



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **June 18, 2013**

TITLE: **Periodic Legislative Update – SUPPLEMENT [6.18.13]**

BACKGROUND:

The First Special Session of the 51st Legislature adjourned *Sine Die* on June 13, 2013 following the passage of budget bills affecting K-12 education. The First Regular Session of the 51st Legislature adjourned *Sine Die* on June 14, 2013.

The following information is presented to the Board to update the Periodic Legislative Review previously submitted in advance of tonight's meeting.

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: June 18, 2013

Patrick Nelson, Superintendent

BILLS INTRODUCED IN THE ARIZONA HOUSE OF REPRESENTATIVES

Prior to the adjournment of the Legislature's Special Session, the Committees of the Whole revised the budget bills then, on June 13th, the Senate passed **HB 2001 (2013-2014; general appropriations)**, or the "feed bill", on a 19-10 vote; **HB 2003 (2013-2014; K-12 education; budget reconciliation)**, or the "K-12 BRB" was passed on an 18-11 vote. These bills were SIGNED BY THE GOVERNOR ON 6/17/13.

The budget for K-12 education is as follows:

- Sets the base level at \$3326.54 (doesn't include teacher comp), an increase of \$58.82 per student (this is the \$82 million for inflationary funding)
- Appropriates \$3.65 million for the School Safety Program
 - Requires 25% of appropriated monies to be used for security hardware
 - Creates, with the above appropriation, a \$100,000 School Emergency Readiness Pilot Program
 - Requires ADE to select 3 districts; Process, procedures, and qualifications outlined
- Appropriates \$2.4 million to the Performance Incentive Fund
 - Establishes the Performance Incentive Fund and requires ADE to fund districts and charters based on achievement and improvement on the A-F Accountability System.
- Removes CORL and soft capital references and replaces it with "district additional assistance"
 - Deletes the soft capital and building renewal statutes
 - Requires districts to transfer soft capital and CORL capacity and cash at the end of FY13 to M&O or unrestricted capital
- Funds JTEDs with 2,000 more students at 91%; others funded at 100%
- Permanently increases elementary and union school district class B bonding capacity limits from 5% to 10% and for unified districts from 10% to 20%.
 - Applies to bonds pursuant to elections held both before and after the effective date of this legislation.
- By November 30th of each year, requires ADE to submit to JLBC and OSPB a report that "lists the amount budgeted by districts for the current fiscal year for each type of override"
- Reduces the K-12 rollover by \$21.9 million, exempts districts with fewer than 600 pupils from the rollover, and requires the state to make the FY13 rollover payment by July 12, 2013 (currently, it is August 29, 2013).
- School Facilities Board:
 - Building Renewal and New Construction – Requires the SFB to inventory and inspect all school buildings in the state to develop a database to administer building renewal grants and new school construction; database must be updated annually; requires districts to report information required for the administration of the Building Renewal Grant fund no later than September 1 (currently October 15).
 - New School Funding – Establishes qualification that districts must meet to qualify for new school construction monies; requires the SFB to review and evaluate the enrollment projections by March 1st after the submission of the enrollment projections and to determine whether that space would have been needed for the current school year before receiving funding under the new system above; accommodation schools are not eligible for new facilities monies
- Requires ADE to transfer \$10 million to the General Fund from the Arizona Structured English Immersion Fund.

HB 2318 (schools without federal funding; exemptions)

Exempts charter schools and district schools that do not accept federal funding from certain federal and state regulations. Senate-passed amendment specifies that the SBE is not prohibited from adopting state testing standards or implementing state assessments for students enrolled in qualifying schools.

Status: Technical language revisions amended adopted by the Senate 4/16.

Sponsor: Farnsworth

HB 2399 (school districts; bonded indebtedness limitations)

Increases elementary and union school district class B bonding capacity limits from 5% to 10% and for unified districts from 10% to 20%. In addition, this bill applies to bonds pursuant to elections held before and after the effective date, except that for bonds issued pursuant to elections held before the effective date of this act only apply until July 1, 2016 and the 10% and 20% increase will apply after July 1, 2016.

Status: Amended multiple times in House COW, transmitted to the Senate where it was assigned to the Rules Committee on 6/13.

Sponsors: Carter, Stevens, Dial, Robson, McComish

HB 2499 (JTEDs; per pupil funding calculation)

Requires ADM for 10th, 11th and 12th grade students enrolled at a centralized campus that is leased by a Joint Technical Education District (JTED) to be calculated at no more than .75 if they meet certain requirements and allows a student enrolled at an accommodation school to be considered a student of the school district in which they physically reside for the purposes of enrolling in a JTED.

Status: Transmitted to the Governor 6/14

Sponsors: Goodale, Orr, Bradley, Cajero Bedford, Meyer, Pancrazi, Farley, Saldate, Reagan, Dial, Jackson, Ward

HB 2617 (school tuition organizations; preapproval; entities)

Requires the Department of Revenue to establish a website for processing requests for preapproval of STO contributions and outlines requirements associated with the tax credit allowed for a limited liability company or a small business corporation that makes contributions to an STO.

Status: Transmitted to the Governor 6/14

Sponsors: Olson, Allen, Boyer, Gowan, Kavanagh, Kwasman, Lesko, Mitchell, Montenegro, Orr, Seel, Smith, Stevens, Burges, Murphy, Barton, Borrelli, Fann, Farnsworth, Forese, Gray, Livingston, Mesnard, Petersen, J. Pierce, Pratt, Thorpe, Townsend, Barto, McGuire, Melvin, Ward, Yee

BILLS INTRODUCED IN THE ARIZONA SENATE

SB 1337 (schools; CPR training)

Requires students in grades 7-12 to be provided instruction on cardiopulmonary resuscitation, allows an opt-out, and allows districts to receive in-kind donations of materials, equipment, and services. An amendment was adopted to delay implementation until the 2015-16 school year.

Status: Transmitted to the Governor 6/14.

Sponsors: McGuire, Landrum Taylor, Miranda, Steele, Wheeler, Bradley, Cajero Bedford, Driggs, Farley, Hobbs, Jackson, Lopez, Pancrazi, Pierce, Reagan, Tovar, Contreras, Escamilla, Gabaldon, Gallego, Gonzales, Hale, Hernandez, McCune Davis, Saldate

SB 1363 (empowerment scholarship accounts; expansion; funding)

Expands the Arizona Empowerment Scholarship Accounts Program to kindergarteners and to now include 90 percent of the sum of the BSL and Additional Assistance for the particular student if that student were attending a charter school.

Note: On February 13, 2013 The Arizona State Appellate Court heard oral arguments regarding the constitutionality of the Education Scholarship Empowerment Accounts (ESAs) ASBA's attorney Don

Peters argued their position on the unconstitutionality of these accounts. The ruling is not expected for months.

Status: Transmitted to the Governor 6/14.

Sponsors: Murphy, Fann, Seel, Biggs, Shooter, Allen, Brophy McGee, Kavanagh, J. Pierce, Burges, Lesko, Smith, Crandell, Ward, Barton, Carter, Kwasman, Stevens, Yarbrough, Montenegro, Barto, Melvin, Yee, Boyer, Gray, Mesnard, Thorpe

SB 1421 (school personnel; emergency epinephrine administration)

Requires school districts and charter schools to stock auto-injectable epinephrine at each school and establishes other requirements regarding auto-injectable epinephrine. An amendment was adopted to make the requirement to stock auto-injectable epinephrine voluntary if an appropriation isn't provided.

Status: Transmitted to the Governor 6/14.

Sponsors: Lopez, Bradley, Landrum Taylor, Burges, Jackson, Melvin, Ward, Goodale, Lovas, Orr

SB 1447 (ADE; school finance revisions)

Provisions include:

- Specifies that a charter school and a Joint Technical Education District (JTED) must provide a minimum of 180, rather than 175, instructional days per school year.
- Specifies that students over 21, rather than 22, years of age are prohibited from being included in a JTED's student count for certain budgetary purposes.
- Requires the four courses a pupil must take in order to qualify for a full day of high school attendance to meet a minimum of 123, rather than 120, hours a year.
- Modifies, in order to conform to the additional five days of instruction, the total instruction time necessary per year in order to qualify as one-half day of kindergarten attendance to be between 356 and 712 hours, rather than between 346 and 692 hours.

Status: Transmitted to the Governor 6/14.

Sponsor: Yee, Goodale, Crandall, Boyer

SB 1449 (schools; graduation; personal finance; entrepreneurship)

Requires the SBE to prescribe competency requirements for personal finance for high school graduation; prohibits the SBE from requiring a separate personal finance course when prescribing financial literacy competency requirements for high school graduation; however, allows school district governing boards and charter schools to prescribe a separate personal finance course for the graduation of pupils from high school.

Status: Transmitted to the Governor 6/14.

Sponsor: Yee

SB 1450 (school districts; FERPA violations; penalty).

Establishes a notification and penalty process regarding violations of the Family Educational Rights and Privacy Act (FERPA).

Status: Transmitted to the Governor 6/14.

Sponsor: Yee

SUMMARY: Bills signed by the Governor

HB 2001 (2013-2014; general appropriations) – outlined above.

HB 2003 (2013-2014; K-12 education; budget reconciliation) – outlined above.

HB 2042 (schools; pupils with disabilities)

Allows voluntary diabetes care assistants to administer insulin in addition to glucagon, assist the pupil with self-administration of insulin in an emergency situation or perform any combination of these actions under certain conditions

Status: SIGNED BY THE GOVERNOR 4/11/13

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Sponsor: Carter

HB 2156 (elections; public resources prohibited)

Prohibits the state and all its political subdivisions from spending or using public resources to influence an election. Amendments adopted that expands the §15-511 electioneering prohibitions; to ensure that district governing board pro/con ballot arguments are still allowed. Senate-passed amendment defined “government-sponsored forum or debate” as “any event, or part of an event or meeting, in which the government is an official sponsor, which is open to the public or to invited members of the public, and whose purpose is to inform the public about an issue or proposition that is before the voters”

Status: SIGNED BY THE GOVERNOR 4/11/13

Sponsor: Kavanagh

HB 2170 (stopped school buses; lights)

Requires a school bus to display a stop signal and alternately flashing lights on private roads, driveways, or property when passengers are being received or discharged.

NOTE: this is already standard procedure for Amphi drivers

Status: SIGNED BY THE GOVERNOR 4/10/13

Sponsors: Fann, Barton, Borrelli, Brophy McGee, Dial, Livingston, Petersen, J. Pierce

HB 2202 (school district; leases)

Extends the time period school boards are able to enter into lease agreements from 5 to 10 years and allows certain school districts to call for an override election to exceed CORL during periods of expending lease proceeds on capital outlay.

Status: SIGNED BY THE GOVERNOR 4/11/13

Sponsors: Robson, Dial, McComish

HB 2217 (extraordinary educators special plates)

Establishes the Extraordinary Educators Special Plates and Trust Fund upon “an entity” paying \$32,000 to the DOT

Status: SIGNED BY THE GOVERNOR 4/29/13

Sponsors: Dial, Borrelli, Coleman, Forese, Orr, Steele, Thorpe, Bradley, Driggs, Gallardo, Landrum Taylor, Meza, Tovar, Alston, Barton, Boyer, Brophy McGee, Cardenas, Carter, Contreras, Dalessandro, Escamilla, Fann, Gabaldon, Gallego, Goodale, Hale, Kwasman, Larkin, Mitchell, Petersen, J. Pierce, Saldate, Shope, Smith, Stevens, Townsend, Ugenti, Wheeler, Ableser, Cajero Bedford, Crandall, Hobbs, Jackson, Lopez, McGuire, Murphy, Pancrazi, Reagan, Shooter, Worsley, Yarbrough, Yee

HB 2280 (employee benefits; state preemption)

Asserts the state’s preemption authority over employee benefits, including:

- Prohibits further regulation by any county, city, town or political subdivision in Arizona.
- Includes employee compensation, paid and unpaid leave and other absences and meal breaks in the provision relating to employee benefits.
- Ensures the provisions do not apply to employee benefits provided by a city, town or other political subdivision of the state.

Status: SIGNED BY THE GOVERNOR 4/29/13

Sponsor: Forese

HB 2317 (fingerprint clearance card; expired use)

Authorizes the use of expired fingerprint clearance cards with the appropriate affidavit signed by the cardholder.

Status: SIGNED BY THE GOVERNOR 3/21/13.

Sponsor: Farnsworth

HB 2327 (dangerous drugs; definition)

An emergency measure that expands the definition of dangerous drugs to include specific chemical configurations that typically compose synthetic cannabinoids and bath salts.

Status: SIGNED BY THE GOVERNOR 4/3/13

Sponsor: Farnsworth

HB 2347 (tax levy; bond costs)

Prohibits property tax levies in excess of the net amount necessary to make the annual payment for bond principal and interest and expands the list of eligible investments for monies managed by treasurers of counties, noncharter cities, or towns (treasurers).

Status: SIGNED BY THE GOVERNOR 5/7/13

Sponsors: Lesko; Olson; Yarbrough; Kwasman; Mesnard; Petersen; Reagan

HB 2403 (teacher employment contracts; electronic signatures)

Allows school district governing boards (school boards) to transmit and receive certificated employee contracts in an electronic format.

Status: SIGNED BY THE GOVERNOR 5/7/13

Sponsor: Carter

HB 2425 (ELL task force replacement)

Eliminates the Arizona English Language Learners Task Force and directs the State Board of Education to take over its statutory authority, powers, duties and responsibilities.

Status: SIGNED BY THE GOVERNOR 3/28/13.

Sponsor: Goodale

HB 2427 (schools; unification; consolidation; initial meetings)

Allows a unified school district governing board to be created when a unified district is formed to conduct operations for the following year.

Status: SIGNED BY THE GOVERNOR 3/21/13.

Sponsors: Goodale, Borrelli, Carter

HB 2441 (schools; electronic fingerprinting services)

Allows the Department of Public Safety (DPS) to contract with an entity to provide electronic or internet-based fingerprinting services for individuals applying for, or renewing, a teaching certificate and contains an emergency clause. Requires the contractor to comply with all information privacy and security measures and submission standards established by DPS; and the information technology (IT) security policy approved by DPS; requires fingerprints to be identity verified in accordance with DPS instructions.

Status: SIGNED BY THE GOVERNOR 5/2/13

Sponsor: Olson

HB 2441 (schools; electronic fingerprinting services)

Allows the Department of Public Safety (DPS) to contract with an entity to provide electronic or internet-based fingerprinting services for individuals applying for, or renewing, a teaching certificate and contains an emergency clause. Senate-passed amendment requires the contractor for electronic fingerprint services to comply with the DPS-approved information technology security policy.

Status: SIGNED BY THE GOVERNOR 5/2/13

Sponsor: Olson

HB 2476 (schools; isolation rooms; restrictions)

Requires that a process for prior written parental consent for confinement as a disciplinary measure be established; amended to remove references to special education legal citations.

Status: SIGNED BY THE GOVERNOR 4/3/13

Sponsors: Townsend, Kwasman, Stevens, Lesko, Borrelli, Petersen

HB 2494 (charter schools; enrollment preference)

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Gives charter school enrollment preference to the grandchildren or legal wards of employees of the school or charter holder, school board members or directors, officers, partners and board members of the charter holder.

Status: SIGNED BY THE GOVERNOR 4/29/13

Sponsors: Boyer, Lesko, Coleman, Thorpe, Goodale, Townsend

HB 2496 (schools; petition; regulatory exemptions)

Allows charter schools, in addition to school districts, to be exempt from certain rules and statutes if a letter grade of "A" is maintained for two of the last three consecutive years.

Status: SIGNED BY THE GOVERNOR 4/29/13

Sponsor: Mesnard

HB 2500 (schools; teacher evaluations; dismissals)

Makes various changes to teacher evaluations and dismissals, including:

- Replaces references to “certificated teacher who has not been employed by the school district for more than the major portion of three, or four, consecutive school years and who has been designated in one of the two lowest performance classifications” with *probationary teacher*.
- Regarding notice of a school board’s decision to not reemploy a teacher, removes the 90 day timeframe the board has to give the teacher written preliminary notice of inadequacy.
- Classifies a certified teacher who is currently a continuing teacher, but has been designated in one of the two lowest performance classifications for the preceding and current school years as a probationary teacher until that teacher’s performance classification is designated in either of the two highest performance classifications.
- Requires teacher evaluation policies to contain the requisite descriptions by school year 2015-16 rather than beginning in school year 2015-16.
- Revises requisite teacher evaluation policy descriptions.
- Requires teacher evaluation policies to require that the school district issue the preliminary notice of inadequacy of classroom performance no later than the second consecutive year that the teacher is designated in one of the two lowest performance classifications.
- Permits the last of the two classroom observations to follow the issuance of a preliminary notice of inadequacy of classroom performance and be used to determine whether the teacher has corrected inadequacies and demonstrated adequate classroom performance.
- Prohibits an observation from being conducted within two instructional days of any scheduled period that school is not in session for one week or more.
- Requires teacher performance evaluation procedures to include training requirements for qualified evaluators and a plan for the appropriate use of quantitative data of student academic progress in all certificated teacher evaluations.
 - Recommends that the plan make distinctions between certificated teachers who provide direct instruction to students and those that do not, as well as data for multiple school years. Limited use of data for certificated teachers who have taught for less than two complete school years can be used.
- Authorizes the school board to waive the requirement of a second classroom observation for a continuing teacher whose teaching performance, based on the first classroom observation, places the teacher in one of the two highest performance classification for the current school year, unless the teacher requests a second observation.
- Permits the qualified evaluator, in addition to a board designee, to confer with the teacher about their performance and provide professional development opportunities.
- Stipulates that a school district or charter school that receives information about a certificated teacher from the evaluation report and performance classification can solely use the information for employment purposes and cannot release to or allow access to the information by any other person, entity, school district or charter school.
- Requires written preliminary notice of inadequacy of classroom performance to be given at least 60 calendar days before notice of intention to dismiss or not reemploy, rather than 90 days.

- Increases from five to ten school days, the timeframe that a designated school board employee must report issuance of a preliminary notice of inadequate classroom performance to the school board.
- Requires the preliminary notice of inadequacy of classroom performance to be accompanied by a performance improvement plan designed to help the teacher correct inadequacies and demonstrate adequate classroom performance.
- Directs the school board to adopt a definition of inadequacy of classroom performance that aligns with the performance classifications in consultation with its certificated teachers, either in a public hearing, by forming an advisory committee or providing teachers the opportunity to respond to a proposed definition.
- Renames a certificated teacher who has been employed by the school district for more than the major portion of three consecutive school years and who is under contract of employment with the school district for the current year or who is not designated in the lowest performance classification and was offered a contract in the prior year as a *continuing teacher*.
- Removes language allowing a school board to define inadequacy of classroom performance if it has received approval to budget for a career ladder program.
- Defines *inadequacy of classroom performance*, *performance classifications*, *probationary teacher*, *continuing teacher* and *qualified evaluator*.
- Applies retroactively to July 1, 2013.

The Committee on Education passed the following amendments to this Bill:

- Stipulates that a certificated teacher who is currently a continuing teacher but has been designated in the lowest performance classification for the current school year must immediately become a probationary teacher and remain so until their performance classification is designated in one of the 2 highest classifications.
- Specifies that the dismissal or nonrenewal procedures in teacher evaluation policies must require that the school district issue the preliminary notice of inadequacy of classroom performance no later than the second consecutive year that the teacher is designated in one of the two lowest performance classifications, unless the teacher is in the first or second year of employment with the school district or has been reassigned to teach a new subject or grade level for the preceding or current school year.
- Requires at least two actual classroom observations, rather than at least two *annual* classroom observations.
- Requires results of an annual evaluation to be in writing or *provided* in electronic format to the certificated teacher, rather than *made available* in electronic format.
- Directs a school board to give written preliminary notice of inadequacy of classroom performance at least *45 instructional days* before giving notices of intent to dismiss or not reemploy a teacher, rather than *60 calendar days*.
- Reinserts language allowing a school board to define inadequacy of classroom performance if it has received approval to budget for a career ladder program.

Status: SIGNED BY THE GOVERNOR 4/29/13

Sponsors: Goodale, Boyer, Miranda, Orr, Borrelli, Brophy McGee, Carter, Coleman, Gray, Meyer, J. Pierce, Pratt, Stevens

HB 2611 (school district superintendent contracts; renegotiation)

Revises the timeframe a school board may extend or renegotiate a superintendent's contract from the May of the year preceding their final year to no earlier than 15 months before their contract expires.

Status: SIGNED BY THE GOVERNOR 5/7/13.

Sponsors: Quezada, Dalessandro, Shope, Gallardo, Goodale, Alston, Sherwood

SB 1291 (duty to report abuse; exceptions)

Formerly fire districts; board meetings; attendance

An amendment to SB 1291 was passed by the Senate Government & Environment on 2/21. As passed by the Senate, this bill now specifies a report is not required to be submitted by a mandatory reporter if all of the following apply:

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- the minor is of elementary school age,
- the physical injury occurs accidentally in the course of typical playground activity during a school day on the premises of the school the minor attends,
- the physical injury is reported to the legal guardian of the minor, and
- the school maintains a written record of the incident.

Also allows a school, on approval by the local school board, to expunge a report contained in a student's school file under specified conditions.

Status: SIGNED BY THE GOVERNOR 5/2/13

Sponsors: Griffin, Gowan, Stevans

SB 1293 (schools; pilot; outcome-based funding)

Establishes a four-year simulated outcome-based funding pilot program and allows school districts and charters to submit applications to the State Board of Education (SBE) to participate in the simulated pilot program.

Status: SIGNED BY THE GOVERNOR 4/11/13

Sponsors: Crandell, Griffin, Yee, Fann, Bruges, Pancrazi, Barton, Goodale, Thorpe, Ward, Boyer, Gray

SB1408 (fingerprint clearance card; adoption)

Mandates that a fingerprint clearance card satisfies the requirement for a state and federal criminal records check related to a social study conducted prior to an adoption hearing. Specifically, exempts a person who holds a valid Level 1 fingerprint clearance card from submitting a full set of fingerprints for the purpose of obtaining a state and federal criminal history records check; Allows the court to order an additional state and federal criminal records check for good cause

Status: SIGNED BY THE GOVERNOR 4/16/13

Sponsors: Murphy; Barto; Crandall; Hobbs; Landrum Taylor; Brophy McGee; Carter