

Senate Engrossed

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

CHAPTER 147

# **SENATE BILL 1117**

AN ACT

AMENDING SECTION 15-808, ARIZONA REVISED STATUTES; RELATING TO 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, is amended to  
3 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~~ DISTRICT public schools and ~~the state board for charter schools~~  
8 STATE-APPROVED CHARTER AUTHORIZERS shall sponsor charter schools to be online  
9 course providers or online schools. The state board of education and ~~the~~  
10 ~~state board for charter schools~~ STATE-APPROVED CHARTER AUTHORIZERS shall  
11 ~~jointly~~ develop standards for the approval of online course providers and  
12 online schools based on the following criteria:

- 13 1. The depth and breadth of curriculum choices.
- 14 2. The variety of educational methodologies employed by the school and  
15 the means of addressing the unique needs and learning styles of targeted  
16 pupil populations, including computer-assisted learning systems, virtual  
17 classrooms, virtual laboratories, electronic field trips, electronic mail,  
18 virtual tutoring, online help desk, group chat sessions and noncomputer-based  
19 activities performed under the direction of a certificated teacher.
- 20 3. The availability of an intranet or private network to safeguard  
21 pupils against predatory and pornographic elements of the internet.
- 22 4. The availability of filtered research access to the internet.
- 23 5. The availability of private individual electronic mail between  
24 pupils, teachers, administrators and parents in order to protect the  
25 confidentiality of pupil records and information.
- 26 6. The availability of faculty members who are experienced with  
27 computer networks, the internet and computer animation.
- 28 7. The extent to which the school intends to develop partnerships with  
29 universities, community colleges and private businesses.
- 30 8. The services offered to populations with developmental  
31 disabilities.
- 32 9. The grade levels that will be served.

33 B. Each new school that provides online instruction shall provide  
34 online instruction on a probationary status. After a new school that  
35 provides online instruction has clearly demonstrated the academic integrity  
36 of its instruction through the actual improvement of the academic performance  
37 of its students, the school may apply to be removed from probationary status.  
38 The state board of education or ~~the state board for charter schools~~  
39 STATE-APPROVED CHARTER AUTHORIZER THAT SPONSORED THE CHARTER SCHOOL shall  
40 remove from Arizona online instruction any probationary school that fails to  
41 clearly demonstrate improvement in academic performance within three years  
42 measured against goals in the approved application and the state's  
43 accountability system. ~~The state board of education and the state board for~~  
44 ~~charter schools shall review the effectiveness of each participating school~~  
45 ~~and other information that is contained in the annual report prescribed in~~

1 ~~subsection D of this section.~~ All pupils who participate in Arizona online  
2 instruction shall reside in this state. Pupils who participate in Arizona  
3 online instruction are subject to the testing requirements prescribed in  
4 chapter 7, article 3 of this title. On enrollment, the school shall notify  
5 the parents or guardians of the pupil of the state testing requirements. If  
6 a pupil fails to comply with the testing requirements and the school  
7 administers the tests pursuant to this subsection to less than ninety-five  
8 ~~per cent~~ PERCENT of the pupils in Arizona online instruction, the pupil shall  
9 not be allowed to participate in Arizona online instruction.

10 C. The state board of education and ~~the state board for charter~~  
11 ~~schools~~ STATE-APPROVED CHARTER AUTHORIZERS shall develop annual reporting  
12 mechanisms for schools that participate in Arizona online instruction.

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

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

26 F. If a pupil is enrolled in a school district or charter school and  
27 also participates in Arizona online instruction, the sum of the average daily  
28 membership, which includes enrollment as prescribed in section 15-901,  
29 subsection A, paragraph 1, subdivisions (a) and (b) and daily attendance as  
30 prescribed in section 15-901, subsection A, paragraph 5, for that pupil in  
31 the school district or charter school and in Arizona online instruction shall  
32 not exceed 1.0. If the pupil is enrolled in a school district or a charter  
33 school and also participates in Arizona online instruction and the sum of the  
34 daily membership or daily attendance for that pupil is greater than 1.0, the  
35 sum shall be reduced to 1.0 and shall be apportioned between the school  
36 district, unless the school district is a joint technical education district  
37 subject to the apportionment requirements of section 15-393, or charter  
38 school and Arizona online instruction based on the percentage of total time  
39 that the pupil is enrolled or in attendance in the school district or charter  
40 school and Arizona online instruction. The uniform system of financial  
41 records shall include guidelines for the apportionment of the pupil  
42 enrollment and attendance as provided in this subsection. Pupils in Arizona  
43 online instruction do not incur absences for purposes of this subsection and  
44 may generate an average daily attendance of 1.0 for attendance hours during  
45 any hour of the day, during any day of the week and at any time between July

1 1 and June 30 of each fiscal year. For kindergarten programs and grades one  
2 through eight, average daily membership shall be calculated by dividing the  
3 instructional hours as reported in the daily log required in subsection E of  
4 this section by the applicable hourly requirements prescribed in section  
5 15-901. For grades nine through twelve, average daily membership shall be  
6 calculated by dividing the instructional hours as reported in the daily log  
7 required in subsection E of this section by nine hundred. The average daily  
8 membership of a pupil who participates in online instruction shall not exceed  
9 1.0. Average daily membership shall not be calculated on the one hundredth  
10 day of instruction for the purposes of this section. Funding shall be  
11 determined as follows:

12 1. A pupil who is enrolled full-time in Arizona online instruction  
13 shall be funded for online instruction at ninety-five ~~per cent~~ PERCENT of the  
14 base support level that would be calculated for that pupil if that pupil were  
15 enrolled as a full-time student in a school district or charter school that  
16 does not participate in Arizona online instruction. Charter additional  
17 assistance and district additional assistance shall be calculated in the same  
18 manner they would be calculated if the student were enrolled in a district or  
19 charter school that does not participate in Arizona online instruction.

20 2. A pupil who is enrolled part-time in Arizona online instruction  
21 shall be funded for online instruction at eighty-five ~~per cent~~ PERCENT of the  
22 base support level that would be calculated for that pupil if that pupil were  
23 enrolled as a part-time student in a school district or charter school that  
24 does not participate in Arizona online instruction. Charter additional  
25 assistance and district additional assistance shall be calculated in the same  
26 manner they would be calculated if the student were enrolled in a district or  
27 charter school that does not participate in Arizona online instruction.

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

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

37 I. For the purposes of this section:

38 1. "Full-time student" means:

39 (a) A student who is at least five years of age before September 1 of  
40 a school year and who is enrolled in a school kindergarten program that meets  
41 at least three hundred forty-six hours during the school year.

42 (b) A student who is at least six years of age before September 1 of a  
43 school year, who has not graduated from the highest grade taught in the  
44 school and who is regularly enrolled in a course of study required by the  
45 state board of education. For first, second and third grade students, the

1 instructional program shall meet at least seven hundred twelve hours. For  
2 fourth, fifth and sixth grade students, the instructional program shall meet  
3 at least eight hundred ninety hours during the school year.

4 (c) Seventh and eighth grade students or ungraded students who are at  
5 least twelve, but under fourteen, years of age on or before September 1 and  
6 who are enrolled in an instructional program of courses that meets at least  
7 one thousand sixty-eight hours during the school year.

8 (d) For high schools, a student not graduated from the highest grade  
9 taught in the school district, or an ungraded student at least fourteen years  
10 of age on or before September 1, and who is enrolled in at least four courses  
11 throughout the year that meet at least nine hundred hours during the school  
12 year. A full-time student shall not be counted more than once for  
13 computation of average daily membership.

14 2. "Online course provider" means a school other than an online school  
15 that is selected by the state board of education or ~~the state board for~~  
16 ~~charter schools~~ A STATE-APPROVED CHARTER AUTHORIZER to participate in Arizona  
17 online instruction pursuant to this section and that provides at least one  
18 online academic course that is approved by the state board of education.

19 3. "Online school" means a school that provides at least four online  
20 academic courses or one or more online courses for the equivalent of at least  
21 five hours each day for one hundred eighty school days and that is a charter  
22 school that is sponsored by ~~the state board for charter schools~~ A  
23 STATE-APPROVED CHARTER AUTHORIZER or a ~~traditional~~ DISTRICT public school  
24 that is selected by the state board of education to participate in Arizona  
25 online instruction.

26 4. "Part-time student" means:

27 (a) Any student who is enrolled in a program that does not meet the  
28 definition in paragraph 1 of this subsection shall be funded at eighty-five  
29 ~~per cent~~ PERCENT of the base support level that would be calculated for that  
30 pupil if that pupil were enrolled as a part-time student in a school district  
31 or charter school that does not participate in Arizona online instruction.

32 (b) A part-time student of seventy-five ~~per cent~~ PERCENT average daily  
33 membership shall be enrolled in at least three subjects throughout the year  
34 that offer for first, second and third grade students at least five hundred  
35 thirty-four instructional hours in a school year and for fourth, fifth and  
36 sixth grade students at least six hundred sixty-eight instructional hours in  
37 a school year. A part-time student of fifty ~~per cent~~ PERCENT average daily  
38 membership shall be enrolled in at least two subjects throughout the year  
39 that offer for first, second and third grade students at least three hundred  
40 fifty-six instructional hours in a school year and for fourth, fifth and  
41 sixth grade students at least four hundred forty-five instructional hours in  
42 a school year. A part-time student of twenty-five ~~per cent~~ PERCENT average  
43 daily membership shall be enrolled in at least one subject throughout the  
44 year that offers for first, second and third grade students at least one  
45 hundred seventy-eight instructional hours in a school year and for fourth,

1 fifth and sixth grade students 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~~ PERCENT average daily membership shall be enrolled in  
5 at least three subjects throughout the year that offer at least eight hundred  
6 one instructional hours in a school year. A part-time student of fifty  
7 ~~per cent~~ PERCENT average daily membership shall be enrolled in at least two  
8 subjects 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  
10 ~~per cent~~ PERCENT average daily membership shall be enrolled in at least one  
11 subject 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  
14 ~~per cent~~ PERCENT average daily membership shall be enrolled in at least three  
15 subjects 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 PERCENT 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~~ PERCENT  
20 average daily membership shall be enrolled in at least one subject throughout  
21 the year that offers at least two hundred twenty-five instructional hours in  
22 a school year.

23 5. "STATE-APPROVED CHARTER AUTHORIZER" MEANS ANY CHARTER SCHOOL  
24 SPONSOR AUTHORIZED PURSUANT TO SECTION 15-183.

~~APPROVED BY THE GOVERNOR APRIL 1, 2015.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.~~

Passed the House March 23, 2015,

by the following vote: 49 Ayes,

8 Nays, 3 Not Voting

D. G.  
Speaker of the House

Jim Drake  
Chief Clerk of the House

Passed the Senate February 16, 2015,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

B. Biggs  
President of the Senate

Charmine Bellefleur  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26<sup>th</sup> day of March, 2015,

at 3:28 o'clock P. M.

Trista Grogman  
Secretary to the Governor

Approved this 1<sup>st</sup> day of

April, 2015,

at 2:30 o'clock P. M.

Janice Ivey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2 day of April, 2015,

at 9:00 o'clock A M.

Michelle Reagan  
Secretary of State

S.B. 1117