



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

DATE OF MEETING: April 10, 2012

TITLE: Periodic Legislative Update (4.10.12)

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 second regular session of the 50th Arizona legislature this year.

This item has been updated to inform the Board regarding education-related legislation that has been signed by Governor Brewer recently.

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

INITIATED BY:

A handwritten signature in cursive script, appearing to read "Todd A. Jaeger".

Todd A. Jaeger, Associate to the Superintendent

Date: April 10, 2012

A handwritten signature in cursive script, appearing to read "Vicki Balentine".

Vicki Balentine, Ph.D., Superintendent

BILLS INTRODUCED IN THE ARIZONA HOUSE OF REPRESENTATIVES

HB2034: HOOKAH USE; MINORS; PROHIBITION

It is a petty offense to knowingly sell or give any paraphernalia designed for smoking or ingesting tobacco, including a hookah or water pipe, to a minor. It is a petty offense for a minor to buy or possess such paraphernalia, with a penalty of at least 30 hours of community supervision and a minimum \$100 fine

SPONSORS: Yee

Status: this bill was SIGNED by the Governor 3/27/12.

HB2161: TEACHERS; SPECIALIZED CERTIFICATION

Directs SBE to provide a specialized teaching certificate to teachers with expertise in science, technology, engineering or mathematics (STEM) fields but does not require otherwise certificated teachers who teach STEM courses to obtain a specialized certificate. Provisions include:

- Enables a teacher who possesses a specialized STEM teaching certificate to provide instruction in the teacher's field of expertise to public school students in grades 7 through 12.
- Outlines the following requirements a teacher must satisfy in order to be eligible for the specialized certificate:
 - Submit proof of providing instruction in STEM courses at an accredited postsecondary education institution for the last two consecutive years and a total of three years.
 - Possess a baccalaureate, master's or doctoral degree in a STEM subject or pass an SBE-recognized statewide educator assessment in a STEM subject.
 - Complete training in Structured English Immersion.
 - Obtain a valid fingerprint clearance card.
- Exempts a teacher who receives the specialized teaching certificate from the requirement to prove proficiency in professional and subject knowledge and the United States and Arizona Constitutions.

SPONSORS: Carter, Robson, Brophy McGee, Seel, Dial, Urie, Gowan, Goodale, Pierce

Status: this bill was SIGNED by the Governor 3/15/12.

HB2171: SCHOOL; HOT LINE; CLEARINGHOUSE; REPEAL

Repeals the Public School Information Hot Line Program and the School Safety Clearinghouse Program; Repeals the AIMS Intervention and Dropout Prevention Program and the Instructional Technology Systems Pilot Program.

SPONSORS: Brophy McGee

Status: this bill was SIGNED by the Governor 3/15/12.

HB2500: SCHOOLS; POORLY PERFORMING; INTERVENTION STRATEGY

A school that is assigned a letter grade of D or F for two consecutive years must implement a science, technology, engineering and mathematics intervention strategy under the supervision of the State Board of Education

SPONSORS: Yee, Jackson, Pierce, Crandall, Goodale, Mesnard

Status: this bill was SIGNED by the Governor April 5, 2012.

HB2663: UNDERPERFORMING SCHOOL DISTRICTS; RECLASSIFICATION

Enables a school that is assigned a letter grade of "D" for less than three consecutive years to also be assigned a letter grade of "F" if SBE determines that it is not reasonably likely that the school will achieve an average level of performance within the next two years.

SPONSORS: Yee, Carter, Pierce, Pancrazi, Crandell, Proud, Crandall, Goodale, Tovar, Gray, R. Gray, Murphy, Alston, Meyer, Smith

Status: this bill was SIGNED by the Governor 3/21/12.

HB2697: TEACHERS; CERTIFICATION; SUBJECT KNOWLEDGE

Requires the State Board of Education (SBE) to establish a process for individuals with experience in science, technology, engineering or mathematics (STEM) to obtain a secondary education certificate to teach in rural communities

SPONSORS: Yee, Mesnard, Leako, Olson, Urie, Pierce, Gray, Proud, Crandell, Melvin

Status: this bill was SIGNED by the Governor April 3, 2012.

HB2712: COMPUTER ACCESS BY MINORS

Modifies definitions and rules governing the access of minors to harmful material on public access computers; provisions include:

- Mandates that public access computers deploy and enforce a technology protection measure preventing minors from gaining access to visual depictions that are child pornography, harmful to minors, or obscene.
- Requires the governing board of every school district to prescribe policies, standards, and rules for the enforcement of computer access.
- States that every school district must make its policies, standards, and rules available to the public.
- Requires the State Board of Education (Board) or the Superintendent of Public Instruction (Superintendent) to notify the school district or charter school that it is in violation of this Act.
- Grants the Board or Superintendent the option to direct the Department of Education (Department) to withhold up to 10% of the monthly apportionment of state aid that would otherwise be due to the school district or charter school if the Board or Superintendent determines that the school district or charter school has failed to comply with this Act within 60 days after a notice has been issued.
- Directs the Department to adjust the school district or charter school's apportionment accordingly. When the Board or Superintendent determines that the school district or charter school is in compliance with this Act, the Department must restore the full amount of state aid payments to the school district or charter school.

SPONSOR: Court

Status: this bill was SIGNED by the Governor April 3, 2012.

HB2727: PUBLIC SCHOOL TAX REFUND CHECKOFF

Allows a taxpayer to voluntarily contribute any amount of their individual income tax refund for state aid to public schools

SPONSORS: Carter, Kavanagh

Status: this bill was SIGNED by the Governor 3/21/12.

HB2743: RENEWABLE ENERGY DEVELOPMENT

Permits governing school boards to lease, sell or purchase school property obtained through renewable energy development agreements or energy performance contracts without having a school district election

SPONSORS: Carter, Kavanagh

Status: this bill was SIGNED by the Governor April 3, 2012.

HB2753: NOTICE; CLAIM; PUBLIC ENTITY; EMPLOYEE

States that if there is a genuine issue of material fact exists as to whether someone complied with the pre-suit requirements for claims against public agencies, it must be resolved before a trial on the merits and at the earliest possible time

SPONSORS: Brophy McGee

Status: this bill was SIGNED by the Governor April 5, 2012.

HCM2006: SCHOOLS; TRADITIONAL AMERICAN HOLIDAYS; RECOGNITION

The Legislature urges the school districts and charter schools of this state to recognize and celebrate traditional American holidays. The Secretary of State is directed to transmit copies of this memorial to the Governor, the Superintendent of Public Instruction, the State Board for Charter Schools and each school board in the state

SPONSORS: Judd, Mesnard, Gonzales, C. Miranda, Dial, Harper

Status: this Memo was transmitted to the Secretary of State 3/20/12.

HCM2007: FEDERAL BALANCED BUDGET AMENDMENT

The Legislature urges the U.S. Congress to pass and propose to the states for ratification an amendment to the U.S. Constitution requiring that federal appropriations for any fiscal year not exceed the total of all federal revenues for that fiscal year. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of Congress from Arizona, and the secretary of state and presiding officer of both houses of the Legislature in each state in the union

SPONSORS: Mesnard, Melvin, Judd, Robson, Seel, Murphy, Kavanagh, Yee, Stevens, Dial, Olson, Barto, Fillmore, Pierce, Lewis, Goodale, Proud

Status: this Memo was transmitted to the Secretary of State 3/20/12.

BILLS INTRODUCED IN THE ARIZONA SENATE

SB1059: SCHOOL PROPERTY; COMMUNITY USE; LIABILITY

Gives schools immunity from liability for injuries sustained by recreational users of outdoor school grounds, excluding swimming pools and other aquatic features; adds that a recreational user does not include students registered at a school who are in transit to or from school and who are on school grounds during designated allowed times or a school sanctioned activity.

SPONSORS: Crandall, Driggs, Barto

Status: this bill was SIGNED by the Governor 3/13/12.

SB1119: RETIREMENT; ASRS; SPOUSAL CONSENT

Provisions include:

Beneficiary Designation

- Allows ASRS members to change their beneficiary at any time in a manner established by the board.
- Requires a married member to name and maintain their current spouse as a beneficiary to receive at least 50 percent of the member's account, and allows the member's current spouse to consent to a waiver of this requirement.
- States that if a member's contingent annuitant (CA) is the member's current spouse, the member shall obtain the consent of the CA before the member names a new CA, or before the member rescinds the election, and does not require consent if the current spouse ceases to be a CA, pursuant to the terms of a qualified domestic relations order or by death.
- Requires a member who is married at the time of retirement to elect a monthly benefit in the form of a joint and survivor annuity, and requires the member's current spouse to be the CA unless the member's spouse consents to a waiver, or ASRS is required to cancel the married member's membership.

Spousal Waiver and Consent

- Allows a member to reapply for retirement at any time in a manner established by ASRS.
- Allows a member's current spouse to consent to one of the following requirements by submitting an acknowledgement to ASRS:
 - A change of beneficiary that provides the member's current spouse with less than 50 percent of the member's account balance.
 - The member's retirement application that does not name the member's current spouse as a CA of a joint and survivor annuity.
 - A change or rescission of the member's current spouse's CA status.

- States that if a member's current spouse is not capable of executing the acknowledgement of the requirements due to an incapacitating mental or physical condition, a power of attorney or guardian may execute the acknowledgment on the current spouse's behalf.
- Allows a member to affirm in writing under penalty of perjury, in a manner determined by ASRS, that spousal consent is not required due to one of the following reasons:
 - The member is not married.
 - The member's current spouse has no identifiable community property interest in the member's benefits.
 - The member does not know and has taken all reasonable steps to determine the location of the member's current spouse.
 - The member has received notification from the board that a domestic relations order is acceptable, and that a domestic relations order requires ASRS to pay benefits to an alternate payee.
 - Obtaining consent violates another law or existing court order.
- Specifies that the statute concerning spousal waiver and consent does not abrogate any community property laws of this State.
- States that payments or distributions made by ASRS in good faith reliance on the consent, waiver of a member's current spouse, affirmation of a member contained in documents submitted to ASRS and the member's indication to ASRS that the member is not married, constitutes a full and complete discharge and release of all liability of both the board and ASRS respecting these payments or distributions.
- Requires ASRS to use reasonable judgment to distribute member's account in a manner consistent with the Arizona community property laws, and interpretations of those laws regarding questions that arise as to that distribution of a particular member's account.

Applicability

- States that the new spousal consent statutes added by this act apply to ASRS members who retire, name or change their beneficiary, CA, or retire on or after July 1, 2013.

SPONSORS: Yarbrough, McComish

Status: *this bill was SIGNED by the Governor 3/27/12.*

SB1168: DROPOUT RECOVERY PROGRAM; CHANGES

(formerly Education; Federal Funds)

Makes changes to dropout recovery program statutes, including:

Dropout Recovery Programs

- Prohibits an Arizona Online Instruction provider from operating a dropout recovery program.
- Requires dropout recovery program monthly participation data to be reported to ADE along with other student data that is currently required.
- Deletes the exemption for attendance, graduation and test scores of dropout recovery program pupils from the requirements of annual achievement profiles and school report cards.
- Adds that dropout recovery programs are classified as alternative schools and are subject to the accountability provisions for alternative schools.
- Permits entities that are contracted to provide dropout recovery programs to conduct outreach to encourage pupils who are not currently enrolled in a school district or charter school to return to school.
- Prohibits entities that are contracted to provide dropout recovery programs from using advertising or marketing campaigns aimed at students who are currently enrolled in a school district or charter school, or participate any other activity that encourages students who are currently enrolled in a school district or charter school to stop attending school in order to qualify for a dropout recovery program.

Dropout Recovery Program Funding

- Clarifies that funding for a student participating in a dropout recovery program will not exceed 1.0 average daily membership (ADM) plus average daily attendance if the student is enrolled

in a school district or charter school other than the school district or charter school operating the recovery program.

- Specifies that the ADM for a student enrolled in a dropout recovery program and a joint technological education district (JTED) owned and operated by a school district cannot exceed 1.25.

Miscellaneous

- Revises the definition of *eligible pupil* to mean a pupil who, if enrolled, would be eligible for placement in an alternative school or is unable to participate in another district program.
- Defines *satisfactory monthly progress* as an amount of progress that measurable on a monthly basis and that, if continued for a full 12 months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a pupil in a traditional education program who completes a full school year. Satisfactory monthly progress can include a lesser required amount of progress for the first two months that a pupil participates in a dropout recovery program.
- Becomes effective on the general effective date, retroactive to July 1, 2011.

SPONSOR: Crandall

Status: this bill was SIGNED by the Governor 3/20/12.

SB1185: SCHOOL SAFETY PROGRAM; REQUIREMENT

Requires the School Safety Program Oversight Committee to add to the School Safety Program Guidance Manual that a dispute resolution process must be included in the service agreement between a school district or charter school that received a grant from the School Safety Program and the law enforcement agency providing services to the school district or charter school

SPONSORS: Gray, Yee, Allen, Crandall, Driggs, McComish

Status: this bill was SIGNED by the Governor 3/29/12.

SB1252: HIGH SCHOOL GRADUATION REQUIREMENT; ALTERNATE

Removes the requirement for a 12th-grade student to have taken AIMS each time it was administered in order to substitute a minimum SBE-determined score on a national college entrance exam for a passing score on AIMS for the purpose of high school graduation

SPONSORS: Crandall

Status: this bill was SIGNED by the Governor 3/20/12.

SB1255: SCHOOL COURSES; MASTERY OF COMPETENCY

Requires multiple pathways to be made available to students who are eligible for a high school diploma through a defined, competency-based college-ready educational pathway. Provisions include:

- Allows eligible students to do one of the following:
 - Enroll the following fall semester in a community college.
 - Public community colleges in this state must admit students who obtain a high school diploma through the fulfillment of a defined, competency-based educational pathway and who are otherwise qualified.
 - The school district or charter school from which the student earned the high school diploma must include that student in its student count and continue to receive per-pupil funding until that student would otherwise have graduated at the end of 12th grade, as long as that student is enrolled as a full-time community college student.
 - The school district or charter school is required to subtract 20% of its average daily membership (ADM) amount to reimburse the community college.
 - If the student attends classes on a community college campus, the school district or charter school must reimburse the community college district for the amount of operating and capital outlay full-time student equivalency (FTSE) monies. The amount of operating FTSE monies must equal the average appropriation per FTSE for all community college districts.

- Half of the remaining balance of per-pupil funding must be used for teacher and student incentives, including scholarship programs, to offset the costs of competency-based pathways and to provide customized programs of assistance for students who do not demonstrate mastery.
- The other half must be used for maintenance and operations, including capital.
- A student who chooses this option is responsible for tuition.
- A student who earns a high school diploma can enroll in community college courses offered on a community college or high school campus, or both.
- Community colleges are prohibited from classifying a student who elects to remain in high school as a full-time equivalent student.
- A student who takes community college classes on a high school campus is eligible to participate in extracurricular activities, including interscholastic sports, through the end of 12th grade.
- The expenditure by community college districts of payments from the school district or charter school will not be included in the constitutional community college district expenditure limit.
- If the student takes classes on a community college campus, the funding and implementation mechanics must be determined by agreement between the school district or charter school and the community college.
- Remain in high school and participate in the programs of study available through the school district or charter school.
 - The school district or charter school must include that student in the school district or charter school's student count and continue to receive per-pupil funding until that student would otherwise have graduated at the end of 12th grade, as long as the student is enrolled in approved advanced preparation programs of study at the school district or charter school.
 - Students who choose to remain in high school cannot be prevented from enrolling at a high school after becoming eligible for a high school diploma and must be allowed to participate in extracurricular activities, including interscholastic sports, through the end of 12th grade.
- Enroll in a full-time career and technical education (CTE) program offered on a high school or joint technical education district (JTED) campus, or any combination of these campuses.
 - A student who chooses this option cannot be prevented from enrolling at a high school after becoming eligible for a high school diploma and must be allowed to participate in extracurricular activities, including interscholastic sports, through the end of 12th grade.
 - The school district or charter school at which the student became eligible for the high school diploma must include that student in its student count and continue to receive per-pupil funding until that student would otherwise have graduated at the end of 12th grade, as long as that student is enrolled in a full-time CTE program.
 - If the student receives instruction from a JTED in a full-time CTE program that is designed to lead to a certificate awarded by an industry or recognized as meeting industry standards, the sum of the ADM for that student cannot exceed 1.25. The ADM will be apportioned at 1.0 for the JTED and 0.25 for the school district.
- If accepted for admission to a university under the jurisdiction of the Arizona Board of Regents, enroll in the university after completion of additional high school coursework designed to prepare students for admission to selective postsecondary institutions that offer baccalaureate degrees.
 - The school district or charter school from which the student earned the high school diploma must include that student in the school district or charter school's student count and continue to receive per-pupil funding until that student would otherwise have graduated at the end of 12th grade, as long as that student is enrolled full-time in the university.
 - One-third of the school district or charter school's ADM will be retained by the school district or the operator of the charter school.

- One-third of the school district or charter school's ADM will be retained for use at the school site.
- One-sixth of the school district or charter school's ADM will be deposited in a scholarship account for that student established and managed by the school district or charter school from which the student graduated.
- One-sixth of the school district or charter school's ADM will be retained by the university where the student is enrolled.
- Prohibits a student who obtains a high school diploma through a defined, competency-based educational pathway from being eligible to participate in the Early Graduation Scholarship Program.
- Requires SBE to adopt rules to define competency-based educational pathways, including:
 - The establishment of expected learning outcomes in a particular subject.
 - A process and criteria by which assessments may be identified or established to determine if students have reached the desired competencies in a particular subject.
 - A mechanism to allow secondary students who have demonstrated competency in a subject to immediately obtain credit for mastery of that subject.
 - A list of applicable subjects, including the level of competency required for each subject.

SPONSORS: Crandall

Status: this bill was SIGNED by the Governor 3/29/12.

SB1258: THIRD GRADE PROMOTIONS; REQUIREMENTS; EXCEPTIONS

Removes the parental exemption from the list of *good cause exemptions*. Provisions include:

Removes the following good cause exemptions:

- A student with a disability who did not take AIMS.
- A student with a disability who has taken AIMS and was previously retained in a grade.
- A student with a reading deficiency who has been retained twice in a grade.
- A student who has shown reading proficiency on another reading assessment approved by the State Board of Education (SBE).
- The parent of a student requests an exemption within 30 days of receiving notification that the child is recommended to be retained and the district or charter school governing board approves the parent's request.
- Replaces the current good cause exemptions listed above with a mechanism to allow a school board or the governing body of a charter school to promote a student with a disability whose reading score falls far below the third grade level if the student's guardian and IEP team agree that promotion is appropriate based on the IEP.
- Directs SBE to develop intervention and remedial strategies for students in kindergarten and grades one through three who have reading deficiencies and requires each school district or charter school to offer at least one intervention strategy and one remedial strategy.
- Adds the following information for inclusion in a written notification to parents of students in kindergarten and grades one through three who have a reading deficiency:
 - A list of the intervention and remedial strategies offered.
 - Instruction for the parent or guardian to choose the strategy that will be implemented for that child.
- Requires the Arizona Department of Education to post examples of best practices for reading intervention and remedial reading strategies on its website.

SPONSORS: Crandall

Status: this bill was SIGNED by the Governor 3/29/12.

SB1458: SCHOOLS; ACHIEVEMENT PROFILES

Removes the requirement that ADE assign both an achievement profile label and a letter grade to a school, school district or charter in the 2012-2013 school year, only a letter grade must be assigned; Specifies that a school, school district or charter school will be assigned a letter grade of "F" if the school was required to participate in a mandatory school improvement plan for the previous two academic years; Specifies how a school, school district, or charter school may be assigned a letter grade of "F" in the next two academic years as follows:

- in academic year 2012-2013, a school, school district or charter school may be assigned a letter grade of "F" if the school's classification under the achievement label statutes in effect before September 1, 2011 was underperforming; and
- in academic year 2013-2014, a school may be assigned a letter grade of "F" if the school was assigned a letter grade of "D" in academic year 2012-2013, and the school's classification in academic year 2011-2012 under achievement label statutes in effect before September 1, 2011 was underperforming;

Repeals language relating to how a letter grade of "F" will be assigned during the next two academic years on July 1, 2014.

SPONSORS: Crandall

Status: this bill was SIGNED by the Governor 3/21/12.