

Conference Engrossed

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

CHAPTER 364

SENATE BILL 1269

AN ACT

AMENDING SECTIONS 15-763 AND 15-1201, ARIZONA REVISED STATUTES; AMENDING LAWS 2001, CHAPTER 236, SECTIONS 26 AND 31; RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-763, Arizona Revised Statutes, is amended to
3 read:

4 15-763. Plan for providing special education

5 A. All school districts and charter schools shall develop policies and
6 procedures for providing special education to all children with disabilities
7 within the district or charter school. All children with disabilities shall
8 receive special education programming commensurate with their abilities and
9 needs. Each child shall be ensured access to the general curriculum and an
10 opportunity to meet the state's academic standards. Special education
11 services shall be provided at no cost to the parents of children with
12 disabilities.

13 B. FOR THE PURPOSES OF DETERMINING THE SERVICES TO PUPILS SERVED BY
14 PRIVATE SCHOOLS UNDER EXISTING FEDERAL LAW, THE STATE SHALL CONSIDER THE TERM
15 TO INCLUDE HOME SCHOOLED PUPILS.

16 C. IF FEDERAL MONIES ARE PROVIDED TO A SCHOOL DISTRICT OR A CHARTER
17 SCHOOL FOR SPECIAL EDUCATION SERVICES TO HOME SCHOOLED OR PRIVATE SCHOOLED
18 PUPILS, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PROVIDE THE SERVICES TO
19 BOTH THE HOME SCHOOLED PUPILS AND THE PRIVATE SCHOOLED PUPILS IN THE SAME
20 MANNER.

21 D. FOR THE PURPOSES OF THIS SECTION, "SPECIAL EDUCATION" HAS THE SAME
22 MEANING PRESCRIBED IN SECTION 15-1201.

23 Sec. 2. Section 15-1201, Arizona Revised Statutes, is amended to read:
24 15-1201. Definitions

25 In this article, unless the context otherwise requires:

26 1. "Fund" means the special education fund established by section
27 15-1182.

28 2. "Institution" means the Arizona state schools for the deaf and the
29 blind, the Arizona training program facilities as provided in section 36-551
30 and the Arizona state hospital.

31 3. "Place" or "placement" means placement of a person in an
32 institution, as defined in this section, for special education only or for
33 special education and residential and custodial care.

34 4. "Special education" means the adjustment of the environmental
35 factors, modification of the course of study and adaptation of teaching
36 methods, materials and techniques to provide educationally for those children
37 WHO ARE AT LEAST THREE BUT NOT MORE THAN TWENTY-ONE YEARS OF AGE AND who are
38 gifted or disabled to such an extent that they do not profit from the regular
39 course of study or need special education services in order to
40 profit. Difficulty in writing, speaking or understanding the English
41 language due to an environmental background in which a language other than
42 English is spoken primarily or exclusively shall not be considered a
43 sufficient handicap to require special education.

1 Sec. 3. Laws 2001, chapter 236, section 26 is amended to read:

2 Sec. 26. ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND

3		<u>2001-02</u>	<u>2002-03</u>
4	<u>Phoenix day school for the deaf</u>		
5	FTE positions	175.2	184.7
6	Lump sum appropriation	\$ 7,643,200	\$ 8,191,900
7	Fund sources:		
8	State general fund	\$ 2,330,000	\$ 2,296,000
9	Arizona schools for the deaf		
10	and the blind fund	\$ 5,313,200	\$ 5,895,900
11	<u>Tucson campus</u>		
12	FTE positions	303.9	309.4
13	Lump sum appropriation	\$ 14,692,400	\$ 15,402,100
14	Fund sources:		
15	State general fund	\$ 9,263,300	\$ 9,496,600
16	Arizona schools for the deaf		
17	and the blind fund	\$ 5,429,100	\$ 5,905,500
18	<u>Administration/statewide programs</u>		
19	FTE positions	129.3	129.3
20	Lump sum appropriation	\$ 7,334,200	\$ 7,503,100
21	Fund sources:		
22	State general fund	\$ 7,132,600	\$ 7,291,900
23		\$ 6,016,100	\$ 6,087,600
24	Arizona schools for the deaf		
25	and the blind fund	\$ 201,600	\$ 211,200
26		<u>\$ 1,318,100</u>	<u>\$ 1,415,500</u>
27	Total appropriation - Arizona state schools		
28	for the deaf and the blind	\$ 29,669,800	\$ 31,097,100
29	Fund sources:		
30	State general fund	\$ 18,725,900	\$ 19,084,500
31		\$ 17,609,400	\$ 17,880,200
32	Arizona schools for the deaf		
33	and the blind fund	\$ 10,943,900	\$ 12,012,600
34		\$ 12,060,400	\$ 13,216,900
35	Performance measures:		
36	Parents rating overall quality of services		
37	as "good" or "excellent" based on annual		
38	survey	90	90
39	Per cent of certified positions filled	95	95
40	Per cent of agency staff turnover	11	8
41	Per cent of MDSSI students at or above		
42	"approaches standards" level on the		
43	AIMS-A test	100	100

1	Per cent of students achieving a year's growth		
2	in a year's time in reading and mathematics	75	75
3	Administration as a per cent of total cost	4.2	4.0
4	Before the expenditure of any Arizona schools for the deaf and the		
5	blind fund nonendowment monies in excess of \$10,600,000 \$11,716,500 in fiscal		
6	year 2001-2002 and \$11,643,400 \$12,847,700 in fiscal year 2002-2003, the		
7	Arizona state schools for the deaf and the blind shall report the intended		
8	use of the funds to the speaker of the house of representatives, the		
9	president of the senate, the chairmen of the house and senate appropriations		
10	committees, the directors of the joint legislative budget committee and the		
11	governor's office of strategic planning and budgeting.		
12	All endowment earnings above \$343,900 in fiscal year 2001-2002 and		
13	\$369,200 in fiscal year 2002-2003 that are received by the Arizona state		
14	schools for the deaf and the blind and deposited into the Arizona schools for		
15	the deaf and the blind fund are appropriated for operating expenditures.		
16	Before the expenditure of any recommended monies for classification		
17	salary adjustments in fiscal year 2001-2002 or fiscal year 2002-2003, the		
18	Arizona state schools for the deaf and the blind shall report the intended		
19	use of the funds to the joint legislative budget committee.		
20	Sec. 4. Laws 2001, chapter 236, section 31 is amended to read:		
21	Sec. 31. STATE BOARD OF EDUCATION AND SUPERINTENDENT OF PUBLIC INSTRUCTION		
22		<u>2001-02</u>	<u>2002-03</u>
23	<u>State board of education and state board</u>		
24	<u>for vocational and technological</u>		
25	<u>education</u>		
26	FTE positions	2.0	2.0
27	Operating lump sum appropriation	\$ 276,400	\$ 276,500
28	The appropriated amount includes \$100,000 for administering a survey		
29	each academic year to a random sample of parents of children in public		
30	schools statewide. The survey shall consist of the following question:		
31	"Students are given the grades A+, A, B, C, D and Fail to denote the quality		
32	of their work. Using the same A+, A, B, C, D and Fail scale, what grade		
33	would you give the school that your oldest child attends?"		
34	The state board of education program may establish its own strategic		
35	plan separate from that of the department of education and based on its own		
36	separate mission, goals and performance measures.		
37	FTE positions - Arizona teacher		
38	evaluation	2.0	2.0
39	Arizona teacher evaluation	201,000	201,100
40	FTE positions - career ladder		
41	administration	1.0	1.0
42	Career ladder administration	85,000	85,000
43	FTE positions - certification		
44	investigations	4.0	4.0
45	Certification investigations	225,000	225,000

1	FTE positions - charter schools	4.0	4.0
2	Charter schools	205,000	205,000
3	FTE positions - teacher		
4	certification	21.0	21.0
5	Teacher certification	984,800	985,000
6	Fund source:		
7	Teacher certification fund	\$ 984,800	\$ 985,000
8	Monies collected by the department of education for teacher		
9	certification fees, as authorized by section 15-531, paragraphs 1 and 2,		
10	Arizona Revised Statutes, shall be deposited in a teacher certification fund		
11	for use in funding costs of the teacher certification program.		
12	Total - state board of education	\$ 1,977,200	\$ 1,977,600
13	Fund sources:		
14	State general fund	\$ 992,400	\$ 992,600
15	Teacher certification fund	984,800	985,000
16	Performance measures:		
17	Average number of days to process		
18	applications for certification services	30	30
19	Increased percentage of customers satisfied		
20	with certification services above the		
21	fiscal year 2000-2001 percentage	+1	+2
22	<u>General services administration</u>		
23	FTE positions	110.4	110.4
24	Operating lump sum appropriation	\$ 6,667,300	\$ 6,665,200
25	At least 1 FTE position from the department's operating budget shall		
26	be used for auditing average daily membership counts from school districts		
27	and charter schools.		
28	FTE positions - achievement testing	3.0	3.0
29	Achievement testing	5,477,500	5,940,000
30	The appropriated amount includes \$1,906,200 for fiscal year 2001-2002		
31	and \$2,088,400 for fiscal year 2002-2003 for norm-referenced testing of		
32	pupils in grades one through nine.		
33	Before making any changes to the achievement testing program that will		
34	affect program costs, the state board of education shall report the estimated		
35	fiscal impact of those changes to the joint legislative budget committee.		
36	FTE positions - charter schools		
37	administration	3.0	3.0
38	Charter schools administration	149,700	149,800
39	FTE positions - special education		
40	audit	2.5	2.5
41	Special education audit	321,000	321,000
42	Total - general services		
43	administration	\$ 12,615,500	\$ 13,076,000

1	Performance measures:		
2	Per cent of school report cards available		
3	in hard copy and on the agency's web site	20	25
4	Total cost of administration	\$ 4,300,000	\$ 4,700,000
5	Per cent difference between the average		
6	daily membership (ADM) statewide total		
7	reported as of March 1 st each year versus		
8	the year-end actual total as compared		
9	with the per cent difference observed		
10	for fiscal year 2000-2001:		
11	-- Charter schools	-1	-2
12	-- School districts	-1	-2
13	Increased percentage of customers satisfied		
14	with the agency above the fiscal year		
15	2000-2001 percentage	+1	+1
16	<u>Assistance to schools</u>		
17	Basic state aid entitlement	\$2,363,019,000	\$2,495,844,800
18	Fund sources:		
19	State general fund	\$2,288,120,700	\$2,420,946,500
20	Permanent state school fund	74,898,300	74,898,300
21	The above appropriation provides basic state support to school		
22	districts for maintenance and operations funding as provided by section		
23	15-973, Arizona Revised Statutes, and includes an estimated \$74,898,300 per		
24	year in expendable income derived from the permanent state school fund for		
25	fiscal year 2001-2002 and fiscal year 2002-2003.		
26	Receipts derived from the permanent state school fund and any other		
27	nonstate general fund revenue source that is dedicated to fund basic state		
28	aid will be expended, whenever possible, before expenditure of state general		
29	fund monies.		
30	All monies received during the fiscal year from national forests,		
31	interest collected on deferred payments on the purchase of state lands, the		
32	income from the investment of permanent funds as prescribed by the enabling		
33	act and the constitution and all monies received by the superintendent of		
34	public instruction from whatever source, except monies received pursuant to		
35	sections 15-237 and 15-531, Arizona Revised Statutes, when paid into the		
36	state treasury are appropriated for apportionment to the various counties in		
37	accordance with law. No expenditures may be made except as specifically		
38	authorized above.		
39	Additional state aid to schools	219,581,000	230,103,900
40	Assistance to school districts for		
41	children of state employees	35,200	36,900
42	Certificates of educational		
43	convenience	859,700	895,200
44	Special education fund	22,848,700	25,117,000
45		23,965,200	26,321,300

1	FTE positions - adult education		
2	assistance	5.8	5.8
3	Adult education assistance	4,588,600	4,588,700
4	The appropriated amount is for classes in adult basic education,		
5	general education development and citizenship on a statewide basis.		
6	It is the intent of the legislature that no more than ten per cent of		
7	the appropriation for adult education assistance be used by the department		
8	of education for operating the division of adult education. It is also the		
9	intent of the legislature that the greatest possible proportion of monies		
10	appropriated for adult education programs be devoted to instructional, rather		
11	than administrative, aspects of the programs.		
12	AIMS intervention; dropout		
13	prevention	550,000	550,000
14	FTE positions - chemical abuse	3.0	3.0
15	Chemical abuse	863,400	863,500
16	Extended school year	500,000	500,000
17	Extraordinary special education		
18	needs fund	1,000,000	1,083,800
19	The department of education shall report annually to the joint		
20	legislative budget committee regarding allocations distributed from the		
21	extraordinary special education fund.		
22	FTE positions - family literacy	1.0	1.0
23	Family literacy	1,000,000	999,700
24	FTE positions - gifted support	2.0	2.0
25	Gifted support	1,296,700	1,296,800
26	Optional performance incentive		
27	programs	120,000	120,000
28	The optional performance incentive program shall be limited to schools		
29	currently performing ranking performance pay.		
30	Parental choice for reading success	1,000,000	1,000,000
31	Residential placement	100,000	100,000
32	FTE positions - school accountability	14.0	14.0
33	School accountability	5,849,000	4,586,800
34	Fund sources:		
35	State general fund - dedicated		
36	proposition 301 fund	\$5,849,000	\$4,586,800
37	FTE positions - school report cards	3.0	3.0
38	School report cards	491,000	491,000
39	FTE positions - school safety program	3.0	3.0
40	School safety program	7,915,800	7,915,900
41	Small pass-through programs	581,600	581,600
42	The appropriated amounts for both fiscal year 2001-2002 and fiscal year		
43	2002-2003 include \$50,000 for the academic contest fund, \$82,400 for academic		
44	decathlon, \$50,000 for Arizona geographic alliance, \$40,000 for Arizona		
45	humanities council, \$25,200 for Arizona principals' academy, \$234,000 for		

1 Arizona school service through education technology, \$50,000 for project
2 citizen and \$50,000 for the economic academic council.

3	FTE positions - state block grant	5.7	5.7
4	State block grant for early		
5	childhood education	19,492,600	19,492,700
6	FTE positions - state block grant	34.3	34.3
7	State block grant for vocational		
8	education	11,117,000	11,117,500

9 The appropriated amount is for block grants to charter schools and
10 school districts that have vocational education programs. It is the intent
11 of the legislature that monies appropriated in the fiscal year 2001-2002 and
12 fiscal year 2002-2003 general appropriations act for the state block grant
13 for vocational education be used to promote improved student achievement by
14 providing vocational education programs with flexible supplemental funding
15 that is linked both to numbers of students in such programs and to numbers of
16 program completers who enter jobs in fields directly related to the
17 vocational education program that they completed. It is the intent of the
18 legislature that the amount of the state block grant for vocational education
19 funding that is used for state level administration of the program be limited
20 to no more than the amount used for such costs during the prior fiscal year
21 plus the applicable amount of any pay raise that may be provided for state
22 employees through legislative appropriation.

23	Vocational education extended		
24	year	<u>600,000</u>	<u>600,000</u>
25	Total - assistance to schools	\$2,663,409,300	\$2,807,885,800
26		\$2,664,525,800	\$2,809,090,100
27	Fund sources:		
28	State general fund	\$2,582,662,000	\$2,728,400,700
29		\$2,583,778,500	\$2,729,605,000
30	State general fund - dedicated		
31	proposition 301 fund	\$ 5,849,000	\$ 4,586,800
32	Permanent state school fund	<u>74,898,300</u>	<u>74,898,300</u>

33	Performance measures:		
34	Per cent of students tested who perform		
35	at or above the national norm on the		
36	Stanford 9 test	54	55
37	Per cent of students in the class of		
38	2002 meeting state academic standards		
39	in reading, writing and math	96	N/A
40	Increased percentage of schools with at		
41	least 75 per cent of students meeting		
42	or exceeding standards in reading,		
43	writing and math above the fiscal		
44	year 2001-2002 percentage	+1	+2

1	Increased percentage of students who		
2	enter 9 th grade and graduate within		
3	four years above the fiscal year		
4	2001-2002 percentage	+1	+2
5	Per cent of students in grade 3 meeting		
6	or exceeding state academic standards		
7	in reading	74	76
8	Per cent of students in grade 3 meeting		
9	or exceeding state academic standards		
10	in writing	71	73
11	Per cent of students in grade 3 meeting		
12	or exceeding state academic standards		
13	in math	52	54
14	Per cent of students in grade 5 meeting		
15	or exceeding state academic standards		
16	in reading	68	70
17	Per cent of students in grade 5 meeting		
18	or exceeding state academic standards		
19	in writing	50	52
20	Per cent of students in grade 5 meeting		
21	or exceeding state academic standards		
22	in math	43	45
23	Per cent of students in grade 8 meeting		
24	or exceeding state academic standards		
25	in reading	56	58
26	Per cent of students in grade 8 meeting		
27	or exceeding state academic standards		
28	in writing	52	54
29	Per cent of students in grade 8 meeting		
30	or exceeding state academic standards		
31	in math	20	25
32	Per cent of students tested	94	95
33	Per cent of parents who rate "A+" the public		
34	school that their oldest school-age child		
35	attends	8.0	8.0
36	Total appropriation - state board of		
37	education and superintendent		
38	of public instruction	\$2,678,002,000	\$2,822,939,400
39		\$2,679,118,500	\$2,824,143,700
40	Fund sources:		
41	State general fund	\$2,596,269,900	\$2,742,469,300
42		\$2,597,386,400	\$2,743,673,600
43	State general fund - dedicated		
44	proposition 301 fund	\$ 5,849,000	\$ 4,586,800

1	Permanent state school fund	74,898,300	74,898,300
2	Teacher certification fund	984,800	985,000
3	Performance measures:		
4	Per cent of students tested who perform		
5	at or above the national norm on the		
6	Stanford 9 test	54	55
7	Per cent of students tested	94	95
8	Per cent of parents who rate "A+" the public		
9	school that their oldest school-age child		
10	attends	8.0	8.0
11	Per cent of agency staff turnover	19	18
12	Administration as a per cent of total cost	0.2	0.2
13	Total cost of administration	\$ 4,300,000	\$ 4,700,000

APPROVED BY THE GOVERNOR MAY 7, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2001.



HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 02, 2001,
by the following vote: 39 Ayes,

17 Nays, 4 Not Voting

Jake Flake
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 2, 2001,
by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Randal Sant
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor
this 2 day of May, 2001,
at 4:26 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 7 day of
May, 2001,

at 3:33 o'clock P M.

Janice Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 8 day of May, 2001

at 2:35 o'clock P M.

Betsy Boyles
Secretary of State

S.B. 1269