



Arizona State Board for Charter Schools 2010 Legislative Summary

Please note that this legislative summary is prepared by Arizona State Board for Charter Schools staff to provide the Board and its charter schools with a brief overview of certain legislation that passed this session. The material contained in this document is for informational purposes only. The information is not intended to be and should not be considered legal advice. Charter schools should consult their own legal counsel for further information and advice. Text of these bills or the bill summaries prepared by legislative staff may be found on the Arizona State Legislature's website at www.azleg.gov or by clicking on the hyperlinks included in the document. Additionally, please note that this summary does not reflect a comprehensive list of education bills that were considered or passed this legislative session.

Unless otherwise indicated, the bills below will take effect on July 29, 2010.

To assist the reader, the legislation has been grouped into categories:

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200-Day Calendar

House Bill 2385 – Schools; ADM calculation

[\(Laws 2010, Chapter 318\)](#)

A school district or charter holder that elects to provide 200 days of instruction may increase its base level by 5% and must obtain approval from the Arizona Department of Education before the beginning of the fiscal year that the school district or charter holder is planning on offering instruction for 200 days. (Please note that changes to the number of instructional days provided must be approved by the Board prior to their implementation per the charter contract.) Additionally, a school district or charter holder that elects to provide 200 days shall ensure that the last day of instruction in any school year occurs before June 30 and shall increase its annual instructional hours by 10% in order to receive the 5% base level increase. The law, which takes effect July 1, 2011, includes other provisions as well.

Achievement Profile Changes

Senate Bill 1286 – Schools; achievement profiles; letter grades

[\(Laws 2010, Chapter 247\)](#)

Among its provisions, the law:

- Expands the Arizona Measure of Academic Progress to high schools and requires the ADE to compute the extent of academic progress made by the pupils at each school.
- Requires the ADE to establish achievement profiles for each school district using the same methodology utilized for school achievement profiles.
- Requires 50% of the school and school district classification determination to consist of academic performance measurements as follows:
 - 50% must consist of a measurement of academic gain for all pupils enrolled at the school or school district; and
 - 50% must consist of a measurement of the 25% of pupils with the lowest academic performance measurement enrolled at the school or school district.
- Replaces the current school classification system with a letter grade system.
- Specifies that, for the remainder of the academic year after the effective date of this act and the next academic year, each school district and charter school must be designated with both of the following:
 - An achievement profile that corresponds to the classification that the school would have received under the old classification system; and
 - An achievement profile that corresponds to the grade letter assigned to that school.
- Contains an effective date of from and after August 31, 2011.

Additional Consideration of a New Charter Application

Senate Bill 1282 – Affiliated charter schools

[\(Laws 2010, Chapter 305\)](#)

Among the law's provisions, the Arizona State Board for Charter Schools or the State Board of Education may approve a charter application if the proposed sponsor determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school and is applying to operate as a separate charter holder by considering whether:

- The schools have separate governing bodies, governing body membership, staff, facilities, and student population.
- Daily operations are carried out by different administrators.
- The applicant intends to have an affiliation agreement for the purpose of providing enrollment preference.
- The applicant's charter management organization has multiple charter holders serving varied grade configurations on one physical site or nearby sites serving one community.
- The applicant is reconstituting an existing school site population at the same or new site.
- The applicant is reconstituting an existing grade configuration from a prior charter holder with at least one grade remaining on the original site with the other grade or grades moving to a new site.

ADM Calculation

House Bill 2385 – Schools; ADM calculation

[\(Laws 2010, Chapter 318\)](#)

Among its many provisions, the law, which takes effect on July 1, 2011, does the following:

- Deletes the definition of and statutory references to "average daily attendance".
- Modifies the definition of "average daily membership" (ADM) to the total enrollment of fractional students and full-time students, minus withdrawals, who are enrolled on September 15, November 15, January 15 and March 15, divided by four.
- Requires school districts and charter schools to report student absence data to the ADE at least once every 60 days in session.
- Specifies that for computation purposes, the effective date of withdrawal must be retroactive to the last day of actual attendance of the student or excused absence.
- Requires the ADE to compute and aggregate ADM for the current year no later than April 15 and cannot further aggregate student data after April 15 for the current year. It also stipulates that any

future adjustments in student counts, if discovered by the school district or charter school after April 15, must be made pursuant to the correction of state aid or budget limit errors statutes.

- Exempts Arizona Online Instruction (AOI) from the ADM calculation requirements specified in this act.
- Modifies the definition of full-time students for high school as students enrolled in an instructional program of 4 or more subjects that meets for a total of at least 720 hours for a 180 day school year or the instructional hours prescribed in statute and stipulates that the ADM must be 1.0. Also modifies the definition of fractional students for high schools.
- Modifies the definition of full-time students for common schools.
- Deletes the definition of full-time instructional program.
- Requires the ADE and the Auditor General to include at least a 10% sample of daily attendance records as part of the ADM audits beginning in FY2011-2012.

Arizona Online Instruction (AOI)

House Bill 2129 – Arizona online instruction; reform

[\(Laws 2010, Chapter 174\)](#)

Among its many provisions, the law:

- Removes the requirement that a pupil enrolled in Arizona Online Instruction (AOI) is considered full-time if the pupil's average instructional hours exceed 119 minutes for kindergarten programs, 238 minutes for 1st through 3rd grades, 297 minutes for 4th through 6th grades, 356 minutes for 7th and 8th grades and 300 minutes for 9th through 12th grades.
- Removes the requirement that a pupil enrolled in AOI will be considered part-time if the pupil's average instructional hours are less than the hours required for a full-time pupil based on the criteria in the first bullet above.
- Defines "full-time student" as:
 - A student who is at least five years old before September 1 of the school year and enrolled in a school kindergarten program that meets at least 346 hours during the school year.
 - A student who is at least 6 years old before September 1 of a school year, who has not graduated from the highest grade taught in the school and who is regularly enrolled in a course of study required by the State Board of Education that meets the required number of instructional hours. (Please see Senate Bill 1284 below for the hour requirements.)
 - Seventh and eighth grade students or ungraded students who are at least 12, but under 14 years of age on or before September 1, and are enrolled in an instructional program of courses that meets at least 1,068 hours during the school year.
 - For high schools, a student not graduated from the highest grade taught in a school district, or an ungraded student at least 14 years of age on or before September 1, who is enrolled in at least four courses throughout the year that meet at least 900 hours during the school year. A full-time student shall not be counted more than once for the computation of average daily membership.
- Defines "part-time student" as any student who is enrolled in a program that does not meet the definition of a full-time student. Part-time students shall be funded at 85 percent of the base support level that would be calculated for that pupil if that pupil were enrolled as a part-time student in a school district or charter school that does not participate in AOI. The law further defines the instructional hours required, by grade level, for a part-time student. (Please also see Senate Bill 1284 below for the hour requirements.)

Senate Bill 1039 – AOI; charter schools; processing fee

[\(Laws 2010, Chapter 160E\)](#)

The Arizona State Board for Charter Schools shall charge a processing fee to any charter school that amends its contract to participate in the Arizona Online Instruction (AOI) program. The Charter Arizona Online Instruction Processing Fund is established consisting of fees collected and administered by the Board. The Board shall use monies in the Fund only for the processing of contract amendments for charter schools participating in AOI programs. Since the bill included an emergency clause, the law took effect on April 26, 2010.

Senate Bill 1284 – School finance revision

[\(Laws 2010, Chapter 306\)](#)

Among its provisions, the law clarifies the instructional hour requirements for full-time and part-time students enrolled in Arizona Online Instruction. For full-time first through third grade students, the instructional program shall meet at least 712 hours. For full-time fourth through sixth grade students, the instructional program shall meet at least 890 hours. The law further clarifies the instructional hours required for a part-time student in first through sixth grades.

Charter School Authorizers

House Bill 2725 – Education, omnibus

[\(Laws 2010, Chapter 332\)](#)

House Bill 2725 authorizes a university under the jurisdiction of the Arizona Board of Regents, a community college district with enrollment of more than 15,000 full-time equivalent students, or a group of community college districts with a combined enrollment of more than 15,000 full-time equivalent students to sponsor a charter school. A university, community college district, or group of community college districts may each approve no more than two charter school applications for fiscal year 2010-2011, no more than three charter school applications for fiscal year 2012, and no more than four charter school applications for fiscal year 2013. The law includes other provisions as well.

Enrollment Policies

Senate Bill 1282 – Affiliated charter schools

[\(Laws 2010, Chapter 305\)](#)

A charter school may give enrollment preference to and reserve capacity for pupils who attended another charter school if the charter school previously attended by the pupil has identical board and governing board membership as the enrolling charter school provided that any school that elects to give enrollment preferences is treated as a single charter school for the purposes of establishing the support level weights. The law includes other provisions as well.

E-rate Funding

House Bill 2725 – Education, omnibus

[\(Laws 2010, Chapter 332\)](#)

All school districts and charter schools that are eligible for E-rate Priority 1 funding may apply for funding. Eligible school districts and charter schools may submit applications with assistance of the Government Information Technology Agency. All school districts and charter schools that receive E-rate funding shall establish an E-rate fund. Monies in the fund may be used to reimburse the school district or charter school for broadband internet and telecommunications costs. The law includes other provisions as well.

Excuse from School Attendance Policy

House Bill 2385 – Schools; ADM calculation

[\(Laws 2010, Chapter 318\)](#)

The governing board of each school district and the governing body of each charter school shall adopt a policy governing the excuse of pupils from school attendance. For school districts, the policy shall require the school district to apply to the Arizona Department of Education for the authorization of school closure for reasons cited in the law. **Additionally, the law requires the governing body of each charter school to adopt a policy governing the excuse of pupils for religious purposes.** Under current law, school districts must already do this. Current law specifies certain policy requirements. The law, which takes effect July 1, 2011, includes other provisions as well.

High School Graduation

House Bill 2731 – High schools; graduation; board examinations

[\(Laws 2010, Chapter 333\)](#)

The law creates the Grand Canyon Diploma and enables high school students to choose different pathways to education. It also establishes a board examination system for high school students that supports a “move on when ready” process. Additionally, it requires the Arizona State Board for Charter Schools to modify previously approved curriculum requirements for charter schools that wish to participate in the board examination system. Further, it repeals the Task Force on Assessments to Measure College and Career Readiness. The law includes other provisions as well.

Instructional Hours – 7th/8th Grades

House Bill 2725 – Education, omnibus

[\(Laws 2010, Chapter 332\)](#)

Beginning in fiscal year 2010-2011, the annual required instructional hours for seventh and eighth graders is reduced from 1,068 to 1,000. The law includes other provisions as well.

Nonresident Funding

House Bill 2722 – Schools; funding; nonresidents

[\(Laws 2010, Chapter 331\)](#)

School districts and charter schools shall not include pupils who are not residents of Arizona in the school's or charter school's student count and shall not obtain state funding for those pupils, except as provided by current statute regarding the admission of nonresident pupils.

Open Meeting Law – Meeting Notices

House Bill 2209 – Public meetings; notices

[\(Laws 2010, Chapter 88\)](#)

Arizona public bodies, including charter schools, must: 1) conspicuously post on their websites a statement indicating where all public notices of their meetings will be posted, including the physical and electronic locations (rather than filing this with the Secretary of State); and 2) post all public meeting notices on their websites. The law includes other provisions as well.

Parental Rights

Senate Bill 1309 – Parents; rights

[\(Laws 2010, Chapter 307\)](#)

The law outlines parental rights related to education, healthcare, recordings, scans, genetic testing and the upbringing of a minor child. For the specific provisions, please review the law.

Prohibited Courses

House Bill 2281 – Prohibited courses; discipline; schools

[\(Laws 2010, Chapter 311\)](#)

Among its provisions, the law:

- Prohibits a school district or charter school from including in its program of instruction any courses or classes that either promote the overthrow of the United States government, promote resentment toward a race or class of people, are designed primarily for pupils of a particular ethnic group and/or advocate ethnic solidarity instead of the treatment of pupils as individuals.

- States that if the State Board of Education (SBE) or Superintendent of Public Instruction (Superintendent) determines that a school district or charter school is offering a course that violates this act, the SBE or the Superintendent must notify the school district or charter school that it is in violation.
- Stipulates that if the SBE or Superintendent determines that the school district or charter school has failed to comply within 60 days after a notice has been issued, the SBE or Superintendent may direct the Arizona Department of Education (ADE) to withhold up to 10% of the monthly state aid apportionment that would otherwise be due to the school district or charter school and requires ADE to adjust the apportionment accordingly.
- Specifies that when the SBE or Superintendent determines that the school district or charter school is in compliance with not offering a prohibited course, ADE must restore the full amount of state aid payments to the school district or charter school.
- States that this act cannot be construed to restrict or prohibit courses or classes for Native American pupils that are required to comply with federal law, the grouping of pupils according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity, courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class violates this act, courses or classes that include the discussion of controversial aspects of history and/or the instruction of the Holocaust, any other instance of genocide or the historical oppression of any particular group of people based on ethnicity, race or class.
- Prohibits rules pertaining to the discipline, suspension and expulsion of pupils from being based on race, color, religion, sex, national origin or ancestry.
- Contains a delayed effective date of January 1, 2011.

Proposed Budget Posting

House Bill 2725 – Education, omnibus

[\(Laws 2010, Chapter 332\)](#)

The governing body of a charter school shall transmit a copy of its proposed budget or the summary of the proposed budget and a notice of the public hearing to the Arizona Department of Education (ADE) for posting on the ADE website no later than 10 days before the hearing and meeting. If the charter school maintains a website, the charter school governing body shall post on its website a copy of the proposed budget or the summary of the proposed budget and a notice of the public hearing. These provisions were added to the charter law. Laws 2010, Chapter 332 includes other provisions as well.

Recess Policy – Grades K-5

House Bill 2725 – Education, omnibus

[\(Laws 2010, Chapter 332\)](#)

No later than January 1, 2011, each school district governing board and the governing body of each charter school shall conduct a public meeting to consider the adoption of a policy to provide at least 30 total minutes of recess each day for pupils in grades kindergarten through five. Each parent or guardian of a child who is enrolled in the school district or charter school, as applicable, shall be provided notice of any public meeting called for this purpose and shall be provided an opportunity at the public meeting to comment on the proposed policy. After receiving public comment, the governing board or governing body shall discuss and vote on the adoption of the proposed recess policy. If a recess policy is adopted, the law specifies certain requirements and suggestions. School districts and charter schools that do not provide instruction to pupils in grades kindergarten through five are not required to conduct the public meeting. The law includes other provisions as well.

School Finance

Senate Bill 1284 – School finance revision

[\(Laws 2010, Chapter 306\)](#)

To the extent permitted by the Arizona Constitution and unless otherwise specified by law, the Arizona Department of Education shall apply any changes to state law that modify or impact school finance formulas on the effective date of that change to state law so that it applies to the entire fiscal year in which the change became effective.

The budget capacity derived from the Classroom Site Fund for fiscal year 2011 is designated as \$120 per pupil. School districts and charter schools that use sources other than Classroom Site Fund monies for teacher compensation in fiscal year 2011 as a result of the adjustment for prior year shortfalls in the fiscal year 2011 per pupil amount as calculated by the Joint Legislative Budget Committee are not required to maintain this higher level of spending for teacher compensation from other sources in fiscal year 2012. The law includes other provisions as well.

Task Force on K-3 Accountability and Assessments

Senate Bill 1119 – Task force; K-3 accountability; assessments

[\(Laws 2010, Chapter 142\)](#)

The Task Force on K-3 Accountability and Assessments is established at the Arizona Department of Education (ADE). The 13-member Task Force includes three charter school representatives. The Task Force shall examine and evaluate best practices in accountability and assessment measures and measures of academic gains for K-3 schools and shall conduct trial examinations of K-3 pupils. School districts and charter schools may voluntarily participate in the measure of academic gains developed by the Task Force. The ADE shall develop mechanisms to allow a school district or charter school that voluntarily participates in the measurement of academic gains developed by the Task Force to improve its school classification designated pursuant to statute relating to school accountability if the school district's or charter school's academic gains meet the criteria developed by the ADE and approved by the State Board of Education. The SBE must review and approve the mechanisms developed by the ADE. The law also repeals the Task Force for Measuring Academic Gains of K-3 Pupils.

Tax Exemption – Food and Drink

House Bill 2514 – Charter schools; food; tax exemption

[\(Laws 2010, Chapter 52\)](#)

House Bill 2514 provides charter schools the same transaction privilege tax and use tax exemption as school districts for food and drink prepared and served for consumption on school premises during school hours. The effective date of this law is October 1, 2010.

Teacher and Principal Evaluations

Senate Bill 1040 – Teacher and principal evaluations

[\(Laws 2010, Chapter 297\)](#)

On or before December 15, 2011, the State Board of Education (SBE) shall adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that account for between 33% and 50% of the evaluation outcomes and best practices for professional development and evaluator training. Beginning in school year 2012-2013, school districts and charter schools shall use an instrument that meets the data requirements established by the SBE to annually evaluate individual teachers and principals. The law includes other provisions as well.

Third Grade Retention

House Bill 2732 – Schools; third grade retention

[\(Laws 2010, Chapter 296\)](#)

Among its provisions, the law:

- States that the competency requirements prescribed by the State Board of Education (SBE) for the promotion of pupils from third grade shall include:
 - A requirement that a pupil not be promoted from the 3rd grade if the pupil obtains a score on the reading portion of the AIMS test, or a successor test, that demonstrates that the pupil's reading falls far below the 3rd grade level.
 - A mechanism to allow a school district governing board or the governing body of a charter school to promote a pupil from the 3rd grade who obtains a score that demonstrates the pupil's reading falls far below the 3rd grade level for any of the specified good cause exemptions.
 - Intervention and remedial strategies developed by the SBE for pupils who are not promoted from the 3rd grade. A school district governing board or the governing body of a charter school shall offer at least one of the intervention and remedial strategies developed by the SBE. It allows the pupil's parent or guardian, teacher and principal to choose the intervention and remedial strategy that will be provided to the pupil. The bill specifies certain intervention and remedial strategies that the SBE's strategies must include.
- Beginning in the 2010-2011 school year, requires school districts and charter schools to provide annual written notification to parents of students in kindergarten through third grade that a pupil who obtains a score on the reading portion of the AIMS test, or a successor test, that demonstrates the pupil is reading fall below the third grade level will not be promoted from the third grade.
- Directs schools to provide a separate written notification to the parents of students with substantial reading deficiencies identified prior to the end of third grade. The bill specifies information that must be included in the notification.
- Requires the SBE to provide for universal screening of pupils in preschool programs, kindergarten programs and grades one through three that is designed to identify pupils who have reading deficiencies.
- Delays the application of the third grade promotion competency requirements until the 2013-2014 school year.
- Adds a conditional enactment for the above provisions contingent upon Proposition 100 being approved by voters in the May 18, 2010 special election.
- Establishes the Task Force on Reading Assessment and its membership, which includes two charter school members. The Task Force shall: a) examine the experiences and outcomes of other states that have adopted reading tests that are required for the promotion of pupils from 3rd grade; b) develop methodologies, models and other recommendations for an assessment that will measure pupils' reading abilities in 1st and 2nd grade relying on the concepts of phonics, phonemic awareness, reading comprehension, fluency and vocabulary; c) develop recommendations that integrate the use of mid-year promotion; d) develop recommendations on the use of student, teacher and school level data to improve promotion rates; and e) submit a written report that contains the Task Force's findings and recommendations on or before February 15, 2011.