



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

DATE OF MEETING: April 12, 2011

TITLE: Periodic Legislative Review

BACKGROUND: This Item is presented to permit the Governing Board to review and discuss the status of education-related legislation which has been proposed in the first session of the 50th Arizona legislature this year.

Before reviewing legislation, it is important to note a court case which has implications for education funding:

In a 5-4 decision, the U.S. Supreme Court, has held that the original plaintiffs in the case – who sued as Arizona taxpayers – did not have standing to assert that the Arizona tuition tax credit program is unconstitutional under the Establishment Clause of the First Amendment. The general rule for testing the constitutionality of a government program is that the plaintiff must show direct particularized injury from the program in order to have standing to sue; however, there has always been an exception for governmental programs challenged under the Establishment Clause (taxpayers need not show actual injury). The Court, with the decision in *Arizona Christian School Tuition Organization, et. al. v. Winn*, has narrowed this standing to sue test by saying that the plaintiffs did not have standing due to the nature of the program being a tax credit program as opposed to a direct expenditure of government resources.

The decision ends this particular lawsuit but it is important to note that the Supreme Court did not rule on the constitutionality of the program.

K-12 EDUCATION BUDGET SUMMARY

FY2011 (the current school year)

One of the remaining basic state aid payments to schools will be reduced by approximately \$101 million. School districts and charter schools are permitted to use monies from the Federal Education Jobs Fund Program to offset any reductions to their budget limits.

FY2012 (July 1, 2011 – June 30, 2011 = the 2011-2012 school year)

SB1612 general appropriations 2011-2012

Requires the Arizona Department of Education to reduce by \$35 million the amount of basic state aid that would otherwise go to school districts for the capital outlay revenue limit (CORL).

SB1614 2011-2012; state budget procedures

Changes the employee/employer ASRS contribution rate from the current 50/50 split to 53% employee share and 47% employer share starting on July 1, 2011. The reduction from the employer contribution rate for all state, university, school district and charter school employees is transferred to the state general fund.

SB1617 K-12 education; 2011-2012; budget reconciliation

CORL reduction:

- Reduces the school district capital outlay revenue limit (CORL) funding by \$63.9 million. (This is in addition to the \$35 million CORL cut found in SB1612.)

04/11/11 5:35 PM

Soft Capital reduction:

- Reduces soft capital funding by \$188.1 million. This is an additional reduction of \$23 million beyond the current school year reduction of \$165.1 million. This leaves approximately \$24 million in soft capital funding available to school districts for FY2011-12. [Non-state aid school districts will receive a proportionate reduction.]
- Caps the sum of soft capital and CORL reductions for school districts with a student count of less than 1,100 students at \$5 million.

Career Ladder Program reduction:

- Phases out the Career Ladder Program in equal increments over the next five years. (Career Ladder Districts currently are able to fund their programs with a 5% increase over the base funding level.)
 - 4% for FY 2011-2012 (state savings of \$14.5 million)
 - 3% for FY 2012-2013
 - 2% for FY 2013-2014
 - 1% for FY 2014-2015
- Repeals the Career Ladder Program on July 1, 2015
- Sets the qualifying tax rate (QTR) as follows for the Career Ladder Program:
- K-8 and high school districts: at 10-cents or by the amount required to fund the authorized budget capacity for the fiscal year, whichever is less.
- Unified districts: at 20-cents or by the amount required to fund the authorized budget capacity for the fiscal year, whichever is less. This means the state will transfer the cost of the Career Ladder Program to the property tax payers for these last years.
- Prohibits new teachers from participating in the Career Ladder Program.

JTED reduction:

- Prohibits JTEDs from including ninth grade students in their average daily membership (ADM), and prohibits any JTED monies from being spent on ninth grade students. (This is a reduction of \$29.8 million statewide.)

Education Learning and Accountability Fund (for technology purposes):

- Establishes the Education Learning and Accountability Fund in order to create a statewide information technology system that will replace the current SAIS system. This Fund will be supported by a \$5 million basic state aid K-12 money transfer as well as a \$6 per full-time student fee imposed on community colleges and universities. These fees are to be collected and deposited in the Fund by December 1, 2011.

Other Items:

Sets the base level funding amount at \$3,267.72. (This amount remains unchanged since fiscal year 2009-2010.)

- Provides a 0.9% inflationary increase to the transportation support level funding. (There is no inflationary increase provided to the base support level for school districts though charter schools will get a 0.9% inflationary increase to their additional assistance formula.)
- No building renewal funding or new school construction funding through the Students' FIRST/School Facilities Board program.
- Repeals the statutory reference to the new utility formula and the teacher performance pay program that the state never funded.
- Removes the bonding language that was originally passed in the Senate budget (the one positive item in the Senate budget). This language would have increased the bonding capacity for the next four years for elementary and high school districts from 5% to 10% and unified districts from 10% to 17%.

A summary of most of the proposed education-related legislation is attached.

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: April 11, 2011



Vicki Balentine, Ph.D., Superintendent

HOUSE BILLS

HB 2002: School District Monies; Associations; Elections

Prohibits a school district from spending monies for membership in an association that attempts to influence the outcome of an election or that advocates support for or opposition to pending or proposed legislation. Amendment removes exemption that allowed a school district to spend public monies for membership in a chamber of commerce

Status: Passed the House on a 40-18 vote; amended and passed by the Senate on 3/31/11.

HB 2016: JLBC; JCCR; Reports

Changes reporting requirements of the Joint Legislative Budget Committee and Joint Committee on Capital Review. Amendment eliminates the language that permits the director of ADOA to set the rental rates thus JCCR retains the responsibility of setting the rental rates.

Status: Passed the House and transmitted to the Senate; amended and re-transmitted to the House where the Minority/Majority Caucuses recommended concurrence on 4/6/11.

HB 2098: School Tuition Organizations; Administrative Expenses

Increases the percentage of annual revenue that school tuition organizations must allocate to educational scholarships or tuition grants to 97% from 90%.

Referred to House Committees on Appropriations, Rules and Ways & Means

Status: House Second Read 2/9/11

HB 2151: State Employees; Wage Payments

Authorizes the state, at its discretion, to pay employee wages by direct deposit or to a payroll debit card.

Status: Transmitted to the Senate, 2/28/11; amended and retained on the Committee of the Whole's calendar 4/6/11.

HB 2163: Investing Public Monies; Notes

Expands list of eligible investment instruments in which the state treasurer is permitted to invest public monies to include notes of this state, its counties, municipalities or school districts.

Status: Ready for the Committee of the Whole 2/21/11

HB 2177: NOW: Presidential Candidates; Qualifications; Affidavit

Formerly: Schools; 180 days; Conforming Changes

A strike-everything amendment was passed on 3/24/11. New language requires a presidential candidate that is for running for office to prove their eligibility to run and hold office by providing documentation that proves citizenship, age and if the candidate meets residency requirements.

HB 2178: School Year; 180 days

Deletes language defining "180 days" as actual days of instruction or an equivalent number of minutes from statute that requires 180-day minimum school instruction.

Referred to House Committees on Education and Rules

Status: House Second Read 1/19/11

HB 2179: Schools; Student Data Collection

Schools must compile and forward to the Department of Education information from students who cannot prove lawful presence in this country. The DOE must submit an annual report to the governor, state treasurer, secretary of state and legislature summarizing the following: numbers of students who cannot prove lawful presence; numbers of teachers required to provide instruction; the amount spent on salaries for those teachers; the amount of maintenance, operating and administrative costs necessary to support those students; and a good faith estimate of the total cost

to provide educational services to noncitizens. Penalties provided for districts and employees that do not comply.

Referred to House Committees on Education and Rules

Status: House Second Read 1/19/11

HB 2180: Schools; SAIS Data; Penalty

Authorizes Superintendent of Public Instruction to withhold up to 10% of district's state monies if more than 15% of the student level data required for the Student Accountability Information System (SAIS) that is provided to the DOE by a district is determined to be incorrect, incomplete or inaccurate.

Referred to House Committees on Education and Rules

Status: House Second Read 1/19/11

HB 2182: School Employees; Contract Offers; Date

Requires a school governing board or district superintendent to notify a certificated teacher (either tenured or not) by July 1 if the district does not intend to offer a teaching contract for the ensuing school year.

Referred to House Committees on Education and Rules

Status: House Second Read 1/19/11

HB 2183: Proposition 301 Monies; Supplanting; Restoration

If the Auditor General determines a school district has improperly supplanted instead of supplemented monies in the classroom site fund from Prop 301 revenue, the Auditor General is authorized to require that the school restore the supplanted monies (Note: Prop 301, passed in 2000, provided for a 0.6% increase in the state sales tax rate with proceeds earmarked for education.).

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/19/11

HB 2216: State Agency Standards; Federal Requirements

Prohibits state agencies or departments from adopting rules, standards or requirements that are more stringent than corresponding federal law.

Referred to House Committees on Government and Rules

Status: House Second Read 1/25/11

HB 2217: School Superintendents; Contracts

Certain qualifications and terms of employment for school superintendents that were formerly identical with those for principals are changed. Superintendents must have been previously employed as a teacher or administrator in a district in the state for a minimum of 24 consecutive months. Further, the term of employment for superintendents shall be for a period of two to five years. A contract extension cannot be offered before May of the year in which the current contract expires. If a superintendent fails to serve the full contract terms, s/he must refund to the district the value of benefits or compensation received that were not a part of the superintendent's base salary.

Referred to House Committees on Education and Rules

Status: House Second Read 1/20/11

HB 2219: Study Committee; Unification; Consolidation (NOW)

Formerly: School Districts; Consolidation; Textbooks

A strike-everything amendment was passed in the House on 2/14/11. The new bill, as amended, would establish the 16-member Joint Legislative Study Committee on School District Unification and Consolidation.

Status: Passed the Senate Committee of the Whole 3/28/11

HB 2221: Bank of Arizona; Establishment

The state shall engage in retail banking by establishing a Bank of Arizona. All state monies including those in the State Compensation, shall be deposited in the bank. The bank shall retain any income earned from investments made for its own account on state monies. Deposits are guaranteed by the state. Self repeals on July 1, 2021.

Referred to House Committees on Banking & Insurance, Appropriations and Rules

Status: Discussed and Held in Banking & Insurance Committee, 2/14/11

HB 2222: STOS; Unlimited Tax Credits

The limits on cash contributions to student tuition organizations are lifted. Taxpayers receive a dollar-for-dollar credit on their income tax liability for contributions to student tuition organizations.

Referred to House Committees on Ways & Means, Appropriations and Rules

Status: House Second Read 1/25/11

HB 2226: School; Performance Pay; Distribution

Performance pay intended to be distributed to teachers as part of the Classroom Site Fund established by Prop 301 must be sent to the principal of the school who shall provide performance pay only to the top 20% of teachers based on performance standards adopted by the school district governing board. (Note: Prop 301, passed by voters in 2000, dedicated a 0.6% increase in the sales tax rate to education.)

Referred to House Committees on Education and Rules

Status: House Second Read 1/20/11

HB 2234: Persistently Lowest Achieving Schools

Allows the State Board of Education (SBE) to assign a school a letter grade of F under AZ LEARNS if the school is among the persistently lowest-achieving schools.

Status: Transmitted to the Governor 4/7/11

HB 2237: JTEDS; ADM; Student Count

Makes various changes to calculations of student count for JTEDs, including that beginning in fiscal year 2011-12 student county is the JTED's average daily membership instead of daily attendance. Establishes new calculations for the full-time equivalency of students enrolled in JTED courses based on the number of hours the course meets.

Referred to Senate Committees on Education and Rules

Status: Transmitted to the Senate on 2/24/11; Retained on Committee of the Whole's calendar 4/7/11

HB 2249: School Board Agendas; Posting; Time

Requires school board agendas to be available to the public seven days, instead of 24 hours, before the meeting, except in the case of an "actual emergency", defined as an event that seriously threatens the functioning of the school district or the preservation or protection of the property, public health, welfare, or safety. School boards may hold meetings on such notice as is appropriate to the circumstances when there is an actual emergency.

Referred to House Committees on Education and Rules

Status: House Second Read 1/25/11

HB 2251: 8th Grade Promotion Certificates

County school superintendents are no longer required to furnish certificates of promotion from the 8th grade to school boards upon request. School districts may conduct a ceremony to honor students who have been promoted from the eighth grade.

Referred to House Committees on Education and Rules

Status: House Second Read 1/20/11

HB 2301: Soft Capital; Uses

Formerly: Schools; Instructional Salaries; Soft Capital

As amended, expands the allowable uses of Soft Capital Allocation (SCA) monies.

Status: Passed Senate with strike-everything amended; transmitted to House 4/8/11

HB 2337: School Finance; Kindergarten Funding

Requires district that choose to offer more than a half-day of kindergarten instruction to collect tuition on behalf of each kindergarten pupil who receives more than a half day of instruction. The tuition must be equivalent to the total formula funding that the district receives for a kindergarten pupil who receives half-day instruction.

Referred to House Committees on Education and Rules

Status: House Second Read 1/24/11

HB 2343: Student Count; Growth; Current Year

If a school district increases its revenue control limit and district support level for the current year due to growth in the student population, the district must adjust its revenue control limit and district support level in each subsequent year to the actual student count in the current year.

Referred to House Committees on Education and Rules

Status: House Second Read 1/20/11

HB 2344: Schools; JTEDS; Group B Weight

Changes various school funding formulas, including repealing the separate base support level for JTEDs and adding a support level weight for programs for students in an approved career and technical education (CTE) program. The total state cost for CTE support level weight is capped at \$74 million.

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/24/11

HB 2367: Public Employees; Prohibited Negotiations

Prohibits state and political subdivisions from negotiating with a labor organization or employee association representing public employees concerning employee wages and benefits, hours of work, or other financial issues.

Referred to House Committees on Employment & Regulatory Affairs, and Rules

Status: House Second Read 1/24/11

HB 2385: Schools; Athletics; Head Injury Policies

Requires coaches, students and parents be educated of the dangers of head injuries and the risks of continued participation in athletic activity after a head injury; requires school boards to adopt policies that require students suspected of having a head injury to be immediately removed from an athletic activity until the student is evaluated by a health care provider.

Referred to House Committees on Health and Human Services, Education and Rules

Status: House Second Read 1/25/11

Note: The District already has concussion protocols in place using the ImPACT program, which have been followed and updated for three years. Also, per AIA By-Laws, the District's high school coaches are required to complete an on-line NFHS course, "Concussions in Sports," before they can begin to coach (paid and volunteers). That requirement will be expanded to middle school coaches next year. Discussion is underway with staff regarding the incorporation of these requirements into a district policy regarding concussions which may also include additional educational components involving students, parents, and staff.

HB 2386: School District Fund Balances; Reporting

Requires school districts to submit a budget balance carry-forward report to the Joint Budget Committee by August 15 of each year.

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/25/11

HB 2387: School Districts; Ending Cash Balances

Reduces state aid to school district in FY 2010-11 by \$350 million; money is transferred to the state General Fund; requires DOE to apportion state aid to each qualifying school district in an amount calculated using the ending fund balance of the district.

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/25/11

HB 2390: Schools; Current Year Funding

Beginning SY 2011, school district funding is based on the actual average daily membership as reported to the DOE on the 100th or 200th days of session, as applicable. Requires school districts to revise their student count and base level support by May 15 each year; authorized charters to revise their student counts at any time before the 100th or 200th day in session, as applicable.

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/25/11

HB 2391: School Districts; Cash Balances

Requires school districts, on or before June 30, 2011, to spend all the monies that were collected through local property tax levies, that were deposited in maintenance and operations funds, capital outlay funds, debt service funds for bonds and any other funds that are budgeted for budget balances for fiscal year 2011-2012; Permits state aid allocations apportioned to school districts from state general fund monies in fiscal year 2011-2012 to be reduced by same amount.

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/25/11

HB 2392: Firearms; Federal Law; School Perimeters

By June 30, 2011, school districts are required to spend all monies in specified funds that exceed the allowable budget balance carry-forward. Reduces state aid allocations to school districts from general fund monies in FY 2011-12 by the amount of monies unspent on that date.

Status: No further action has been taken since this bill was introduced.

HB 2415: Schools; Bullying Policies

Requires school district policies and procedures on harassment, intimidation and bullying to address offenses occurring through electronic technology or communication on school computers, networks, forums and mailing lists. The policies and procedures must do the following:

- Supply written forms designed to provide a full and detailed account of an incident.
- Prescribe appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.
- Annually provide all pupils with a written copy of the rights, protections and support services that are available related to bullying, harassment and intimidation. This information must also be provided to an alleged victim of a reported incident.
- Maintain records of reported incidents for at least six years. If documentation on an incident is provided to anyone other than school district officials or law enforcement, all individually identifying information shall be redacted.
- Prescribe procedures designed to protect the health and safety of victims who are physically harmed as the result of bullying or harassment, including if necessary, procedures for contacting emergency or law enforcement personnel, or both.
- Establish definitions for *harassment*, *intimidation* and *bullying* and requires the definitions to include conduct by a pupil who intentionally or recklessly assaults, injures, torments, humiliates or causes significant embarrassment to another pupil.

Status: Passed Senate Committee of the Whole 4/7/11

HB 2417: School Boards; Vocational Education Meeting

Expands the list of required duties of school board to include holding at least one holding at last one of its regular meetings each year with members of the local business community to discuss the current and anticipated vocational needs of the community

Referred to House Committees on Education, Commerce and Rules

Status: House Second Read 1/25/11

HB 2418: Schools; Textbook Study; Academic Standards

Expands list of DOE duties to include conducting an annual study to ensure that textbooks used in districts are aligned to the standard adopted by the board. If not aligned, the publisher and the district must be notified.

Referred to House Committees on Education, Commerce and Rules

Status: House Second Read 1/25/11

HB 2419: Schools; Reading Coaches

Beginning the SY 2011-12, each district that offers instruction in grades K-8 must provide at least one "highly qualified research-based systematic phonics instruction coach" at each school. The SBE is in charge with developing standards for this designation.

Referred to House Committees on Education, Appropriations and Rules

Status: Held in the Education Committee 2/14/11

HB 2420: Teachers; Literacy Instruction Endorsement

Beginning July 1, 2012, and subject to available appropriated, donated or federal funds, teachers of grades K-3 must obtain a literacy instruction endorsement by July 1, 2015. The SBE is charged with selecting one or more online courses to provide the training to obtain the endorsement. Each teacher who receives the endorsement shall be paid \$250 by the SBE.

Referred to House Committees on Education and Rules

Status: Held in the Education Committee 2/14/11

HB 2421: School Districts; Budgets; Financial Reports

- Requires school districts to follow the same annual public meeting requirements to update voters on the use of monies spent as authorized by a Maintenance and Operations override as currently required for monies spent as authorized by a Capital Outlay override.
- Replaces the requirement for school districts to prominently display financial documents on their own websites with directions to submit their financial documents to the Arizona Department of Education (ADE) for posting on ADE's website.
- Instructs any school district that has its own website to post a link to the location on ADE's website where its financial documents can be viewed.
- Directs ADE to comply with the posting requirements within six months of the bill's effective date.

Status: Passed, as amended, by the Senate 3/31/11 and transmitted to the House 4/8/11

HB 2437: Schools; Teachers; Principals; Employment History

Requires school boards to permanently keep the resumes and personnel files of all current and former principals and teachers. School districts are required to share with other districts, upon request, the reason or reasons a principal or teachers is no longer employed with the district or was transferred to another school in the same district.

Referred to House Committees on Education and Rules

Status: House Second Read 1/25/11

HB 2438: Sexual Conduct; Minor

Broadens the class 2 felony classification for sexual conduct with a minor who is at least 15 years old to include a person who was the minor's parent, stepparent, adoptive parent, legal guardian or foster parent, or the minor's teacher, clergyman or priest.

The definition of teacher is expanded to include anyone who “provides instruction” to students at a school (previously a person who “directly provides academic instruction”).

Status: Transmitted to the Governor 4/7/11

HB 2479: Educational Institution; Concealed Weapons

Prohibits a governing board from adopting or enforcing any policy or rule that prohibits the possession of a concealed weapon by a person who possesses a valid permit, or the transportation or storage of a firearm

Status: No further action has been taken since this Bill was introduced

HB 2502: Public Programs; ADS; Funding Source

Defines “public agency” as (1) any agency that receives public monies; and (2) any organization that receives 50%+ of its revenues in public monies; requires a public agency that advertises a program they administer or offer to the public using any print media announcement, visual media announcement, broadcast media announcement, website campaign or similar type of official communication to identify the source of monies for the program in the communication or announcement. An amendment passed in the Committee on Technology and Infrastructure requires the public agency to include a disclosure statement in the advertisement stating that it is either partially or fully paid for with public monies rather than simply stating the source of the monies; defines “public monies” as federal or state monies.

Status: Passed the Senate Committee of the Whole 3/21/11

HB 2505: School Students; Lawful Status; State Aid

Defines "Average daily membership" as 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; Redefines “part-time” and “full-time” student; requires districts to report student absence data to the DOE at least once every sixty days in session; in determining average daily membership determination, requires exclusion of children whose parents are unable to prove the child's lawful presence in the United States.

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read 1/24/11

HB 2518: Education Authority Districts

Establishes an “education authority” to promote education achievement by approving grants to provide assistance to school districts and nonprofit corporations for the development and operations of educational activities; grants to be based on the per student population of each district; grant monies must be used to support science, technology, engineering, arts and mathematics programs. Remaining monies may be used to support science, technology, math and engineering programs in each school district. School districts may not use more than five per cent of grant monies for administrative costs.

Referred to House Committees on Ways & Means, Education and Rules

Status: House Second Read 1/24/11

HB 2526: School Tuition Organizations; Qualifying Enrollment

A student who is promoted from the highest grade of a qualified school and immediately enrolls in another qualified school offering instruction in the next grade is considered to be continuously enrolled.

Referred to House Committees on Education and Rules

Status: House Second Read 1/25/11

HB 2528: Schools; ELL Models; Exemption

Sets criteria to allow exclusion of school from adoption/implementation of English language learner models.

Referred to House Committees on Education and Rules

Status: House Second Read 1/25/11

HB 2533: Biennial Budgeting; State Agencies

Sets the budget for State Agencies for two years at a time.

Referred to House Committees on Appropriations and Rules

Status: House Second Read 1/24/11

HB 2540: Teachers; Continuing Education; Discounted Tuition

Provides a 75% reduction in resident tuition for teachers who are enrolled in continuing education courses at a state university; Phases in the tuition reduction over two years beginning in FY 2012-13; amendment changes the tuition rate from 25% to 50% (currently, Dependent children who register for one or more credit hours shall pay 25% of resident tuition plus any fees); applies the tuition reduction to continuing education courses taken at a community college.

Referred to House Committee on Rules

Status: Withdrawn from Education Committee, 2/8/11; Passed, as amended, the Committee on Higher Education, Innovation & Reform, 2/9/11

HB 2559: Reporting Violent Behavior; Government Entities

Requires any governmental entity that has knowledge that a person has been expelled, suspended or terminated because of violence, threats of violence or behavior that constitutes a danger to self or others must report that information to the proper law enforcement agency, which shall in turn transmit the information to the appropriate local or regional health agency or crisis center.

Referred to House Committee on Rules

Status: Passed Committee on Military Affairs & Public Safety, 2/16/11

HB 2580: Schools; Anti-Bullying; Electronic Media

Adds language to A.R.S. §15-341(A). Requires Governing Board to develop and adopt policies and procedures to prohibit students from using electronic technology and communications to harass, intimidate or bully other students.

Expands definition of "Bullying" and "Harassment":

- "Bullying" is defined as conduct that either:
 - Adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing a student in reasonable fear of physical harm and includes conduct based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion or any other distinguishing characteristic that may be defined by the department of education or the school district governing board; or
 - Is based on association with a person or group with certain actual/perceived characteristics.
- "Harassment" is defined as conduct that either:
 - Adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is reasonably perceived by the student as severe, persistent or pervasive and includes conduct based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion or any other distinguishing characteristic that may be defined by the department of education or the school district governing board; or
 - Is based on association with a person or group with certain actual/ perceived characteristics.

Referred to House Committees on Education and Rules

Status: House Second Read 2/7/11

HB 2581: STOs; Credits; Administration

- Allows a credit for contributions to an STO for awarding scholarships to low-income, and displaced and disabled students against the following tax liability incurred:
- Luxury tax liability imposed on wholesalers of spirituous, vinous or malt liquors; domestic farm wineries selling vinous liquor at retail or to a retail licensee; and domestic microbreweries selling malt liquor at retail or to a retail licensee.
- Severance tax liability imposed on a person engaging in the business of mining.
- States that the amount of the credit is the total amount of the taxpayer's voluntary cash contribution.
- Allows any excess credits to be carried forward up to five consecutive taxable years.
- Subjects the credits to the procedures, conditions, limitations and requirements for corporate contributions to STOs outlined in current statute.
- Prohibits a taxpayer claiming a credit against luxury or severance tax liability from also claiming a corporate credit with respect to the same contribution.
- Increases the cap on the individual credit for contributions to STOs from \$500 to \$750 for individual filers and from \$1000 to \$1500 for joint filers.
- Removes the annual \$10,000,000 aggregate cap on the corporate credits claimed against corporate, premium insurance, luxury and severance tax liability for contributions made to STOs for scholarships for low-income students.
- Removes the annual \$5,000,000 aggregate cap on the corporate credits claimed against corporate, premium insurance, luxury and severance tax liability for contributions made to STOs for scholarships for displaced students and students with disabilities.
- Removes the corresponding statutory cap and pre-approval duties assigned to DOR.
- Clarifies existing statute by specifying that an STO allocate at least 90 percent of annual revenues received *from contributions* towards educational scholarships and tuition grants.
- Modifies the requirement that STOs allocate any refunds received for scholarships or grants by removing the stipulation that they be allocated for the following year.
- Expands eligibility for scholarships and grants awarded from corporate contributions to include students enrolled in a qualified kindergarten or preschool program for children with disabilities.
- States that if an individual scholarship or grant exceeds the student's base tuition rate, the excess shall be returned to the STO that made the award or grant.
- Allows the STO that made the award or grant to either allocate the returned funds as a multiyear award to the student or for scholarships or grants to other students.

Status: Transmitted to the Governor 4/6/01

HB 2587: High Schools; Military Recruiting; Form

Requires DOE to provide a form to school districts that allow students to request that directory information not be released; directs a school district that chooses to release student directory information to do so by October 31 each year

Referred to Senate Rules Committee

Status: Passed the Senate Committee of the Whole 3/21/11

HB 2599: School Day; Additional Hours

Increases instructional program hours requirement for a full-time student (based on a 180-day school year and a minimum enrollment in four subjects):

- Grades 1 to 3: from 712 to 892 hours
- Grades 4 to 6: 890 to 1070 hours
- Grades 7 and 8: from 1000 to 1180 hours
- High Schools: from 720 to 900 hours

Referred to House Committees on Education, Appropriations and Rules

Status: House Second Read, 2/8/11

HB 2601: Schools; Bullying; Sexual Orientation; Enforcement

Requires Governing Board to prescribe and enforce policies and procedures prohibiting students from harassing, intimidating and bullying other students based on actual or perceived sexual orientation; prescribes penalties for Board failure to adopt, and administrator to enforce, policies/procedures:

- If such policies/procedure are not adopted, HB 2601 permits Courts to award costs and reasonable attorney fees to any person who prevails against the school district in a personal injury or wrongful death proceeding that results from the bullying, harassment or intimidation of a pupil.
- A School District administrator who knowingly fails to follow the proscribed policies/procedures is guilty of unprofessional conduct and the administrator's certificate shall be revoked.

Referred to House Committees on Military Affairs & Public Safety, Rules and Education

Status: House Second Read, 2/8/11

HB 2630: Schools; Prohibited Courses; Repeal

- Repeals A.R.S. §15-111 "Declaration of policy: The legislature finds and declares that public school students should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people."
- Repeals A.R.S. § 15-112. "Prohibited courses and classes; enforcement":
 - A school district or charter school in this state shall not include in its program of instruction any courses or classes that include any of the following:
 - Promote the overthrow of the United States government.
 - Promote resentment toward a race or class of people.
 - Are designed primarily for students of a particular ethnic group.
 - Advocate ethnic solidarity instead of the treatment of students as individuals.

Referred to Committees on Government, Education and Rules

Status: House Second Read 2/9/11

HB 2640: Education; Basic Skills Lists

- Requires SBE to publish (in addition to Academic Standards) the following "basic skills:
- A list of basic skills that a pupil should possess in order to be placed in a particular grade level, including kindergarten programs.
- A list of basic skills that should be acquired by a pupil by the end of a particular grade level, including kindergarten programs.
- Requires school districts to provide copies of the lists of basic skills section to any person on request.
- Specifically notes that the promotion or retention of students from one grade level to another grade level, as currently set in statute, will not be altered.
- Requires the AZ Board of Regents to publish "Basic skills and prerequisites lists", in addition to the transfer articulation coordination requirements, the following:
 - A list of basic skills and prerequisite courses that a student should possess in order to be accepted for admission into a community college or university in this state.
 - A list of basic skills and prerequisite courses that should be acquired by a student in order to be admitted into a particular postsecondary education program of study.

Referred to Committees on Education and Rules

Status: House Second Read 2/9/11

HB 2646: JTEDs; Adult Students

Allows adult students to attend vocational programs in a JTED during school hours.

Status: Passed the Senate Committee of the Whole 4/6/11

HB 2660: Salvia; Prohibition

Note: Salvia (botanical name: "salvia divinorum") is a psychoactive plant that can induce dissociative effects and is a potent producer of "visions" and other hallucinatory experiences. The plant is native to Mexico and is often associated with shaman medicine.

HB 2660 would prohibit the possession, use, sale, production, importation or transportation of salvia. Violation is a class 1 misdemeanor.

Referred to House Committees on Judiciary and Rules

Status: House Second Read 2/15/11

HB 2670: School Districts; Electronic Record Keeping

Allows school districts to maintain and store all public records in either electronic or paper format, or a combination of the two

Status: Ready for the Committee of the Whole 2/24/11

HB 2671: School Teachers; Multiyear Contracts

Adds language to A.R.S. §15-536, to permit a school district governing Board to offer a teaching contract for a term of employment up to three years in duration".

Referred to Committees on: Employment & Regulatory Affairs and Rules

Status: House Second Read 2/10/11

HB 2682: English Language Learners; Classrooms; Balance

Adds language to A.R.S. §15-353 regarding the responsibilities of School Principals in grades P through 12 to include: "5. Ensuring that the ratio of English language learners to other students in each classroom is substantially equivalent to the ratio of English language learners to other students in that grade level at that school."

Referred to House Committees on Education and Rules

Status: House Second Read 2/10/11

HB 2697: Teacher Performance Pay Plan

Requires the DOE to develop and publish on its website a performance pay plan for teachers on or before December 31, 2011.

Referred to House Committees on Education and Rules

Status: House Second Read 2/10/11

HB 2699: Expanded Public School Tax Credit

- Modifies the programs for which tax credits to be used to include school lunch and school healthcare programs;
- Increases the available tax credits for:
 - single/head of household from \$200 to \$300;
 - includes the available tax credit in taxable year 2005 for a married couple/joint return to \$300;
 - married couple/joint return from \$400 to \$600 in taxable year 2006 and subsequent years;
- Allows the public school site council to determine how the contributions are used at the school site for those contributions that are not designated for a specific purpose;
- Sets reporting requirements for contributions received;
- Defines "Extracurricular activities" as "school sponsored activities that require enrolled students to pay a fee in order to participate including fees for:
 - Band uniforms.
 - Equipment or uniforms for varsity athletic activities.
 - Scientific laboratory materials.
 - In-state or out-of-state trips that are solely for competitive events.
- Specifies that "extracurricular activities" do not include any senior trips or events that are recreational, amusement or tourist activities

Referred to House Committees on Ways & Means and Rules
Status: House Second Read 2/10/11

HB 2706: NOW: Supplementary Reading Instruction; Teachers

Formerly: Education; Arizona Empowerment Accounts

A strike-everything amendment was passed in the Senate Education Committee 3/21/11;
Requires the State Board of Education to adopt guidelines for supplementary training in reading instruction as part of an improvement plan for certain teachers who teach in underperforming schools.

Status: Senate Committee on the Whole passed, as amended, on 3/21/11

HB 2709: Study Committee; CTE Reform

Establishes a temporary joint legislative study committee on career and technical education reform;
Charges committee to:

- Develop legislation for current legislative consideration that will transition vocational education and career and technical education to a unified system to be funded based on student achievement and that includes:
 - The entities that will be responsible for the determination of appropriate student outcomes on which the new proposed funding system will be based.
 - The approval of all career and technical education programs and curricula by an industry advisory committee and an apprenticeship program that is required for all career and technical education programs and curricula.
 - Requirements that career and technical education students pass a written and performance assessment that is administered by a representative from the applicable industry.
 - Funding mechanisms for successful completion of applicable courses and programs.
- Submit a report regarding the committee's activities and recommendations for legislative action on or before December 31, 2011.

Referred to House Committees on Education and Rules

Status: House Second Read 2/10/11

HB 2710: Study Committee; Outcome-Based Funding

Establishes a Joint Legislative Study Committee on Outcome-Based Education Funding to develop legislation that will transition public school funding from a system based on instructional hours to a system based on student achievement; requires Committee to report to the Governor and the Legislature by December 31, 2011; Self-repeals October 1, 2012.

Status: Passed the Senate 4/7/10 and transmitted to the House.

HCR 2030: Private School Tuition Programs

Resolution to amend Arizona's Constitution permitting vouchers for private school education for

- students with disabilities;
- foster care students; and
- students in public schools with an average classroom size of 35 or more students.

Status: No action since date of introduction.

SENATE BILLS

SB 1053: License Plates; Special; Character Education

Revises existing statute that pertains to the fund into which the contribution portion of license plate fees generated by the sale of character education license plates; limits the amount of money, not to exceed 10%, in the fund that may be used by the DOE to administer it

Status: Ready for the House Committee of the Whole 4/7/11

SB 1055: Character Education Grants; Administrative Costs

Permits the DOE to retain up to 10% of funds used for state matching grants for character education that are distributed to qualified public or charter schools; retained amount is intended to defray the cost of administering the program

Status: Ready for the House Committee of the Whole 4/7/11

SB 1062: Profession Teaching Standards Board

Various duties of the SBE regarding teacher supervision, certification and discipline are moved to this newly created Board; specifies Board membership

Referred to Senate Committees on Education, Appropriations and Rules

Status: Senate Second Read 1/12/11

SB 1063: Compulsory School Attendance; Increase

Increases compulsory school attendance age from 16 to 18; exception made for student who has obtained a high school diploma, a G.E.D., or has graduated from a home school program.

Referred to Senate Committees on Education and Rules

Status: Senate Second Read 1/12/11

SB 1064: Schools; American Competitiveness Project Fund

Expands list of programs that are eligible to receive monies from the American Competitiveness Project Funds administered by the DOE; programs may emphasize international philosophy, defined as a course comprising "the study of epistemology, logic and critical thinking".

Referred to House Rules Committee

Status: Passed the House Education Committee 3/7/11; Withdrawn from the Government Committee 4/7/11

SB 1065: Noncertificated School Employees; Policies

Requires school district governing boards to adopt employment policies for noncertificated employees.

Referred to Senate Committees on Education, Rules and Government Reform

Status: Senate Second Read 1/12/11

SB 1067: STO's; Designating Scholarship Recipients; Prohibition

Disallows the tax credit for contributions to student tuition organization if contribution is made for the benefit of any "specific student"; prohibits student tuition organizations from considering the recommendations of any donor for the purpose of awarding scholarships or tuition grants.

Referred to Senate Committees on Education, Rules and Finance

Status: Senate Second Read 1/12/11

SB 1068: STO's; Scholarships; Financial Need

The requirement that student tuition organizations must use at least 90% of its revenue for scholarships or grants is changed to further require that the scholarships or grants are made only to children whose family income does not exceed 185% of the income limit used to determine eligibility for a child to qualify for reduced price lunches under the National School Lunch and Child Nutrition Acts.

Referred to Senate Committees on Education, Rules and Finance

Status: Senate Second Read 1/12/11

SB 1069: Schools; Technology; Personnel Training

Expands the list of permitted uses for school bonds to include personnel training costs for equipment and technology; expands list of permitted uses for a school's soft capital allocation to include training associated with technology acquired with soft capital monies, except that no more than 10% of the soft capital allocation may be used for training.

Referred to Senate Committees on Rules and Finance

Status: Senate Second Read 1/12/11

SB 1072: School Boards; Election Cancellation; Certificate

The statute describing a situation whereby a county board of supervisors may cancel a school board election if only one qualified person is running for single vacancy and appoint the person to office is changed to require the county school superintendent to also issue a certificate of election to the person.

Referred to Senate Committees on Judiciary and Rules

Status: Passed Education Committee 1/24/11

SB 1073: School Board Members; Oath

Beginning in 2012, if a school board member has not subscribed to the oath of office by January 1 of the year following the person's election, the county school superintendent shall declare the office vacant and shall appoint a replacement who shall serve until the next regularly scheduled election of school board members.

Referred to Senate Committees on Education and Rules

Status: Senate Second Read 1/12/11

SB 1098: School Safety Clearinghouse; Extension

Extends clearinghouse, established within the DOE to handle information concerning school safety, for an additional five years to July 1, 2015.

Referred to Senate Committee on Rules

Status: Passed House Education Committee 2/23/11

SB 1099: Legal Opinions; School Matters; Deadline

Shortens to 30 days (from 60 days) the time period within which a legal opinion by a county attorney is deemed to have been affirmed by the attorney general absent notice from the attorney general regarding concurrence.

Referred to Senate Rules Committee

Status: Held in the Judiciary Committee, 1/11/11

SB 1100: Bonds; Recreational Facilities; School Use

Eliminates the automatic payroll deduction of dues for State employees in a recognized association except when the association's primary purpose is to represent law enforcement personnel. Permits an automatic payroll deduction of dues for State employees only if an association consists of at least 500 AzPOST certified peace officers whose primary purpose is to represent law enforcement personnel.

Referred to House Rules Committee

Status: A strike-everything amended was passed in the House Commerce Committee on a 4-3-1 vote on 3/16/11 which included a verbal amendment that added correctional officers into the provisions. The bill was withdrawn from the Ways & Means Committee 3/14/11.

SB 1141: Schools; Residency Requirements

Instructs school districts and charter schools to require and maintain verifiable documentation of Arizona residency for enrolled pupils in accordance with guidelines set forth by the Arizona Department of Education.

Status: Passed House Committee of the Whole 4/7/11

SB 1152: Homeschools; Designation

Defines "homeschools" as a form of non-public education; changes the term *home school* to *homeschool* throughout statute.

Status: SIGNED by the Governor 4/6/11

SB 1209: School district Employees; Salaries; Posting

Requires districts to forward a list of employees and their salaries to the DOE before 9/15 of each year; requires the DOE to post the information on its website before 10/15 of each year.

Referred to: Committees on Education and Rules

Status: Failed in the Education Committee, 2/14/11

SB 1215: Public meetings; call to public

Requires a public body to make an open call to the public at an open meeting (current law makes the open call optional).

Status: Retained by Senate Committee of the Whole, 2/28/11

SB 1255: Arizona online instruction; graduation requirements

Requires districts to notify enrolled students, who are also participating in online instruction, that online courses may not apply towards the district's graduation requirements of individual school districts.

Referred to Senate Committees on Education and Rules

Status: House Second Read 1/27/11

SB 1256: Education; Omnibus***Bullying, Harassment, and Intimidation Policies***

- Directs school districts to include provisions to prohibit harassment, intimidation, and bullying through the use of electronic technology and electronic communications in their bullying policies.
- Requires ADE to adopt a definition of *bullying* that has the same meaning as defined by the United States Department of Education.

Teacher Certification Reciprocity

- Specifies a person is not required to take the teaching certificate proficiency examination if the person has passed an equivalent examination in another state.

Definitions

- Modifies the definition of *home school district* to clarify that if a child is a ward of the state and enrolled in an accommodation district, the child's *home school district* is the school district the child last attended or, if the child has not previously attended public school in Arizona, the district in which the child currently resides.
- Clarifies that if there is a discrepancy between the measures used to determine whether a preschool child should be classified as *speech/language impaired*, the evaluation team shall determine eligibility based on a preponderance of the information presented.

180-day School Year

- Updates multiple references to the minimum number of instructional days in a school year from 175 days to 180 days. *Proposition 301, passed by the voters in 2000, added five school days to the school year, increasing the number of days each public school is required to be in session from 175 to 180 days.*

Early Kindergarten Repeaters

- Allows a school district or charter school to receive a portion of basic state aid if a kindergarten pupil was admitted early, but did not remain enrolled, and was then readmitted in the subsequent year. *Current law prohibits school districts and charter schools from receiving basic state aid for early kindergarten repeaters.*

4-Day ADM Count

- Permits ADE to delay the implementation of statutory changes related to average daily membership (ADM) one fiscal year if the Superintendent of Public Instruction determines ADE is unable to comply. *Currently, ADM is defined as the total enrollment of fractional and full-time students, minus withdrawals, through the first 100 days of the school year. Laws 2010, Chapter 318 defines ADM as the average of total enrollment of fractional and full-time students, minus withdrawals, on September 15, November 15, January 15, and March 15.*
- Requires ADE to notify school districts and charter schools of the delayed implementation.

Miscellaneous

- Makes technical and conforming changes.

AMENDMENTS

- Corrects the number of instructional hours required for 0.75 ADM for a part-time high school student.
- Clarifies charter schools must use the final ADM county provided by ADE in April every year to determine ADM for the budget year.
- Allows school districts to continue using prior year ADM counts as the basis for bond capacity calculations.
- Updates references to the Montgomery GI Bill to reflect changes adopted by the Post-911 GI Bill.

Status: Passed the Senate and transmitted to the House 3/9/11; Passed the House Education Committee, as amended 3/21/11

SB 1257: School District Overexpenditures; State Board

Permits the SBE to authorize a payment extension of up to five years to any district that its calculation of state aid or budget limit by at least twenty-five per cent for the current fiscal year.

Referred to Senate Committees on Appropriations and Rules

Status: Senate Second Read 1/27/11

SB 1258: School Finance; Per Pupil Funding

Calculates “absences” and “average daily membership” for Arizona online instruction students.

Referred to Senate Committees on Appropriations and Rules

Status: Held in the Education Committee, 2/14/11

SB 1263: Schools; Administrative Tasks; Reduction

Addresses issues in public education concerning school district governing boards, charter schools, school district and charter school budgets, bonding, public school tax credits, reporting requirements, personnel policies and other miscellaneous issues, including:

- Permits a school district governing board to adopt a written resolution for a school year of less than 180 days and requires:
 - the school year to consist of a minimum of 170 days of instruction and the number of minutes of instruction currently required, and
 - ADE to adjust the hourly requirements for full-time and fractional students accordingly.
- Reduces the time frame from 30 days to 10 days for a governing board to:
 - provide notice of a public meeting to discuss the closure of a school, and
 - schedule a meeting to discuss a school closure prior to a public meeting to vote on the closure.
- Permits a school district to charge students for transportation expenses for field trips, athletic events and extracurricular activities unless state or federal law requires that transportation be provided.
- Allows schools districts to reduce the per pupil square footage for a period of two years if the reduction is due to the demolition of a school building and the square footage is restored after the two year period.
- Allows school district governing boards to sell outdated learning materials, education equipment or furnishings at a price that is commensurate with the value of the item to currently enrolled students before they are offered for public sale.
- Expands the list of entities that school district governing boards can sell or lease any school property that is used for a public purpose.
- Adds outdated educational equipment and furnishings to the items a school district governing board may donate to nonprofit organizations.

- Prohibits the State Board of Education (SBE) rules authorizing school districts to procure construction services by construction-manager-at-risk to include requiring districts to obtain bid security.
- Allows school districts to enter into contracts for materials, services and job-order contracting construction services if the provisions pertaining to renewal or extension are included in the request for proposal:
 - monies must also be available for the first fiscal period of the contract. Payment and performance obligations for future fiscal periods are subject to the availability of monies.
 - the duration of contracts for job-order contracting construction services shall be limited to no more than five years.
- Repeals statute requiring school district governing boards to adopt and vote on school recess policies at a public hearing.

School District and Charter School Budgets

- Sets the Classroom Site Fund per pupil amount at \$120 FY 2012.
- Exempts those school districts and charter schools which used non-CSF for teacher compensation in FY 2012, due to adjustments for prior year CSF shortfalls, from maintaining the higher level of spending with other funds in FY 2013.
- Allows school districts to calculate their Revenue Control Limit (RCL) for purposes of determining their authorized budget override capacity for FY 2012 and FY 2013 using:
 - the greater of the actual base level funding plus the statutory inflation factor or the FY 2011 base level of \$3,267.72, and
 - the greater of the weighted student count for kindergarten students using a group B kindergarten weight of 1.352 or the actual weighted student count for kindergarten students.
- Allows unrestricted capital outlay funds to be used for any capital or operation purpose in FY 2012 and FY 2013, excluding voter authorized override funds and funds received from the School Facilities Board (SFB).
- Permits school districts to carry forward maintenance and operation fund balances in excess of four percent in FY 2012 and FY 2013.

Bonding

- Permits a school governing board to call an election by a majority vote of the board and requires a board call an election on petition of their electors to:
 - change the list of capital projects or purposes authorized by prior voter approval to issue bonds, and
 - extend from six years to ten years the time period to issue Class B bonds authorized in 2009 or earlier. Elections held for this reason may not be held later than the sixth November after the election approving the issuance of the bonds.
- Outlines procedures, requirements and prescribes the form of the ballot for elections called to change the purpose or list of capital projects previously authorized by voters. The election must be held on the first Tuesday after the first Monday in November (fall general date).
- Outlines procedures, requirements and prescribes the form of the ballot for elections called to extend from six years to ten years the time period to issue Class B bonds authorized in 2009 or earlier. The election must be held on the first Tuesday after the first Monday in November (fall general date).
- Increases the Class B bonding capacity for a school district from five to ten percent and for unified school districts from ten to seventeen percent for FY 2012 through FY 2015.

Public School Tax Credit

- Expands the allowable uses of public school tax credit contributions made prior to December 31, 2014 to include expenditures for:
 - technology,
 - professional development,
 - supplies,

- student assessment expenses and fees,
- literacy development including classroom and library materials, and
- literacy assessments and coaches.
- Establishes guidelines for the use of school tax credits for extracurricular activities as follows:
 - no more than \$200 may be used on behalf of any single student in the same fiscal year for extracurricular activities conducted in another state,
 - no more than \$800 per student may be used on behalf of any single student in the same fiscal year for extracurricular activities conducted outside the United States, and
 - unencumbered contributions received in any previous fiscal year may be used for extracurricular activities in any subsequent fiscal year.

Reporting Requirements

- Requires a school district to report biennially instead of annually to the SFB on the number and type of buildings owned, the square footage of each building, the age of the buildings and the nature and cost of any renovations.
- Exempts school districts and charter schools from filing English language learner reports and school building reports for FY 2012 through 2014.
- Changes the annual English language learner report required by all districts and charter schools to a biennial report.

Personnel Policies

- Specifies that employment contracts for school superintendents shall be structured so that up to 20% of the superintendent's annual salary is classified as performance pay. Currently, at least 20% of the annual salary and benefits must be for performance pay.

Miscellaneous

- Exempts academic competitions conducted by school districts and charter schools that award cash, prizes and scholarships from gambling regulations.
- Allows warrants drawn by the county school superintendent to be processed electronically.

Status: Ready for the House Committee of the Whole, 4/6/11

SB 1280: Minors; Electronic Cigarettes; Prohibition

Defines *electronic cigarette* as a battery-powered device that provides a vaporized solution of nicotine; prohibits a person from knowingly selling, giving or furnishing electronic cigarettes to a minor and specifies that a violation is a petty offense; prohibits a minor from knowingly purchasing, accepting or possessing electronic cigarettes and specifies that a violation is a petty offense.

Referred to: House Rules Committee

Status: Passed the House Judiciary Committee 3/17/11

SB 1303: Schools; Drop-Out Recovery Programs

School districts and charter schools that instruct high school students are authorized to offer a dropout recovery program:

- The school district may claim up to 1.0 adm for each participating full-time student;
- The school district may claim up to 1.0 adm for each student who attends both that school district's dropout recovery program and another school district's dropout recovery program during the same fiscal year;
- The school district may claim a proportionately reduced adm for each student participating part-time student.

Status: Ready for the House Committee of the Whole, 4/7/11

SB 1312: STOs; Credits; Administration

Allows credits against luxury tax and severance tax for contributions made to school tuition organizations (STOs) for scholarships awarded to low-income, displaced and disabled students, in addition to the credit already afforded to income tax and premium insurance tax.

Status: Passed the Senate Committee of the Whole, 3/8/11

SB 1329: Public Employees; Lobbying; Political Activities

Allows a candidate for public office to request information through the public records law to determine whether a public employee or entity is in violation of laws prohibiting lobbying; requires a custodian of public records to furnish records requested by a candidate within ten days.

- Prohibits a public employee (who is paid in whole or in part from taxpayer monies) from:
 - lobbying a governmental entity during the employee's hours of employment;
 - engaging in any political activity during their hours of employment; or
 - using taxpayer monies to fund any part of a rally, protest or lobbying effort unless the public entity leases space or equipment at a fair market value to entities engaged in a rally, protest or lobbying effort.
- Permits a public employee to:
 - lobby a governmental entity during the public employee's hours of employment if they use vacation time, compensatory time or a leave of absence; and/or
 - engage in political activity during their hours of employment if they use vacation time, compensatory time or a leave of absence.

Status: Ready for the House Committee of the Whole, 4/6/11

SB 1377: Schools; Student Drug Use; Notification

A strike-everything amendment to SB 1377 was passed by the Senate Public Safety and Human Services Committee. The revised bill requires a principal to notify the superintendent of the school district of student drug use and prescribes procedures for the superintendent to notify parents. Its provisions require:

- school district governing boards to prescribe procedures for the principal of the school to notify the superintendent of the school district if a suspension or expulsion involves a dangerous drug;
- the school district superintendent, if a total of three suspensions or expulsions occur involving the same drug at the same school in the same school year, to do the following:
 - provide written or electronic notification to the parents of students enrolled at the school that:
 - the presence of the particular drug has been reported,
 - information about the drug,
 - a list of symptoms associated with the use of or addiction to the drug and
 - information about rehabilitation services; and
 - conduct a community forum on the campus of the school to discuss the presence of and problems associated with the drug; and
 - post the notification on the school's website.

Referred to the House Committees on Rules and Education 3/9/11

Status: Passed the Senate and transmitted to the House

SB 1407: Schools; Data; Noncitizen Students

Requires the DOE to collect data from school districts on students who are enrolled in school who cannot prove lawful residence in the United States; requires the DOE to submit a report by December 15 of each year to the governor and the Legislature that summarizes the data.

Status: Failed the Senate Committee of the Whole on a 14-16 vote 3/17/11

SB 1409: Government Publications; English Only

Requires any publication issued by a state agency or political subdivision, including voting materials, must be written in English; permits state agencies and political subdivisions to issue publications in a language other than English if the publication is posted on the website and a printed copy is available in the office of the agency or subdivision.

Referred to the House Committees on Government, Judiciary and Rules

Status: Passed the Senate and transmitted to the House 3/22/11

SB 1417: Schools; Mandatory Daily Recess

Requires school districts to provide at least 30 total minutes of recess each day for K-5 students.
The recess requirement:

- May be:
 - in increments of 10, 15 or 30 minutes;
 - satisfied by physical education classes;
- Must:
 - begin in the 2011-2012 school year;
 - be implemented by classroom teachers;
 - consist of structured physical activity outside or inside the classroom.
- May not be satisfied by unstructured recess time that occurs immediately after lunch periods.

Referred to the Senate Committees on Rules and Education

Status: House Second Read 2/1/11

SB 1420: School Districts; Competitive Bidding; Filing

Removes the ability of a school district to procure services without engaging in competitive bidding in order to place a student in a private school and when a party to an intergovernmental agreement.

Status: Retained on the Senate Committee of the Whole's Consent Calendar 2/28/11

SB 1422: School Facilities Board; School Closures

Redefines procedures for school district governing boards and the School Facilities Board as they relate to school closures.

Referred to the Senate Committees on Education and Rules

Status: Held in the Education Committee, 2/7/11

SB 1450: Reporting Violent Behavior; Government Entities

- Requires the state, its political subdivisions (such as school districts) and any other governmental entity, that has knowledge that a person has been expelled, suspended or terminated from membership or employment because of violence, threats of violence or behavior that constitutes a danger to self or others to report that information to the proper law enforcement officials
- Requires the law enforcement official who receives such a report to transmit the information to the appropriate local or regional health agency or crisis center;
- A "good faith effort" to report the information is deemed to be in compliance with the requirements.

Referred to the Senate Committees on Rules and the Judiciary

Status: Senate Second Read 2/2/11

SB 1451: High Schools; Board Examination Systems

Provides clarification to the "Move On When Ready" legislation from last year; makes various changes to the Grand Canyon Diploma (GCD) system:

- modifies the allocation of state aid for students earning a GCD;
- GCD-eligible students cannot be prevented from enrolling at a high school through grade 12;
- Schools in districts offering a GCD cannot include students in grades 11 and 12 in the district's student count unless the school also provides an academic program for students in those grades who do not elect to pursue a GCD.

Status: Passed the Senate and transmitted the House; Passed the House Education Committee 3/21/11

SB 1452: Schools; E-Learning Programs

A strike-everything amendment was passed in the Education Committee. The revised language requires the SBE to:

- develop a postsecondary teacher preparation program on targeted digital instruction training;

- offer a separate certification endorsement for teachers who complete the program. To receive this endorsement applicants must demonstrate sufficient education, training, skills, knowledge and expertise to use hybrid e-learning effectively;
- establish a Digital Learning Center to be operated and administered by a private organization;
- Requires the Digital Learning Center to:
 - develop innovative educational models that use hybrid e-learning and web-based educational content;
 - provide educational resources to school districts and charter schools;
 - promote increased academic performance and motivate students to learn using an evidence-based curriculum that uses online digital content,
 - provide technical assistance to school districts and schools,
- Allows the Digital Learning Center to use services of state agencies, individuals and organizations that have expertise in digital curriculum and services.
- Allows teachers who provide Arizona Online Instruction to receive automatic teacher certification reciprocity if they are certified in a state with a similar program
- Defines "Hybrid e-learning" as a blending and integration of traditional teacher led classroom instruction and pupil support with teacher led and supported pupil-centered e-learning using digital technology.

Status: Passed the Senate and transmitted the House; Passed the House Education Committee 3/21/11

SB 1453: Schools; Parents' Rights

- Grants parents of students in public educational institutions the right to review learning materials and activities in advance.
- Allows parents to request to withdraw their child from an activity or class if they object to the material or activity on the basis that it is harmful and request an alternative assignment.
- Charter schools
 - Are permitted to require parents to submit a written request to review learning materials or activities or to withdraw a student from learning materials or activities.
 - Are authorized to require parents to waive their rights to object to learning materials as a condition of enrollment if the charter school provides a complete list of books and materials to be used prior to the beginning of each school year.
 - Grants parents the right to object to any charter school materials not disclosed prior to enrollment.
- Requires a public educational institution to obtain signed, written consent from parents prior to using video, audio, or electronic materials that may be inappropriate for the age of the student.
- Defines *objection to a learning material or activity on the basis that it is harmful and public educational institution.*

Status: Passed the House, as amended, on a 39-14-3 vote and transmitted to the Senate 4/7/11

Note: these provisions are addressed in Governing Board Policies IJ, IJND and KEC.

SB 1454: JTEDs; Student Count; ADM

(Please see HB 2237)

Makes various changes to calculations of student count for JTEDs, including that beginning in fiscal year 2011-12 student county is the JTED's average daily membership instead of daily attendance. Establishes new calculations for the full-time equivalency of students enrolled in JTED courses based on the number of hours the course meets.

Referred to Senate Committees on Education and Rules

Status: Senate Second Read 2/2/11

SB 1455: AP Teachers; Bonus Pay; Weight

Establishes a teacher performance pay system based on student performance on Advanced Placement exams.

Referred to Senate Committee on Rules

Status: Passed, as amended, in the Education Committee, 2/14/11

SB 1457: Schools; Sex Education

Adds criteria to schools' sex education curricula, including:

- Requires school districts to:
 - provide sex education that is medically accurate and comprehensive;
 - excuse students from the instruction at the request of a parent;
 - notify all parents of their ability to withdraw their child from the instruction;
- Permits the DHS to review instruction materials to determine their medical accuracy;
- Permits the DOE to provide additional materials and training assistance;
- Defines "comprehensive" and "medically accurate";
- Revises language on sexually transmitted infections instruction;
- Requires K-12 student instruction on sexually transmitted infections (previously optional);
- Removes prohibition on information regarding homosexuality.

Referred to the Senate Committees on Education and Rules

Status: Senate Second Read 2/2/11

SB 1462: Schools; ELL Models; Exemption

Provides criteria from the implementation of structured English immersion instruction based on approved models.

Referred to the Senate Committees on Education and Rules

Status: Senate Second Read 2/2/11

SB 1465: Valid Identification; Consular Cards; Prohibition

Prohibits this state or any of its political subdivisions from accepting a foreign consular identification card as a valid form of identification.

Status: Ready for the House Committee of the Whole 3/28/11

SB 1467: Educational Institution; Concealed Weapons

Prohibits educational institutions' governing boards from adopting or enforcing any policy or rule that prohibits the possession of a concealed weapon by a person with a valid concealed weapon permit or that prohibits the transportation or storage of a firearm in a private motor vehicle.

Status: Passed the House on a 33-24-3 vote and transmitted to the Senate 4/7/11

SB 1518: School Districts; Capacity; Charter Schools

Suspends any School Facilities Board (SFB) New School Facilities Fund (NSFF) monies for school district requests related to actual or anticipated student capacity needs from FY 2012 through FY 2014 and provides outline for addressing school capacity needs through existing or new charter school and public school arrangements.

Status: Retained by Senate Committee of the Whole, 3/8/11

SB 1520: Arizona Background Clearance Card

Changes the screening process for people who work with children and vulnerable adults from a fingerprint-based system to a background check system. Privatizes the background check functions and requires the Arizona Department of Administration to regulate background check providers. Contains requirements for enactment and becomes effective on signature of the Governor (Proposition 108).

Referred to the House Rules Committee

Status: Passed, as amended, by the House Judiciary Committee 3/24/11

SB 1521: Schools; Head Injury Policies; Athletics

(Please see HB 2385: Schools; Athletics; Head Injury Policies)

Requires school boards adopt policies to educate coaches, students and parents of the dangers of head injuries and the risks of continued participation in athletic activity after a concussion. The policies must require students suspected of having a head injury to be immediately removed from the athletic activity until the student is evaluated by and receives clearance from a health care provider.

Status: Ready for the House Committee of the Whole 4/6/11

SB 1532: ADE; RFP; ELL Instruction

Directs the DOE to see out hardware/software for ELL learners; contract to be issued before 12/31/11

Referred to the Senate Committees on Education and Rules

Status: Senate Second Read 2/2/11

SB 1548: Nuclear Fuel Recycling; School Funding

Establishes a Nuclear Recycling Public School Fund, comprised of the fees collected by the state from the federal government for facility development, to offset state General Fund expenditures for public education.

Status: Passed the Senate on a 20-9-1 vote and transmitted to the House 3/22/11

SB 1549: Schools; Anti-Bullying; Electronic Media

Expands requirements for school district policies on harassment, intimidation and bullying. At Education Committee meeting, suggestion made to the bill's sponsor work to get this bill added to SB 1256.

Referred to the Senate Committee on Rules

Status: Held in Education Committee, 2/2/11

SB 1551: Smoking in Vehicle with Minors

Prohibits smoking in a motor vehicle in presence of minor under 16 years old; sets parameters for stopping and ticketing driver; sets violation penalties

Referred to the Senate Committee on Rules and Judicial Committees

Status: Held in Education Committee, 2/2/11

SB 1553: Education; Arizona Empowerment Accounts

(Please see HB 2706: Education; Arizona Empowerment Accounts)

Establishes and prescribes rules and requirements for the Arizona Empowerment Accounts program (essentially a voucher) for special education students

Status: Passed House and transmitted to the Senate; passed Senate Final Read on a 21-7-2 vote 4/7/11

SB 1554: ADE; Teachers; Liability Insurance

Requires the Arizona Department of Education (ADE) to seek proposals from private insurance companies to provide alternative personal liability insurance to teachers before December 31, 2011.

Status: Failed in the House Education Committee 3/21/11

SB 1555: Government Employees; Union Dues; Withholding

Prohibits the state, counties, municipalities, school districts and other political subdivisions from withholding or diverting any portion of employee wages to pay for labor organization dues.

Referred to the Senate Rules Committee

Status: Failed in the Senate Government Reform Committee, 2/16/11

SB 1556: School District Monies; Associations; Elections

Prohibits school districts from spending monies for membership in an association that attempts to influence the outcome of an election or that advocates support for or opposition to pending or proposed legislation.

Referred to Senate Committees on Rules and Education

Status: Senate Second Read 2/2/11

SB 1558: Schools; Superintendent Contracts; Performance Pay

Makes changes to the model for superintendent performance pay prescribed in statute if a local option isn't adopted.

Referred to Senate Committee on Rules

Status: Held in Senate Education Committee, 2/14/11

SB 1561: Legislative Appropriations; Federal Monies

Authorizes the Arizona State Legislature to appropriate non-custodial federal monies

Referred to Senate Committee on Rules

Status: Passed the House Appropriations Committee 3/23/11

SB 1562: Public Employees; Collective Bargaining

Establishes a Public Employee Bargaining Act

Referred to Senate Committee on Rules and the Judiciary

Status: Senate Second Read 2/2/11

SB 1563: State Employees; Meet and Confer

Establishes State Employees Organizational Rights

Referred to Senate Committee on Rules and the Judiciary

Status: Senate Second Read 2/2/11

SB 1575: JTED'S; Governing Board

A strike-everything amendment was passed in the Senate Government Reform Committee

Makes changes to Joint Technical Education District (JTED) governing boards.

Status: Ready for the House Committee of the Whole, 4/6/11

SB 1576: County School Superintendent; Qualifications

A strike-everything amendment was passed in the Senate Government Reform Committee

Changes the qualifications for county school superintendents.

Status: Passed the Senate on a 19-11 vote and transmitted to the House; House Second Read 3/15/11

SB 1577: County Schools; Superintendent; Powers

A strike-everything amendment was passed in the Senate Government Reform Committee

Powers and removes from the powers of a county school superintendent to appoint school district governing board members to fill vacancies on a board and allows a school district governing board to appoint members to a governing board to fill vacancies.

Status: Passed the Senate on a 21-7 vote and transmitted to the House; House Second Read 3/22/11

SB 1582: Public Officers; Employees; Promotional Materials

- For a period of one year before an election, prohibits a public officer or employee from causing the printing, mailing broadcasting, transmission to the public any promotional or informational material at public expense that features the face or voice of a person who is a candidate for any public office in that Arizona election;
- Defines a "candidate for public office" as a person who
 - circulates a nomination petition to collect signatures,

- registers an exploratory committee, or
- is the candidate named in a candidate campaign committee registration

Referred to the Senate Committees on the Judiciary and Rules

Status: Senate Second Read 2/2/11

SB 1603: Schools; Performance Based Compensation Plans

- Restructures teacher performance pay allocations from the Classroom Site Fund;
- Revises the elements required to be included in a performance based compensation system to include:
 - school performance on statewide testing;
 - measures of academic progress toward the academic standards adopted by the State Board of Education, the system shall consider yearly performance gains by class;
 - dropout or graduation rates, if a teacher provides instruction in grades nine through twelve;
 - ratings of teacher quality by parents;
 - ratings of teacher quality by students;
 - an appeals process for teachers who have been denied performance based compensation; and
 - a regular evaluation for effectiveness of the system.
- Prohibits school district governing boards from changing elements of, or adding elements to the system.
- Limits teacher compensation awards to performance of the teacher's class or the students assigned to that teacher.
- Stipulates that teachers shall earn a score based on the elements in the system and that score determines the amount of performance pay.
- Requires the Arizona Performance Based Compensation Plan Task Force to develop the pay increase scale based on the revised system requirements. The scale shall be determine as follows:
 - For teachers who teach students in kindergarten and grades one through eight:
 - 50% of compensation shall be based on statewide testing performance;
 - 25% shall be based on academic progress; and
 - 25% shall be based on teacher and student evaluations.
 - For teachers who teach students in grades nine through twelve:
 - 40% of compensation shall be based on statewide testing performance;
 - 25% shall be based on academic progress;
 - 25% shall be based on teacher and student evaluations; and
 - 10% shall be based on dropout rates.
- Beginning on July 1, 2012, requires school district governing boards to vote on a performance based compensation system that includes the revised elements.
- Restructures the duties of the Arizona Performance Based Compensation Plan Task Force.

Referred to the Senate Rules Committee

Status: Held in the Senate Education Committee, 2/14/11

SB 1604: Schools; Capital Monies; Temporary Uses

Permits school district to use capital monies for teacher retention, salary increases and performance pay; restricts temporary uses to FY 2011-12, 2012-13 and 2013-14.

Referred to the Senate Committees on the Appropriations and Rules

Status: Senate Second Read 2/2/11

SB 1607: Schools; Residency Requirements

Requires school districts to require and maintain verifiable documentation of Arizona residency for enrolled students

Referred to the Senate Rules Committee

Status: Withdrawn from the Appropriation and Education Committees on 2/17/11

04/11/11 5:35 PM

SB 1617: K-12 Education; 2011-2012; Budget Reconciliation

Makes necessary statutory and session law changes relating to K-12 education to implement the FY 2012 budget. Provisions include:

- Continues the FY 2011 base level amount of \$3,267.72 for FY 2012.
- Increases the transportation support level per route mile formula amount by 0.9% for FY 2012.
- Repeals statute allowing school districts to adjust their Revenue Control Limit (RCL) for actual utility costs.
- Suspends the Soft Capital Allocation (SCA) and the Building Renewal formula for FY 2012.
- Prohibits the SFB from authorizing or awarding funding for the design or construction or school site acquisition of any new school facility in FY 2012.
- Requires school districts to submit capital plans and allows the SFB to review and award new school facilities in FY 2012, subject to future appropriations.
- Repeals the Career Ladder Program and the Optional Teacher Performance Pay Program July 1, 2015.
- Specifies the maximum increase in the base level amount participating school districts may budget for Career Ladder or the Optional Teacher Performance Pay Program as:
 - four percent in FY 2012,
 - three percent in FY 2013,
 - two percent in FY 2014, and
 - one percent in FY 2015.
- Prohibits new teachers from participating in Career Ladder or the Optional Performance Incentive Program in FY 2012 through FY 2015.
- Increases the Class B bonding capacity for a school district from five to ten percent and for unified school districts from 10 to 17 percent for FY 2012 through FY 2015.
- Prohibits ADE from conducting special education programs cost studies in FY 2012 and FY 2013.
- Directs Legislative Council to prepare conforming legislation for consideration the in 50th Legislature, Second Regular Session relating to the delayed repeals of the Career Ladder and optional Teacher Performance Pay Program.
- Removes the requirement that school districts and charter schools choosing to offer full day kindergarten charge tuition for those students.

Status: Signed by the Governor 4/6/11

SCR 1013 Cesar Chavez Day

Resolution setting the fourth Monday in March as "Cesar Chavez Day".

Referred to the Senate Committees on Government Reform and Rules

Status: Senate Second Read 1/13/11

SCR 1035 English; Official Language

Subject to voter approval, constitutionally prohibits a representative of government from using or offering to use a language other than English in any communication or translation in connection with any official action

Status: Passed the Senate, as amended, 3/14/11; transmitted to the House 3/16/11