

GOVERNING BOARD AGENDA ITEM AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: February 7, 2012 TITLE: **Periodic Legislative Update 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. On September 20, 2011, the Governing Board approved the following District Legislative Priorities for the 2011 Legislative Session(s): 1. Increase Funding for K-12 Education. 2. Expand Career Ladder Funding. 3. Maintain Desegregation Funding. 4. Provide Adequate Funding to Serve English Language Learners. 5. Establish a Reliable and Adequate Source of Funding for the School Facilities Board. 6. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same. 7. Protect and Support Education Due Process Rights. 8. Provide Adequate Support for Special Education 9. Eliminate All Student Tuition Organization Tax Credits. 10. Eliminate the Extracurricular Tax Credit Program A summary of bills introduced in the Arizona House of Representative and the Senate follows. In subsequent legislative updates, a status of each bill will be provided. **RECOMMENDATION:** This item is presented for the Board's information only at this time. No action is required. **INITIATED BY:** Toda J. Jager

Vicki Balentine

Date: February 2, 2012

Vicki Balentine, Ph.D., Superintendent

Todd A. Jaeger, Associate to the Superintendent

BILLS INTRODUCED IN THE ARIZONA HOUSE OF REPRESENTATIVES

HB2006: SCHOOL BUS ROUTES; DISTANCE LIMITATIONS

Deletes statute allowing school district governing boards to provide transportation of up to 20 miles each way for open enrollment students who qualify for free or reduced price lunches. Transportation services provided by charter schools are limited to no more than 15 miles each way to and from the charter school

HB2008: SCHOOLS; AUDITS; EXEMPTIONS

Schools, school districts, and charter schools that are assigned a letter grade of "A" are exempt from statutory audit and investigatory requirements. Schools assigned a letter grade of "B" are exempt from annual audit requirements and instead will have biannual audits. The exemption is waived if the Auditor General, State Board of Education, or Department of Education make or receive an allegation of gross negligence or criminal conduct

HB2009: SCHOOL PRINCIPALS; QUALIFICATIONS

School principals must have at least 5 years of classroom teaching experience

HB2011: SCHOOLS; TEACHERS; PUPILS; DISCIPLINE

Teachers are granted the authority to remove pupils from the classroom and suspend pupils, and a teacher's decision to remove or suspend a pupil is not subject to review or appeal by any other person or entity

HB2016: STATE EMPLOYEES; HEALTH INSURANCE COST

State employees and officers are required to pay at least 18 percent of the cost of the total premium for health and accident insurance

HB2022: LEGISLATOR LOBBYING MORATORIUM; REPEAL

The moratorium on lobbying for one year after a person ceases to be a member of the Legislature is repealed

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 waterpipe, 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

HB2039: SCHOOL DISTRICTS; NONCERTIFICATED TEACHERS

Schools may employ teachers who do not have a certificate for teaching granted by the State Board of Education

HB2040: SCHOOL DISTRICTS; MEET & CONFER

Statute authorizing school boards to make employment decisions cannot be construed to allow school boards to meet and confer with representatives of labor organizations

HB2041: SCHOOLS; CURRICULUM; FREE ENTERPRISE; CONSTITUTION; FINANCE

The course on the U.S. Constitution and Arizona Constitution that school districts and charter schools are required to offer to high school students for at least one full school year must also include instruction on the arguments in the Federalist Papers. Beginning in the 2014-2015 school year, students cannot obtain a high school diploma without passing this course. Beginning with students entering high school in the 2012-2013 school year, students must also pass a one semester course on the free enterprise system developed by the State Board of Education. Beginning in the 2013-2014 school year, students must also pass a personal finance course as part

of mathematics curriculum. The Department of Education must submit a report to the Governor and the Legislature by September 15, 2014 on the implementation of free enterprise instruction

HB2043: ELECTION DATES; EVEN-NUMBERED YEARS

Effective January 1, 2014, county, municipal, school district and special district elections can no longer be held in March or May and must be held in even-numbered years

HB2050: ASRS; MEMBER'S STATUS; INFORMATION

The statement showing the status of each ASRS member's account may be provided electronically or online and is no longer required to be provided annually

HB2083: ENERGY CONSERVATION; SCHOOL BUILDINGS

By July 1, 2017, all state agencies, universities, school districts, and community college districts must purchase at least 10 percent of their energy from "green sources" (defined) and all existing state buildings that are more than 50,000 square feet must conform to the leadership in energy and environmental design (LEED) existing building standards. All new or leased state buildings must conform to the LEED green building rating system. The Department of Administration, Department of Transportation, and AZ Board of Regents must reduce energy use in public buildings they administer by 20 percent per square foot by July 1, 2020, using FY2002 as the baseline year. Establishes the Energy and Water Efficiency Fund for public facilities to be administered by the AZ Commerce Authority. The Fund will provide loans to finance energy and water efficiency measures for public facilities. By December 31, 2013, school districts and charter schools are required to adopt a green cleaning policy and purchase and use environmentally sensitive cleaning products. Also establishes an 11-member Green Public Schools Task Force to recommend a model green cleaning policy for public schools. The Task Force must submit a report to the Governor and the Legislature by November 1, 2013 and self-repeals January 1, 2014

HB2085: ENERGY CONSERVATION; PUBLIC BUILDINGS

By July 1, 2017, all state agencies, universities, school districts, and community college districts must purchase at least 10 percent of their energy from "green sources" (defined) and all existing state buildings that are more than 50,000 square feet must conform to the leadership in energy and environmental design (LEED) existing building standards. All new or leased state buildings must conform to the LEED green building rating system

HB2088: RETIREMENT; ASRS; AMENDMENTS

Various changes to the Arizona State Retirement System, including removing the power over hiring investment management and setting investment policy from the ASRS Board and instead allowing the Board to authorize the ASRS Director to retain and manage staff to make investments as an investment manager. Repeals and replaces regulations relating to ASRS investment management. The ASRS Director is authorized to issue subpoenas and take evidence relevant to the collection of monies due to ASRS, and bring an action in court to recover unpaid monies due to ASRS. Debt owed to ASRS constitutes a lien on the debtor's property, and ASRS may collect the debt by levy. Repeals the level income alternative for members who retire prior to age 62. Changes certain specified health insurance program and long-term disability program benefits for members whose retirement or disability begins after the effective date of this legislation. Also modifies the process for crediting service to a member for an officially granted leave without pay and allows annual member statements to be delivered electronically or online. Appropriates \$47,000 from the ASRS Administration Account in FY2012-2013 to ASRS for implementation

HB2089: RETIREMENT; ASRS; SERVICE PURCHASE AMENDMENTS

ASRS members may only purchase service for an officially granted leave of absence without pay if the member's employer certifies that the leave of absence benefits or is in the best interest of the employer.

HB2090: RETIREMENT; ASRS; DISTRIBUTIONS; HEALTH SUPPLEMENT PAYMENT

For members who retire after the effective date of this legislation, ASRS will not pay health insurance premium assistance to a retired, contingent annuitant or disabled member who is enrolled in an employer's active employee group health insurance program, with some exceptions. For the purpose of survivor benefits and returning ASRS member contributions, the amount of employer contributions paid on behalf of a member excludes health insurance premium assistance. Effective July 1, 2013, repeals the level income alternative for members who retire prior to age 62. Appropriates \$47,000 from the ASRS Administration Account in FY2012-2013 to ASRS for implementation

HB2134: SCHOOL PUPILS; FOOD HANDLERS; IDENTIFICATION

If a governmental entity requires a person who is handling food, preparing food or supervising food preparation to obtain a food handler's card, a student who is doing so as a classroom activity or as part of a school-sponsored extracurricular activity cannot be required to furnish any additional identification other than the identification issued by the school

HB2135: SCHOOLS; BULLYING; SEXUAL ORIENTATION; ENFORCEMENT

School board policies and procedures on bullying must include bullying based on actual or perceived sexual orientation. A school administrator who fails to follow school board policies and procedures on bullying is guilty of unprofessional conduct and the administrator's certificate is revoked

HB2138: SCHOOL DAY; ADDITIONAL HOUR

School districts are required to add one instructional hour to every school day or the equivalent thereof to the school year.

HB2139: SCHOOL BOARD AGENDAS; POSTING; TIME

A school board is required to make their agenda available to the public three days prior to a meeting, instead of 24 hours prior, except in an "actual emergency" (defined)

HB2140: SCHOOL BOARD MEMBERS; OATH

Beginning in 2013, 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

HB2142: SCHOOLS; STUDENT BEHAVIOR THREAT ASSESSMENTS

Requires SBE, On or before January 1, 2014 to adopt a recommended pupil behavior threat assessment that may be used by school districts and charter schools. No later than January 1, 2015, requires each School district governing board and each charter school governing body to conduct a public meeting to consider the adoption of the pupil behavior threat assessment recommended by the SBE. The assessment shall be designed to both:

- Provide a structured approach to gather and organize information about a pupil in order to
 determine intervention and supervision strategies that are unique to that particular pupil and
 to the particular set of circumstances that gave rise to the behavior threat assessment; and
- Provide information that may be collected and reviewed by school personnel, with input from the pupil's parent or guardian, to determine the appropriate category of concern about a particular pupil. If necessary, the school personnel may also seek input from law enforcement and mental health professions to determine the appropriate category of concern about a particular pupil.

HB2143: HIGH SCHOOL CERTIFICATE OF COMPLETION

SBE shall issue a certificate of completion of high school to pupils who have not obtained sufficient scores on the Arizona instrument to measure standards test to graduate from high school if all of the following apply:

- The pupil has satisfied all the other requirements prescribed by the SBE for the graduation of pupils from high schools in this state.
- The pupil has satisfied all the other requirements prescribed by the governing board of the school district for the graduation of pupils from the high schools in the school district.
- The pupil does not meet the alternative graduation requirements prescribed in section 15-701.02.

HB2145: SCHOOLS; PARENTAL INVOLVMENT REQUIREMENT

Requires a governing board, in consultation with parents, teachers and administrators, to develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including a requirement that each pupil's parent or guardian contributes at least thirty hours of classroom assistance each school year. If a pupil has more than one parent or guardian, the requirement prescribed in this paragraph may be satisfied by one person who contributes thirty hours of classroom assistance or by multiple persons who contribute a total of thirty hours of classroom assistance.

HB2161: TEACHERS: SPECIALIZED CERTIFICATION

Board of Education rules governing teacher certification must provide for the issuance of a specialized teaching certificate to classroom teachers with expertise in science, technology, engineering or mathematics. Eligibility requirements for the specialized certificate are specified. A teacher with a specialized certificate may provide instruction in his/her field of expertise in grades seven through twelve at any public school in Arizona

HB2171: SCHOOL; HOT LINE; CLEARINGHOUSE; REPEAL

Repeals statutes establishing the public school information hot line and school safety clearinghouse, which terminated on July 1, 2009 and July 1, 2010

HB2172: SCHOOLS; AIMS INTERVENTION; TECHNOLOGY PILOT; REPEAL

Repeals statutes establishing the AIMS intervention and dropout prevention program and the instructional technology systems pilot program, which terminated July 1, 2010

HB2180: SCHOOLS; PILOT; OUTCOME-BASED FUNDING

The SBE is required to establish a four-year pilot program for outcome-based funding for schools. After a competitive application process, five school districts and five charter schools will be selected to participate in the program each school year. Each school will receive up to \$6,500 for each student in kindergarten through eighth grade and up to \$7,500 for students in grades nine through twelve, plus an additional \$250 per student with specified grades. Makes an appropriation (blank in original) from the general fund in FY2013-2014 to the Board for the program. Self-repeals September 15, 2019

HB2260: SCHOOLS: ADM CALCULATIONS

Beginning July 1, 2013, the definition of "average daily membership" (ADM) is modified to remove the total enrollment count on March 15. If a student is enrolled in a school district or charter school and also participates in online instruction, the ADM for the student in both programs cannot exceed 1.25, and formulas for apportioning the ADM between the school and the online instruction are established. The ADM of a student who participates only in online instruction cannot exceed 1.0 and formulas for determining funding for online instruction are established

HB2264: RETIREMENT; ASRS; EMPLOYEE; EMPLOYER CONTRIBUTIONS; RATE

ASRS member contributions are reduced to 50 percent of the total contributions, from 53 percent. ASRS employer contributions are increased to 50 percent, from 47 percent. By June 30, 2012, ASRS employers must return employee contributions made in excess of 50 percent during FY2011-2012. Retroactive to July 1, 2011. Emergency clause

HB2271: TAX CREDIT; SCHOOLS; DUAL ENROLLMENT

Contributions to public schools that qualify for the individual income tax credit may be used to support dual enrollment courses

HB2292: SCHOOLS; SINGLE ACHIEVEMENT PROFILE

Repeals session law requiring school districts and charter schools to be designated by both the terminated achievement profile system (performing, underperforming, etc) and the grade letter achievement profile system for academic years 2011-2012 and 2012-2013. (Effect will be to transition immediately to the grade letter system only). Emergency clause

HB2317: PUBLIC EMPLOYEES; ACTIVITIES; UNIONS; COMPENSATION

Public employers are prohibited from entering into any employment bargain with public employees or unions. The prohibition of public sector union employment bargains is of statewide concern and is not subject to further inconsistent regulation by political subdivisions. Severability clause

HB2318: UNIONS; PUBLIC EMPLOYEES; PROHIBITIONS

State agencies and political subdivisions do not possess authority to recognize any union, collectively bargain or enter into employment bargains with any union, or meet and confer with any union representing any public officer or employee. Any such employment bargains are declared illegal and void. The prohibition of public sector union employment bargains is of statewide concern and is not subject to further inconsistent regulation by political subdivisions. Severability clause

HB2339: TAX CREDIT: PUBLIC SCHOOL ACTIVITIES

The individual income tax credit for contributions to public schools may be used for any educational activities sponsored and sanctioned by the school, instead of only extracurricular activities or character education programs

HB2404: VOLUNTARY ADDITIONAL SCHOOL TAX PAYMENTS

Any property owner may make voluntary payments to the school district in which the property is located at the same time as paying taxes levied by the district. Voluntary payments may be used by the district for any purpose in the sole discretion of the school board. Beginning with tax year 2012, creates an income tax credit of up to \$600 for an individual or corporation and \$1,200 for a married couple filing jointly for voluntary payments to school districts

HB2405: SCHOOLS: BONDED INDEBTEDNESS: TEMP INCREASE

From the effective date of this legislation through July 1, 2016, the limitations on bonded indebtedness for school districts is increased to specified amounts. Any class B bonds issued under the temporary increase are considered special class B bonds and are treated like class A bonds after the temporary increase is no longer in effect

HB2463: SCHOOL DISTRICTS; CHAMBER OF COMMERCE MEMBERSHIP

The prohibition on school districts spending money for membership in an association that attempts to influence elections does not apply to membership in a chamber of commerce

HB2473: SCHOOLS; BIBLE ELECTIVE

To the extent permitted by the U.S. and AZ Constitutions, school boards may include in the curricula for high school students an elective course for the critical evaluation and examination of the Bible as a literary work

HB2478: SCHOOLS; BUDGET INCREASES; BONDS; BALLOTS

The name of school district budgets that exceed the budget limit, revenue control limit or capital outlay revenue limit is changed to budget increase, instead of budget override, and ballot language in a budget increase election is changed to "local support, yes" or "local support, no" instead of "budget increase, yes" or "budget increase, no." Emergency clause

HB2489: SCHOOLS; PUPILS; LAWFUL STATUS; STATE AID

For the purpose of determining state aid to school districts and charter schools, the determination of average daily membership and student count excludes children whose parents are unable to prove the child's lawful presence in the U.S

HB2490: BOND; BUDGET ELECTIONS; BALLOT FORMAT

For any election on a bond approval question, budget override approval or renewal question, or sales or property tax question, the ballot must state "bond and tax liability increase" yes or no, "budget and tax liability increase" yes or no, and "tax increase" yes or no

HB2497: SCHOOL TEACHERS; MULTIYEAR CONTRACTS

School boards are authorized to offer teaching contracts for a term of employment from one to three years in duration. Teachers may accept a multiyear contract or decline and accept a one year contract

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

HB2504: SCHOOL DISTRICTS; CAMPAIGN FINANCE INFO

If a school district maintains a website, the school board is required to post a link to the website of the appropriate county office where campaign finance reports are available for candidates for school board. The county's website must also list school board candidates who have filed a \$500 threshold exemption statement. If the school district does not maintain a website, the district must notify each district resident of where campaign finance reports are available.

HB2505: SCHOOLS; FINANCIAL LITERACY; MARKETS CAPITALISM

High school mathematics standards must include financial literacy, and high school social studies standards must include free market economics and the history of capitalism

HB2563: SCHOOLS; ELECTIVE; BIBLICAL INFLUENCE

The SBE is required to prescribe requirements for a high school course designated as "The Bible and its Influence on Western Culture." Components of the course and teacher requirements are specified

HB2578: SCHOOL FACILITIES BD; REVISIONS

Various changes relating to the School Facilities Board, including repealing statute requiring annual audits of school facilities revenue bond funds and school improvement revenue bond funds, and removing the requirement for the SFB to reporting monthly to the Joint Committee on Capital Review on development of rules for school facility adequacy guidelines

HB2583: TAX CREDIT; TEACHERS; SCHOOL SUPPLIES

Establishes an individual income tax credit for qualified teachers for the amount they paid for certain school supplies.

HB2598: SCHOOLS; CLASSIFICATION LABELS; PARENTAL INVOLVEMENT

The extent to which a school attempts to involve parents is included as an academic performance indicator for a school achievement profile

HB2599: SCHOOL INSTRUCTION; PERSONAL FINANCE

Certain aspects of personal finance are required to be incorporated into high school curriculum

HB2600: TEACHERS; LIABILITY INSURANCE

By December 31, 2012, the Department of Administration is required to contract with an insurance carrier to provide statewide personal liability insurance to teachers. Beginning January 1, 2013 any teacher employed by a school district may apply to receive this liability insurance. Makes an appropriation (blank in original) from the general fund in FY2012-13 to the Dept for the cost of supplying the insurance

HB2609: ACTIONS AGAINST GOVERNMENT OFFICIALS

A taxpaying resident of this state is authorized to bring a court action against any state or federal official who enforces any federal law or regulation that purports to displace, supersede, control or condition the exercise of the traditionally reserved powers of this state in violation of the U.S. Constitution. Establishes procedures and restrictions for these proceedings

HB2616: SCHOOLS; SEX EDUCATION

All school districts are required to provide sex education that is "medically accurate" and "comprehensive" (both defined)

HB2622: SCHOOL RANKINGS: DISPLAY: TIME PERIOD

Schools are prohibited from displaying any classification or ranking assigned to them by a public or private entity that is not current. Any person may submit a complaint to the Department of Education if they believe a violation of this section has occurred

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

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

HCR2003: PUNITIVE DAMAGE AWARDS; EDUCATION FUNDING

The 2012 general election ballot is to carry to question of whether to amend the state Constitution to require all punitive or exemplary damages awarded to be deposited in a fund used only to educate K-12 students. The 2012 general election ballot is also to carry the question of whether to establish in statute the punitive or exemplary damage awards fund consisting of all awards for punitive or exemplary damages and to be used only for the purpose of educating K-12 pupils

HCR2005: INITIATIVES; REFERENDUM MEASURES; PERIODIC REAUTHORIZATION

The 2012 general election ballot is to carry the question of whether to amend the state constitution to make statewide initiative and referendum measures that create a fund for public monies or dedicate public fund revenues or expenditures valid for only the remaining portion of the current fiscal year and the 6 following fiscal years. After 5 fiscal years, a reauthorization measure must be referred to a vote at a general election. Applies retroactively to all ballot measures approved on or after November 3, 1998

BILLS INTRODUCED IN THE ARIZONA SENATE

SB1033: SCHOOLS; ELL INSTRUCTION; HOURLY REQS

Schools may reduce the daily English language development instruction for students classified as intermediate at the end of the first year of the English language learner program to two hours per day, from four. For ELL students classified as basic or below for two or more years, schools are required to reassess the student and determine an appropriate plan of English language development, including two to four hours per day of instruction

SB1035: SCHOOLS; ATHLETICS; HEAT SAFETY

Policies and procedures that school boards must develop relating to the health and safety of students participating in athletics are required to include guidelines and training for coaches, parents, and students on the dangers of dehydration, heat stroke, and other heat-related conditions

SB1043: DANGEROUS DRUGS: DEFINITION

Various substances are added to the list of "dangerous drugs" and the list of controlled substances included in schedule IV. Emergency clause

SB1059: SCHOOL PROPERTY; COMMUNITY USE; LIABILITY

The owners of outdoor school grounds that are open to recreational users during noninstructional hours are not liable to the users except on a showing of willful, malicious or grossly negligent conduct that was a direct cause of injury to the user. Excludes swimming pools and other aquatic features

SB1060: SCHOOL DISTRICTS; PROCUREMENT PRACTICES

School districts are authorized to establish an internal service fund that allows a district eligible for Title I monies to consolidate those monies with other monies to implement a program that focuses on improving the academic performance of all pupils. The fund is exempt from the general and aggregate budget limits. Also establishes a maximum amount of \$1 million for an individual job order for job-order-contracting construction services for school districts

SB1061: NATIONAL SCHOOL LUNCH PROGRAM; OPTIONAL

Elementary schools, middle schools and junior high schools are allowed, rather than required, to participate in the national school lunch program. High schools are also authorized to participate in the program

SB1067: SCHOOLS; AMERICAN COMPETITIVENESS PROJECT FUND

The list of programs that are eligible to receive monies from the American Competitiveness Project Fund administered by the Department of Education is expanded to include those that emphasize international philosophy, defined as a course comprising "the study of epistemology, logic and critical thinking."

SB1069: TELECOMMUNICATION RECORDS: SCHOOL POLICY VIOLATIONS

School districts and charter school administrators are authorized to take action to obtain telecommunication records in connection with the investigation of a violation of school or school district policy. School districts and charter school administrators are added to the list of entities to which a public utility may provide records

SB1118: RETIREMENT; ASRS; LONG-TERM DISABILITY AMENDMENTS

For ASRS members whose disability commences on or after the effective date of this legislation, a member's monthly income from all sources, including long-term disability program benefits, cannot exceed 100 percent of the member's monthly compensation. A disability must be based on "objective medical evidence" (defined)

SB1119: RETIREMENT; ASRS; SPOUSAL CONSENT

An ASRS member who is married must name their current spouse as a beneficiary to receive at least 50 percent of the member's account, and at retirement the member is required to elect a joint and survivor annuity with the spouse as the contingent annuitant. The spouse may consent to a waiver of these requirements. Appropriates \$200,000 from the ASRS Administration Account in FY 2012-13 to the ASRS for implementation

SB1120: RETIREMENT PLANS; BENEFIT INCREASES

The effective date for retirement benefit increases for Elected Officials' Retirement Plan and Corrections Officer Retirement Plan retirees and survivors is moved to July 1, 2012, from July 1, 2013. Retroactive to July 1, 2012