subjects taught in amounts of time totalling at least twenty hours per week

1 prorated for any week with fewer than five school days. For fiscal years
2 after 2000-2001:
3 (i) In fiscal years 2001-2002 and 2002-2003, each subject shall meet
4 at least one hundred twenty-two hours. In fiscal year 2003-2004 and each
5 fiscal year thereafter, each subject shall meet at least one hundred
6 twenty-three hours.
7 (ii) For grades nine, ten and eleven, the total program shall meet at
8 least eight hundred eighty hours in fiscal year 2001-2002. In fiscal year
9 2002-2003, the total program shall meet at least eight hundred eighty-five
10 hours. In fiscal year 2003-2004, the total program shall meet at least eight
11 hundred ninety hours. In fiscal year 2004-2005, the total program shall meet
12 at least eight hundred ninety-five hours. In fiscal year 2005-2006 and each
13 fiscal year thereafter, the total program shall meet at least nine hundred
14 hours.
15 3. "Budget year" means the fiscal year for which the school district
16 is budgeting and which immediately follows the current year.
17 4. "Common school district" means a political subdivision of this
18 state offering instruction to students in programs for preschool children
19 with disabilities and kindergarten programs and grades one through eight.
20 5. "Current year" means the fiscal year in which a school district is
21 operating.
22 6. "Daily attendance" means:
23 (a) For common schools, days in which a pupil:
24 (i) Of a kindergarten program or ungraded, but not group B children
25 with disabilities, and at least five, but under six, years of age by
26 September 1 attends at least three-quarters of the instructional time
27 scheduled for the day. If the total instruction time scheduled for the year
28 is at least three hundred forty-six hours but is less than six hundred
29 ninety-two hours such attendance shall be counted as one-half day of
30 attendance. If the instructional time scheduled for the year is at least six
31 hundred ninety-two hours, "daily attendance" means days in which a pupil
32 attends at least one-half of the instructional time scheduled for the day.
33 Such attendance shall be counted as one-half day of attendance.
34 (ii) Of the first, second or third grades, ungraded and at least six,
35 but under nine, years of age by September 1 or ungraded group B children with
36 disabilities and at least five, but under six, years of age by September 1
37 attends more than three-quarters of the instructional time scheduled for the
38 day.
39 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
40 nine, but under twelve, years of age by September 1 attends more than
41 three-quarters of the instructional time scheduled for the day, except as
42 provided in section 15-797.
43 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
44 but under fourteen, years of age by September 1 attends more than

1 three-quarters of the instructional time scheduled for the day, except as
2 provided in section 15-797.
3 (b) For common schools, the attendance of a pupil at three-quarters
4 or less of the instructional time scheduled for the day shall be counted as
5 follows, except as provided in section 15-797 and except that attendance for
6 a fractional student shall not exceed the pupil's fractional membership:
7 (i) If attendance for all pupils in the school is based on quarter
8 days, the attendance of a pupil shall be counted as one-fourth of a day's
9 attendance for each one-fourth of full-time instructional time attended.
10 (ii) If attendance for all pupils in the school is based on half days,
11 the attendance of at least three-quarters of the instructional time scheduled
12 for the day shall be counted as a full day's attendance and attendance at a
13 minimum of one-half but less than three-quarters of the instructional time
14 scheduled for the day equals one-half day of attendance.
15 (c) For common schools, the attendance of a preschool child with
16 disabilities shall be counted as one-fourth day's attendance for each
17 thirty-six minutes of attendance not including lunch periods and recess
18 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
19 subsection for children with disabilities up to a maximum of three hundred
20 sixty minutes each week.
21 (d) For high schools or ungraded schools in which the pupil is at
22 least fourteen years of age by September 1, the attendance of a pupil shall
23 not be counted as a full day unless the pupil is actually and physically in
24 attendance and enrolled in and carrying four subjects, each of which, if
25 taught each school day for the minimum number of days required in a school
26 year, would meet a minimum of one hundred twenty hours a year, or the
27 equivalent, that count toward graduation in a recognized high school except
28 as provided in section 15-797 and subdivision (e) of this paragraph.
29 Attendance of a pupil carrying less than the load prescribed shall be
30 prorated.
31 (e) For high schools or ungraded schools in which the pupil is at
32 least fourteen years of age by September 1, the attendance of a pupil may be
33 counted as one-fourth of a day's attendance for each sixty minutes of
34 instructional time in a subject that counts toward graduation, except that
35 attendance for a pupil shall not exceed the pupil's full or fractional
36 membership.
37 (f) For homebound or hospitalized, a full day of attendance may be
38 counted for each day during a week in which the student receives at least
39 four hours of instruction.
40 (g) For school districts which maintain school for an approved
41 year-round school year operation, attendance shall be based on a computation,
42 as prescribed by the superintendent of public instruction, of the one hundred
43 eighty days' equivalency or two hundred days' equivalency, as applicable, of
44 instructional time as approved by the superintendent of public instruction
45 during which each pupil is enrolled.

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

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

(b) The total number of miles driven daily on routes approved by the superintendent of public instruction for which a private party, a political subdivision or a common or a contract carrier is reimbursed for bringing an eligible student from the place of his residence to a school transportation pickup point or to the school of attendance and from the school transportation scheduled return point or from the school of attendance to his residence.

Daily route mileage includes the total number of miles necessary to drive to transport eligible students from and to their residence as provided in this paragraph.

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

9. "Eligible students" means:

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

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

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

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

(c) Children with disabilities, as defined by section 15-761, who are transported by or for the school district or who are admitted pursuant to chapter 8, article 1.1 of this title and who qualify as full-time students or fractional students regardless of location or residence within the school

1 district or children with disabilities whose transportation is required by
2 the pupil's individualized education program.
3 (d) Students whose residence is outside the school district and who
4 are transported within the school district on the same basis as students who
5 reside in the school district.
6 10. "Enrolled" or "enrollment" means when a pupil is currently
7 registered in the school district.
8 11. "GDP price deflator" means the average of the four implicit price
9 deflators for the gross domestic product reported by the United States
10 department of commerce for the four quarters of the calendar year.
11 12. "High school district" means a political subdivision of this state
12 offering instruction to students for grades nine through twelve or that
13 portion of the budget of a common school district which is allocated to
14 teaching high school subjects with permission of the state board of
15 education.
16 13. "Revenue control limit" means the base revenue control limit plus
17 the transportation revenue control limit.
18 14. "Student count" means average daily membership as prescribed in
19 this subsection for the fiscal year prior to the current year, except that
20 for the purpose of budget preparation student count means average daily
21 membership as prescribed in this subsection for the current year.
22 15. "Submit electronically" means submitted in a format and in a manner
23 prescribed by the department of education.
24 16. "Total bus mileage" means the total number of miles driven by all
25 buses of a school district during the school year.
26 17. "Total students transported" means all eligible students
27 transported from their place of residence to a school transportation pickup
28 point or to the school of attendance and from the school of attendance or
29 from the school transportation scheduled return point to their place of
30 residence.
31 18. "Unified school district" means a political subdivision of the
32 state offering instruction to students in programs for preschool children
33 with disabilities and kindergarten programs and grades one through twelve.
34 B. In this title, unless the context otherwise requires:
35 1. "Base" means the revenue level per student count specified by the
36 legislature.
37 2. "Base level" means:
38 (a) For fiscal year 1999-2000, two thousand five hundred fifty-nine
39 dollars ninety-three cents.
40 (b) For fiscal year 2000-2001, two thousand five hundred eighty-five
41 dollars sixty cents.
42 (c) For fiscal year 2001-2002, and each subsequent fiscal year, the
43 base level for the prior year adjusted by any growth rate prescribed by law,
44 subject to appropriation.

1 3. "Base revenue control limit" means the base revenue control limit
2 computed as provided in section 15-944.
3 4. "Base support level" means the base support level as provided in
4 section 15-943.
5 5. "Certified teacher" means a person who is certified as a teacher
6 pursuant to the rules adopted by the state board of education, who renders
7 direct and personal services to school children in the form of instruction
8 related to the school district's educational course of study and who is paid
9 from the maintenance and operation section of the budget.
10 6. "ED, MIMR, SLD, SLI and OHI" means programs for children with
11 emotional disabilities, mild mental retardation, a specific learning
12 disability, a speech/language impairment and other health impairments.
13 7. "ED-P" means programs for children with emotional disabilities who
14 are enrolled in private special education programs as prescribed in section
15 15-765, subsection D, paragraph 1 or in an intensive school district program
16 as provided in section 15-765, subsection D, paragraph 2.
17 8. "Full-time equivalent certified teacher" or "FTE certified teacher"
18 means for a certified teacher the following:
19 (a) If employed full time as defined in section 15-501, 1.00.
20 (b) If employed less than full time, multiply 1.00 by the percentage
21 of a full school day, or its equivalent, or a full class load, or its
22 equivalent, for which the teacher is employed as determined by the governing
23 board.
24 9. "Group A" means educational programs for career exploration, a
25 specific learning disability, an emotional disability, mild mental
26 retardation, remedial education, a speech/language impairment, homebound,
27 bilingual, preschool moderate delay, preschool speech/language delay, other
28 health impairments and gifted pupils.
29 10. "Group B" means educational improvements for pupils in kindergarten
30 programs and grades one through three, educational programs for autism, a
31 hearing impairment, moderate mental retardation, multiple disabilities,
32 multiple disabilities with severe sensory impairment, orthopedic impairments,
33 preschool severe delay, severe mental retardation and emotional disabilities
34 for school age pupils enrolled in private special education programs or in
35 school district programs for children with severe disabilities or visual
36 impairment and limited English proficient pupils enrolled in a program to
37 promote English language proficiency pursuant to section 15-754.
38 11. "HI" means programs for pupils with hearing impairment.
39 12. "Homebound" or "hospitalized" means a pupil who is capable of
40 profiting from academic instruction but is unable to attend school due to
41 illness, disease, accident or other health conditions, who has been examined
42 by a competent medical doctor and who is certified by that doctor as being
43 unable to attend regular classes for a period of not less than three school
44 months or a pupil who is capable of profiting from academic instruction but
45 is unable to attend school regularly due to chronic or acute health problems,

1 who has been examined by a competent medical doctor and who is certified by
2 that doctor as being unable to attend regular classes for intermittent
3 periods of time totaling three school months during a school year. The
4 medical certification shall state the general medical condition, such as
5 illness, disease or chronic health condition, that is the reason that the
6 pupil is unable to attend school. HOMEBOUND OR HOSPITALIZED INCLUDES A
7 STUDENT WHO IS UNABLE TO ATTEND SCHOOL FOR A PERIOD OF LESS THAN THREE MONTHS
8 DUE TO A PREGNANCY IF A COMPETENT MEDICAL DOCTOR, AFTER AN EXAMINATION,
9 CERTIFIES THAT THE STUDENT IS UNABLE TO ATTEND REGULAR CLASSES DUE TO RISK
10 TO THE PREGNANCY OR TO THE STUDENT'S HEALTH.
11 13. "K-3" means kindergarten programs and grades one through three.
12 14. "LEP" means limited English proficient pupils who are enrolled in
13 a program to promote English language proficiency pursuant to section 15-754.
14 15. "MD-R, A-R and SMR-R" means resource programs for pupils with
15 multiple disabilities, autism and severe mental retardation.
16 16. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
17 with multiple disabilities, autism and severe mental retardation.
18 17. "MDSSI" means a program for pupils with multiple disabilities with
19 severe sensory impairment.
20 18. "MOMR" means programs for pupils with moderate mental retardation.
21 19. "OI-R" means a resource program for pupils with orthopedic
22 impairments.
23 20. "OI-SC" means a self-contained program for pupils with orthopedic
24 impairments.
25 21. "PSD" means preschool programs for children with disabilities as
26 provided in section 15-771.
27 22. "P-SD" means programs for children who meet the definition of
28 preschool severe delay as provided in section 15-771.
29 23. "Qualifying tax rate" means the qualifying tax rate specified in
30 section 15-971 applied to the assessed valuation used for primary property
31 taxes.
32 24. "Small isolated school district" means a school district which
33 meets all of the following:
34 (a) Has a student count of fewer than six hundred in kindergarten
35 programs and grades one through eight or grades nine through twelve.
36 (b) Contains no school which is fewer than thirty miles by the most
37 reasonable route from another school, or, if road conditions and terrain make
38 the driving slow or hazardous, fifteen miles from another school which
39 teaches one or more of the same grades and is operated by another school
40 district in this state.
41 (c) Is designated as a small isolated school district by the
42 superintendent of public instruction.
43 25. "Small school district" means a school district which meets all of
44 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.

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

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

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

29. "Voc. Ed." means vocational and technological education programs, as defined in section 15-781, except that for the purpose of computing the district support level as provided in this title vocational and technological education programs only include approved vocational and technological programs for students in grades nine through twelve.

APPROVED BY THE GOVERNOR MAY 1, 2001.
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2001.

Passed the House April 25, 20 01,

by the following vote: 43 Ayes,

15 Nays, 2 Not Voting

Speaker of the House

Pro Tempore

Chief Clerk of the House

Passed the Senate March 15, 20 01,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of April, 20 01,

at 10:48 o'clock A M.

Secretary to the Governor

Approved this first day of

May, 20 01,

at 5:05 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 20 01,

at 4:20 o'clock P M.

Secretary of State

S.B. 1361