

GOVERNING BOARD AGENDA ITEM AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: February 9, 2016

TITLE: Periodic Legislative Update

BACKGROUND:

The current (52nd) Arizona Legislature is in session. As always, there are a host of bills that may affect public school districts in one way or another. This year already, there are some very significant bills that schools will need to watch quite carefully.

A summary of relevant bills introduced this far in both the Arizona House of Representatives and the Senate follows and includes current status of those bills where available – as of the date of publication of this agenda item. The currently proposed legislation is grouped together by the general topic. One must bear in mind, however, that the pace of legislation changes at this time of year is frenetic. In subsequent legislative updates, status updates on each bill will be provided.

Preceding the legislation summary is some of the information we have received about the Governor's proposed budget and the impact it holds for public education.

As the current legislation is reviewed, it is appropriate to recall that, on December 8, 2015, the Governing Board approved specific legislative priorities for the District for this year's session(s):

- 1. Provide Adequate Funding for K-12 Education.
- 2. Restore Career Ladder Funding.
- 3. Maintain Desegregation Funding.
- 4. Provide Adequate Funding to Serve English Language Learners.
- 5. Establish a Reliable and Adequate Source of Funding for the School Facilities Board.
- 6. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same.
- 7. Protect and Support Educator Due Process Rights.
- 8. Provide Adequate Funding to Serve Special Education Student.

RECOMMENDATION:

This item is presented for the Board's information only at this time. No action is required.

INITIATED BY:

Todd A. Jaeger, Associate to the Superintendent

Date: February 2, 2016

Patrick Nelson, Superintendent

The Governor's State Budget Proposal

Governor Ducey has proposed an executive budget for fiscal year 2017 includes an additional \$106 million in public K-12 education. In a press release, the Governor states that the budget "prioritizes vital commitments such as K-12 education, child safety and public safety while promoting fiscal responsibility, protecting our most vulnerable and finding cost-savings for Arizona taxpayers." The governor stresses that the budge's inclusion of \$106 million for K-12 education is in addition to the \$224 million supplemental added with the \$3.5 billion funding package approved last year in special session.

Janice Palmer, director of governmental relations and public affairs for <u>Arizona School Boards</u> <u>Association</u>, has noted that the budget proposal has some caveats:

- It assumes the passage of Prop. 123, resetting the base per pupil level to \$3,600 (this will be the base that the Fiscal Year 2017 base is based upon.
- ~\$31 million for Building Renewal Grants -- \$15 million additional in building renewal grant funds, augmenting the current ~\$16 million)
- \$200,000 to the State Board of Education for academic standard setting to assist with validity and longevity in the review of the standards

The proposed budget also includes \$10 million annually (\$30 million total) for FY2017, FY2018, and FY2019 for a competitive grant program for Career and Technical Education grants to produce graduates in high demand employment sectors. There will be required performance measures and goals and will be focused primarily on industry certificates in high need employment areas. There must be collaboration with industry, including in-kind contributions, and a transition plan to self-sustain. This is the provision the Governor has suggested as a means of "restoring" the cuts made to JTEDs last year, which take effect next fiscal year if nothing changes. This method of restoration, of course, leaves much to the uncertainty of a grant process that also requires participation from the private sector.

The Governor's budget also includes a \$6 million pilot program to incentivize and reward schools offering AP, IB, and Cambridge courses. There will be four areas: 1) Reward schools that offer AP courses and students receive a 3, 4, or 5; 2) Reward schools that grow AP courses offered and increase those receiving 3, 4, or 5; 3) Incentivize low-socioeconomic schools that offer AP courses, but students do not receive 3, 4, or 5; 4) Incentivize low-socioeconomic schools that don't offer AP courses, but provide the seed monies needed to train teachers in these course offerings.

BILLS INTRODUCED IN THE FIFTY-SECOND LEGISLATURE, FIRST REGULAR SESSION

FUNDING

HB 2209 – STOs; administrative cost allocation

Increases the amount a school tuition organization must use from 90% to 95% of contributions to provide educational scholarships or tuition grants to qualified students.

Status: Filed.

HB 2356 - gifted pupils; group B weight

Expands "Group B" student definition to include educational programs for gifted pupils;

Status: Introduced 1/26; assigned to House Committees on Education; Appropriations, and Rules.

SB 1125 - schools; desegregation funding; phase-down [see also HB 2401]

Provides for school district reduction of expenses relating to racial desegregation order or OCR agreement. *Status*: Assigned to Senate Committees on Finance, and Rules.

BUDGET

HB 2111 – zero-based budgeting

Incorporates zero-based budgeting into the state budgeting process for the Joint Legislative Budget Committee (JLBC), the Governor, budget units and other officials

Status: Assigned to House Committees on Appropriations (passed 1/27 on a 9-5 vote), and Rules.

STATE APPROPRIATIONS

Committees

SB 1205 - education funding; incarceration study committee

Establishes an education funding and incarceration study committee to study the correlation between the funding levels of K-12 students to the rate of incarceration and recidivism.

Status: Assigned to Senate Committees Public Safety, Military and Technology; Education; Appropriations, and Rules.

Grants/Scholarships

HB 2062 – appropriation; grants; reading-intensive program

Directs that monies in the technology-based language development and literacy intervention fund be continuously appropriated to the DOE provide school grants to fund reading-intensive programs for third grade students.

Status: Introduced 1/12/16; Assigned to House Committees on Education; Appropriations, and Rules.

HB 2064 – empowerment scholarships; pupil funding amount

Clarifies language from "sum of the base support level and additional assistance prescribed in sections 15-185 and 15-943" to "funding".

Status: Introduced 1/19/16; Assigned to House Committees on Ways & Means, and Rules.

HB 2358 - prevention education; appropriation

Appropriates \$1million to Dept. of Health Services for competitive grants for the development of training materials for a proactive prevention education program for middle and high school students. Requires the program to:

- Promote positive life choices by educating about the harms and consequences of destructive behaviors in order to reduce the motivation to abuse substances and be involved in harmful social environments.
- Include a proactive prevention component focused on substance abuse, violence and other risky behaviors.
- Include an educational component focused on mental health.

Status: Introduced 1/25; assigned to House Committees on Health; Appropriations, and Rules.

HB 2482 - empowerment scholarships; expansion; phase-in

Includes in definition of a "Qualified student":

- Any child attending a public school in grades K-5 (beginning SY 16-17);
- Any child attending a public school in grades K-8 (beginning SY 17-18); and
- Any child attending a public school in grades K-12 (beginning SY 18-19).

Status: Introduced 1/25/16; assigned to House Committees on Ways & Means, and Rules.

SB 1015 - schools; class size reduction grants

Requires SBE to establish a program for class size reduction and teacher retention program with goal to reduce class sizes to between 15-22 students per classroom in K-3. Prescribes requirements for districts to participate beginning SY 17-18; appropriates \$1 million beginning in FY 18-19 for program grants (to a maximum of \$100,000 each), and prescribes SBE report requirements.

Status: Introduced 1/11/16; assigned to Senate Committees on Education; Appropriations, and Rules.

SB 1048 - ADE; appropriation; geographic literacy

Appropriates \$100,000 to ADE for a grant to a statewide geographic alliance for the purpose of strengthening geographic literacy.

Status: Introduced 1/11/16; assigned to Senate Committees on Education; Appropriations, and Rules.

SB 1113 - student loans; teachers; appropriation

Appropriates \$250,000 to the Mathematics, Science and Special Education (MSSE) Student Loan Fund in FY 2017; modifies eligibility for MSSE grant loans to include public schools on an Indian reservation or in rural or urban areas experiencing a teacher shortage instead of a geographic area experiencing a teacher shortage. *Status*: Assigned to Senate Committees on Education (passed 1/28); Appropriations, and Rules.

Provisional Funding Programs

HB 2205 – school pupils; academic intervention

If funds available, requires schools to maintain list of student with grade point average of 2.0 or lower; provide academic interventions until averages exceed 2.0.

Status: Introduced 1/25/16; assigned to House Committees on Education, and Rules.

SB 1239 - schools; state seal of biliteracy

If funding available, requires Supt. of Public Instruction to establish a state seal of biliteracy program to recognize district/charter students who graduate having attained a high level of proficiency in one or more languages in addition to English.

Status: Introduced 1/21/16; assigned to Senate Committees Education; Appropriations, and Rules.

TAXES

HB 2028 – taxes; payment; condemned property

Stipulates that the state or a political subdivision thereof is not required to pay unpaid taxes, penalties or interest exceeding the fair market value of any property acquired by condemnation.

Status: Assigned to House Committees on Ways and Mans (held 1/25), and Rules.

HB 2481 - schools; primary property tax rates

Prescribes formulae for school district taxes levies.

Status: Introduced 1/25/16; assigned to House Committees on Ways & Means, and Rules.

TAX CREDITS

HB 2008 - extracurricular activity credit; optional fees

Expands the Public School Tax Credit eligibility. Currently, extracurricular activities are defined as school-sponsored activities that require enrolled students to pay a fee in order to participate. The bill would modify the definition to include school-sponsored activities for which students pay a <u>voluntary</u> participation fee.

Status: Introduced 1/11/16; Assigned to House Committees on Ways & Means, (passed 1/25), and Rules.

HB 2063 - STO; credit cap; allocation

Increases the annual tax credit cap for a school tuition organizations' tax credit by 20% through FY 2015-16; beginning FY 2016-17, increases by the greater of the US Bureau of Labor Statistics' metro Phoenix consumer price index; or 2%.

Status: Filed.

HB 2328 - public school tax credit reallocation

Establishes the "public school needs fund" to support of the programs and activities of public schools; increases the tax credit to \$1,000 for 2017 for a married couple filing a joint return. Of tax credit monies received, permits a school to retain the first \$200,000; of remaining funds, 25% is to be transferred to the fund, and balance kept for school purposes.

Status: Introduced 1/26; assigned to House Committees on Ways & Means, and Rules.

HB 2354 - tax credit; unified sports programs

Permits tax credit allowance for fees paid for school extracurricular activities and unified sports programs. Sets allowance limits. Defines a *unified sports program* as an inclusive program that combines students with intellectual disabilities and students without intellectual disabilities on sports teams for training and competition.

Status: Introduced 1/26; assigned to House Committees on Ways & Means, and Rules.

TECHNOLOGY

HB 2013 – information technology; transfer; title 18

Establishes Title 18 relating to information technology (IT) and transferring and renumbering all IT-related statutes.

Status: Assigned to House Committees on Government and Higher Education (passed 1/21), and Rules (passed 1/25).

HB 2014 – electronic documents; state agencies

Requires agencies to provide for electronic submission of reports, audits, applications or any other documentation (reports) beginning July 1, 2018. Directs agencies to provide a method on their website for the electronic submission of reports required by statute or rule. Defines *agency* as any department, office, agency, commission, board or other instrumentality of this state regardless of whether monies are appropriated.

Status: Assigned to House Committees on Government and Higher Education (passed 1/21), and Rules (passed 1/25).

HB 2437 - department of education; technology; reports

Removes specified Education Learning and Accountability System (ELAS) reporting requirements.

Status: Introduced 1/25/16; assigned to House Committees on Education (held 1/27), and Rules.

JTED

HB 2054 – debt limitations; assessed value

Revises amount for which bonds may be issued:

- A JTED may issue bonds from taxable property up to the net assessed value of the full cash value of the property within the JTED;
- A school district may issue class B bonds for up to 10% of the net assessed value of the full cash value of the property in that school district, or \$1,500/student;
- A unified school district, may issue class B bonds not exceeding 20% of the net assessed value of the full cash value of the property in that school district, or \$1,500/student.

Status: Introduced 1/19/16; Assigned to House Committees on Ways & Means, and Rules.

HB 2057 – repeal; JTED funding reductions

Beginning FY 16-17, removes base support level funding for any district/charter in which a student is enrolled in both the district/charter and a JTED. Prohibits a district/charter from using JTED funds to offset loss of regular education funding. Removes prohibition disallowing a school district to prohibit/discourage JTED enrollment.

Status: Filed.

HB 2313 - Indian tribes; JTED expenses

Requires state treasurer to deposit 5% of transaction privilege tax revenues from previous month; funds deposited for Indian tribe to support a JTED on the reservation; requires a 10-year compact term and audits. *Status*: Filed.

HB 2454 - JTEDs; funding; ninth graders

Removes 9th grade JTED-enrolled students from JTED student counts; JTED cannot fund 9th graders' classes; includes 9th graders in student counts if their courses are approved jointed by district and JTED boards. Provides average daily membership percentages to include 9th graders.

Status: Filed.

HB 2508 - JTED funding reductions; repeal

Beginning FY 16-17, removes base support level funding for any district/charter in which a student is enrolled in both the district/charter and a JTED. Prohibits a district/charter from using JTED funds to offset loss of regular education funding.

Status: Filed.

SB 1130 - JTEDs; funding reduction; repeal

Beginning FY 16-17, removes base support level funding for any district/charter in which a student is enrolled in both the district/charter and a JTED. Prohibits a district/charter from using JTED funds to offset loss of regular education funding.

Status: Filed.

SB 1170 - JTEDs; base support; ninth graders

Beginning FY 16-17, removes base support level funding for any district/charter in which a student is enrolled in both the district/charter and a JTED. Prohibits a district/charter from using JTED funds to offset loss of regular education funding. Removes 9th grade JTED-enrolled students from JTED student counts; JTED cannot fund 9th graders' classes; includes 9th graders in student counts if their courses are approved jointed by district and JTED boards. Provides average daily membership percentages to include 9th graders.

Status: Filed.

SCHOOLS

Curriculum

HB 2066 - schools; daily physical activity; policy

By 1/1/17, requires governing boards to conduct a public meeting to consider a policy to provide physical activity for K-5 students. Activity can be structured/unstructured and inside/outside classrooms. PE classes will satisfy requirements; unstructured recess time immediately before or after lunch does not satisfy the requirements.

Status: Introduced 1/13/16; Assigned to House Committees on Education, and Rules.

HB 2108 - schools: CPR instruction

Requires public schools to provide cardiopulmonary resuscitation (CPR) training to high school students by July 1, 2019; permits satisfaction of the requirement via homework, if verified by a teacher or parent; permits school administrators to excuse students with a physical, mental or emotional disability.

Status: Assigned to House Committees on Education (passed 1/20); Ways & Means (withdrawn 1/21), and Rules.

HB 2203 – schools; partisan instruction prohibited

Any teacher found to promote "any partisan doctrine, advocates for or against any political party or conducts any partisan exercise" during classroom instruction or extracurricular activities"; or "puts on public display a pupil's support for the teacher's political position in order to promote the teacher's position" is guilty of unprofessional conduct; requires school to revoke the teacher's certificate.

Status: Filed.

HB 2207 – approved online courses; master list

Before 12/15/16, requires SBE to adopt a master rubric for the ADE approval of online courses. Sets requirements for courses.

Status: Introduced 1/21/16; assigned to House Committees on Education, and Rules.

HB 2401 - schools; desegregation funding; phase-down [see also SB 1125]

Provides for school district reduction of expenses relating to racial desegregation order or OCR agreement.

Status: Assigned to House Committees on Education (withdrawn 1/26); Ways & Means, and Rules.

HB 2410 - sex education curricula; requirements [see also SB 1020]

Requires all school districts to provide sex education in K-12 that is medically accurate, developmentally accurate and age-appropriate.

Status: Filed.

SB 1019 - school instruction; AIDS; homosexuality

Removes prohibition on district's providing instruction on homosexuality.

Status: Introduced 1/11/16; assigned to Senate Committees on Education, and Rules.

SB 1020 - sex education programs; requirements [see also HB 2410]

Revises parental right from "opt in to" to "opt out of" a sex ed curriculum. Requires all school districts to provide sex education in K-12 that is medically accurate, developmentally accurate and age-appropriate. Teach effective use of contraceptives and barrier methods to prevent unintended pregnancy and to protect against STDs; and encourage youths to communicate in order to make healthy decisions about sexuality and relationships.

Status: Introduced 1/11/16; assigned to Senate Committees on Education, and Rules.

SB 1137 - schools; CPR instruction [see also HB 2108]

Requires public schools to provide cardiopulmonary resuscitation (CPR) training to high school students by July 1, 2019; permits satisfaction of the requirement via homework, if verified by a teacher or parent; permits school administrators to excuse students with a physical, mental or emotional disability.

Status: Introduced 1/19/16; assigned to Senate Committees on Education; Finance; Appropriations, and Rules.

SB 1197 - schools; cursive writing requirement

Requires the minimum course of study to include instruction in cursive reading and writing to ensure that students can create readable documents through legible cursive handwriting by the end of 5th grade; requires school districts to include instruction in cursive reading and writing in the curricula.

Status: Assigned to Senate Committees on Education (passed 1/28 on a 5-1-1 vote), and Rules.

Assessments

HB 2056 – statewide assessments; parental opt-out

Permits a parent to opt his/her child out of statewide assessments

Status: Introduced 1/19/16; Assigned to House Committees on Education (held 1/20), and Rules.

HB 2088 - schools; assessments; surveys; informed consent

Prohibits public schools from administering specified assessments or surveys to students without notifying and obtaining written informed consent from parent; prescribes penalties for violations.

Status: Assigned to House Committees on Education (held 1/20), and Rules.

Misc. New Requirements

HB 2044 - schools; personally identifiable information; prohibition

Requires Governing Boards to develop/adopt a policy to promote the parental involvement of district students, including procedures regarding the administration of surveys to students, to include:

- Advance notification to parents regarding:
 - o Survey administration and purpose
 - o Parents rights to opt in (written permission required for survey administration)
 - o The full text of the survey.
 - o List of survey result recipients
 - o Personally identifiable student information may not be distributed beyond the school district.
- Procedures to identify and discipline those who mishandle or misuse student survey information

Status: Introduced 1/11/16; Assigned to House Committees on Education, and Rules.

SB 1201 - civics test; voter registration materials

Requires districts to provide voter registration materials to students.

Status: Introduced 1/21/16; assigned to Senate Committees Education; Government, and Rules.

Reports

HB 2231 – school pupils; concussions; reporting

Requires that the ADE be notified annually of all students removed from athletic activity due to concussion injury.

Status: Introduced 1/25; assigned to House Committees on Education, and Rules.

HB 2234 – schools; audit; county school superintendent

Requires school district audit reports to be sent to the county school superintendent

Status: Assigned to House Committees on Education (passed 1/27), and Rules.

SB 1051 - schools; transfer students; competency requirements

A district/school is not required to report/count a transfer student's second failure to meet 3rd or 8th grade promotion requirements unless the failure occurs 1 year after original failure

Status: Introduced 1/11/16; assigned to Senate Committees on Education, and Rules.

EMPLOYMENT

HB 2435 - vocational and technical education; evaluation

Reduces the time vocational and technical education program must be evaluated from 5 to 3 years.

Status: Introduced 1/25/16; assigned to House Committees on Government & Higher Education, and Rules.

HB 2157 – ASRS; political subdivision entities

Clarifies that an ASRS "member" does not include any employee of a political subdivision entity who is hired on or after the effective date of this amendment to this section

Status: Introduced 1/25/16 and assigned to House Committees on Government and Higher Education, and Rules.

HB 2352 - teachers; human trafficking; continuing education

Requires the SBE to adopt rules to allow human trafficking awareness and prevention training to count as continuing education credits.

Status: Assigned to House Committees on Education (passed 1/27), and Rules.

HB 2510 - experienced teacher retention pilot program

Requires the ADE to conduct a 5-year "experienced teacher retention pilot program"; participants are eligible for a 75% discount on Arizona university tuition for the program's duration. Eligible participants include:

- Current 10-year teacher; his/her spouse; his/her dependent; and
- Current teacher with 3-10 years' experience.

Requires repayment if service requirement unfulfilled. Appropriates \$15 million for program costs. *Status*: Filed.

SB 1014 - teacher student loans; appropriation

Permits STEM student teachers (who've already received their Bachelor's Degree) to apply for loans to defray education costs/fees; increases available loan from \$7,000 to \$10,000; requires service commitment of 1 full year for each loan year plus 1 additional year, or repayment at 7% interest.

Status: Introduced 1/11/16; assigned to Senate Committees on Education; Appropriations, and Rules.

SB 1208 - teacher certification; reciprocity

Directs the SBE to provide for educator certification reciprocity. To receive a standard teaching certificate, requires educator to: possess a comparable valid certification and fingerprint clearance card, and be in good standing from another state. Provides for teaching intern certifications

Status: Introduced 1/21/16; assigned to Senate Committees Education, and Rules.

CHARTER SCHOOLS

HB 2294 - charter schools; special education funding

Permits charter schools to apply for grants from the Extraordinary Special Education Needs Fund.

Status: Assigned to House Committees on Education (passed 1/27), and Rules.

SB 1052 - charter schools; procurement requirements

Removes charters' exemptions from financial/electronic data submission requirements, audits and public bidding requirements; requires charters to get written quotes for solicited procurement exceeding \$50,000. *Status*: Filed.

SB 1053 - charter schools; teachers; administrators; certification

Removes requirement that fingerprint clearance is required for "all persons engaged in instructional work directly or indirectly"; removes language prohibiting charters from employing teacher whose certificate has been surrendered or revoked; requires that charter school teachers and administrators meet same certification and fingerprint requirements as school district teachers and administrators; requires certificated teacher or a certificated administrator to be in classroom with volunteers/guest speakers; permits charters to hire non-certificated personnel who are awaiting fingerprint clearance.

Status: Introduced 1/11/16; assigned to Senate Committees on Education, and Rules.

MISCELLANEOUS

HB 2065 – schools; vision screening program

Expands the Arizona Department of Health Services (DHS) Program on Hearing Evaluation Services to include vision screening services.

Status: Introduced 1/19/16; Assigned to House Committees on Education (passed 1/20); Appropriations, and Rules.

HB 2067 - county school superintendents; qualifications

Removes current requirement that a county school superintendent must hold a standard Arizona teaching certificate. Adds that he/she must be a qualified elector who resides in that county.

Status: Introduced 1/19/16; Assigned to House Committees on Education, and Rules.

HB 2228 – high schools; academic growth awards

Requires the SBE to annually present academic achievement awards to high schools demonstrating the highest level of academic growth.

Status: Assigned to House Committees on Education (passed 1/27), and Rules.

HB 2265 - epinephrine auto-injectors

Permits an authorized entity to acquire and stock a supply of epinephrine auto-injectors that have been prescribed by a medical practitioner.

Status: Assigned to House Committees on Health (passed 1/26), and Rules.

HB 2322 - schools; safe-to-tell program

Requires ADE to establish the safe-to-tell program to enable anonymous reports of dangerous, violent or unlawful activity conducted or threatened on a school property, at a school-sponsored or on a school bus.

Status: Assigned to House Committees on Education, and Rules.

HB 2421 - school conference or activity leave

Requires employers to provide time off for an employee to attend their child's school conference or school activity.

Status: Filed.

HCR 2002 - superintendent of public instruction; appointment

Removes term limits on position of Superintendent of Public Instruction; amends Article XI, section 4 of the Constitution to require the governor to appoint the superintendent of public instruction with powers and duties as prescribed by law.

Status: Filed.

HCR 2017 - schools; English language requirement; repeal

Requires voter proposition on the repeal of A.R.S. 15-751 through 15-754 requiring English language learning. *Status*: Introduced 1/26/16; assigned to House Committees on Elections; Judiciary, and Rules.

SB 1117 - school districts; adjacent ways; verification

Requires the School Facilities Board (SFB) to validate adjacent ways projects before a school district levies an adjacent ways assessment.

Status: Assigned to Senate Committees on Education (passed 1/28), and Rules.

SB 1134 - schools; compulsory attendance age; increase

Increases from 16 to 18 the minimum age to earn a GED; requires compulsory school attendance from 16 to 18 years old; increases school attendance from "not less than" to "at least" 180 days.

Status: Introduced 1/19/16; assigned to Senate Committees on Education; Appropriations, and Rules.