

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

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)

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

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

4 15-808. Arizona online instruction; reports; definitions

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

12 1. The depth and breadth of curriculum choices.

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

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

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

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

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

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

29 8. The services offered to developmentally disabled populations.

30 9. The grade levels that will be served.

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

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

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

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

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

23 F. If a pupil is enrolled in a school district or charter school and
24 also participates in Arizona online instruction, the sum of the average daily
25 membership, which includes enrollment as prescribed in section 15-901,
26 subsection A, paragraph 2, subdivisions (a) and (b) and daily attendance as
27 prescribed in section 15-901, subsection A, paragraph 6, for that pupil in
28 the school district or charter school and in Arizona online instruction shall
29 not exceed 1.0. If the pupil is enrolled in a school district or a charter
30 school and also participates in Arizona online instruction and the sum of the
31 daily membership or daily attendance for that pupil is greater than 1.0, the
32 sum shall be reduced to 1.0 and shall be apportioned between the school
33 district, unless the school district is a joint technical education district
34 subject to the apportionment requirements of section 15-393, or charter
35 school and Arizona online instruction based on the percentage of total time
36 that the pupil is enrolled or in attendance in the school district or charter
37 school and Arizona online instruction. The uniform system of financial
38 records shall include guidelines for the apportionment of the pupil
39 enrollment and attendance as provided in this subsection. Pupils in Arizona
40 online instruction do not incur absences for purposes of section 15-901 and
41 may generate an average daily attendance of 1.0 for attendance hours during
42 any hour of the day, during any day of the week and at any time between July
43 1 and June 30 of each fiscal year. For kindergarten programs and grades one
44 through eight, average daily membership shall be calculated by dividing the
45 instructional hours as reported in the daily log required in subsection E of

1 this section by the applicable hourly requirements prescribed in section
2 15-901. For grades nine through twelve, average daily membership shall be
3 calculated by dividing the instructional hours as reported in the daily log
4 required in subsection E of this section by nine hundred. The average daily
5 membership of a pupil who participates in online instruction shall not exceed
6 1.0. Average daily membership shall not be calculated on the one hundredth
7 day of instruction for the purposes of this section. Funding shall be
8 determined as follows:

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

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

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

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

1 I. For the purposes of this section:

2 1. "FULL-TIME STUDENT" MEANS:

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

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

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

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

21 ~~1~~ 2. "Online course provider" means a school other than an online
22 school that is selected by the state board of education or the state board
23 for charter schools to participate in Arizona online instruction pursuant to
24 this section and that provides at least one online academic course that is
25 approved by the state board of education.

26 ~~2~~ 3. "Online school" means a school that provides at least four
27 online academic courses or one or more online courses for the equivalent of
28 at least five hours each day for one hundred eighty school days and that is a
29 charter school that is sponsored by the state board for charter schools or a
30 traditional public school that is selected by the state board of education to
31 participate in Arizona online instruction.

32 4. "PART-TIME STUDENT" MEANS:

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

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

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

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

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

APPROVED BY THE GOVERNOR APRIL 27, 2010.

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

Passed the House March 24, 2010

Passed the Senate April 19, 2010

by the following vote: 56 Ayes,

by the following vote: 28 Ayes,

0 Nays, 4 Not Voting

0 Nays, 2 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 received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2129

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 21, 2010,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21 day of April, 2010

at 3:46 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 27th day of

April, 2010;

at 3:07 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2129

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of April, 2010,

at 8:32 o'clock a M.

[Signature]
Secretary of State