

House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 18

# HOUSE BILL 2432

AN ACT

AMENDING SECTIONS 15-881 AND 15-922, ARIZONA REVISED STATUTES; RELATING TO  
EXTENDED SCHOOL YEAR FOR PUPILS WITH DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-881, Arizona Revised Statutes, is amended to  
3 read:

4 15-881. Extended school year services for pupils with  
5 disabilities; eligibility and service structure;  
6 definition

7 A. Each school district shall make an extended school year program  
8 SERVICES available to all pupils with disabilities for whom such a program is  
9 SERVICES ARE necessary. ~~in order to either~~ EXTENDED SCHOOL YEAR SERVICES ARE  
10 NECESSARY IF EITHER OF THE FOLLOWING APPLIES:

11 ~~1. Prevent irreparable harm to the pupil's ability to maintain~~  
12 ~~identified skills or behavior.~~

13 ~~2. Accommodate critical learning periods for pupils who are unlikely~~  
14 ~~to receive another opportunity to learn or generalize targeted skills or~~  
15 ~~behavior.~~

16 B. ~~The state board of education shall prescribe rules for use by~~  
17 ~~school districts in determining the eligibility of pupils with disabilities~~  
18 ~~for an extended school year program. The rules adopted by the state board~~  
19 ~~pursuant to this subsection shall include the following criteria for~~  
20 ~~determining the eligibility of pupils with disabilities in an extended school~~  
21 ~~year program:~~

22 ~~1. Regression-recoupment factors.~~

23 ~~2. Critical learning stages.~~

24 ~~3. Least restrictive environment considerations.~~

25 ~~4. Teacher and parent interviews and recommendations.~~

26 ~~5. Data-based observations of the pupil.~~

27 ~~6. Considerations of the pupil's previous history.~~

28 ~~7. Parental skills and abilities.~~

29 ~~8. Factors that are inappropriate considerations for eligibility.~~

30 ~~9. Any other considerations deemed necessary and appropriate by the~~  
31 ~~state board of education.~~

32 1. THE BENEFITS THAT THE PUPIL GAINED DURING THE REGULAR SCHOOL YEAR  
33 WOULD BE SIGNIFICANTLY JEOPARDIZED IF THE PUPIL IS NOT PROVIDED EDUCATIONAL  
34 SERVICES.

35 2. THE PUPIL WOULD EXPERIENCE SEVERE OR SUBSTANTIAL REGRESSION IF THE  
36 PUPIL IS NOT PROVIDED EDUCATIONAL SERVICES DURING RECESSES OR THE SUMMER  
37 MONTHS AND THE REGRESSION WOULD RESULT IN SUBSTANTIAL SKILL LOSS OF A DEGREE  
38 AND DURATION THAT WOULD SERIOUSLY IMPEDE THE PUPIL'S PROGRESS TOWARD  
39 EDUCATIONAL GOALS.

40 B. THE DETERMINATION OF WHETHER A PUPIL IS ELIGIBLE FOR EXTENDED  
41 SCHOOL YEAR SERVICES SHALL TAKE INTO ACCOUNT THE LEAST RESTRICTIVE  
42 ENVIRONMENTAL CONSIDERATIONS AND SHALL BE DETERMINED BY A MULTIFACETED  
43 INQUIRY BY THE INDIVIDUALIZED EDUCATION PROGRAM TEAM BASED ON THE FOLLOWING  
44 CRITERIA:

1           1. RETROSPECTIVE DATA, SUCH AS PAST REGRESSION AND THE RATE OF  
2 RECOUPMENT.

3           2. PREDICTIVE DATA, WHEN EMPIRICAL DATA IS NOT AVAILABLE, MAY BE  
4 PROVEN BY EXPERT OPINION, BASED ON A PROFESSIONAL INDIVIDUAL ASSESSMENT.

5           C. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE RULES TO CARRY OUT THE  
6 PURPOSES OF THIS SECTION.

7           ~~G.~~ D. Rules that are adopted pursuant to subsection B- C of this  
8 section shall clarify that attendance in the program is not compulsory, that  
9 the program is not required for all pupils with disabilities and that  
10 eligibility for participation in the program is not based on need or desire  
11 for any of the following:

12           1. A day care or respite care service for pupils with disabilities.

13           2. A program to maximize the academic potential of pupils with  
14 disabilities.

15           3. A summer recreation program for pupils with disabilities.

16           ~~D.~~ E. For THE purposes of this section, "extended school year" means  
17 additional special education and related services for pupils with  
18 disabilities to supplement the normal school year which are provided as part  
19 of a free and appropriate public education as defined in P.L. PUBLIC LAW  
20 94-142.

21           Sec. 2. Section 15-922, Arizona Revised Statutes, is amended to read:  
22 15-922. Duties of the school district; definition

23           A. Each school district shall within twelve days after the first one  
24 hundred days or two hundred days in session, as applicable, certify to the  
25 superintendent of public instruction, in an electronic format as prescribed  
26 by the department of education, the following:

27           1. The daily route mileage of the school district in the current year.  
28 The route mileage shall not include more than twenty miles each way to and  
29 from the school of attendance or to and from a pickup point on a regular  
30 transportation route to transport eligible students who reside in nonadjacent  
31 school districts.

32           2. The route mileage of the school district in the current year  
33 transporting eligible students for an extended school year ~~program~~ SERVICES  
34 in accordance with section 15-881.

35           3. The number of eligible students transported during the current  
36 year.

37           B. Each school district shall on or before July 15 of the current year  
38 certify to the superintendent of public instruction the following:

39           1. For each bus operated by the school district, the following:

40           (a) The odometer reading as of the end of the current year.

41           (b) An inventory of each school bus owned by the school district  
42 including:

43           (i) Manufacturer of the bus.

44           (ii) Date of purchase.

45           (iii) Purchase price.

- 1 (iv) Capacity for passengers.  
2 (v) Type of fuel used.  
3 2. The total bus mileage during the current year.  
4 3. The road conditions upon which eligible students are transported  
5 reported in a format specified by the superintendent of public instruction.  
6 4. The total bus mileage for the current year for academic and career  
7 and technical education and vocational education and athletic trips reported  
8 in a format specified by the superintendent of public instruction.  
9 C. A school district shall meet the requirements of this section to  
10 receive state aid. The superintendent of public instruction may withhold a  
11 school district's apportionment of state aid if it is determined by the  
12 superintendent of public instruction that the school district is not  
13 complying with the requirements of this section.  
14 D. For the purposes of this article and section 15-901, "school bus"  
15 or "bus" means a bus as defined in section 28-101, except that the passenger  
16 capacity standards prescribed in that section do not apply.

APPROVED BY THE GOVERNOR APRIL 1, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2005.

Passed the House February 14, 2005,

Passed the Senate March 24, 2005,

by the following vote: 60 Ayes,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28th day of March, 2005

at 2:14 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 1 day of

April, 2005,

at 11:00 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of April, 2005,

at 2:23 o'clock P. M.

[Signature]  
Secretary of State