



ARIZONA CHARTER SCHOOLS ASSOCIATION

Student Funding: Both the additional assistance and Base Support Level amounts for charter school funding were increased by the anticipated two percent. The amounts as amended by the state budget for additional assistance are \$1,474.16 for K-8 grades and \$1,718.10 for grades 9-12. The Base Support Level increases from \$3,226.88 to \$3,291.42 for FY 2008-2009.

Classroom Site Fund: Although it is not an appropriated amount, Joint Legislative Budget Committee estimates that the per pupil amount will decrease from \$401 to \$390 per pupil based on declining sales tax revenues.

Unless otherwise specified in the text of a bill, the general effective date for new laws is **September 26, 2008.**

The Association had three priority bills. Two were signed into law by the Governor, and the third bill was vetoed by the Governor after passing through the legislature. The two bills that the Association advocated on behalf of its schools include HB 2563 . Transfer credits; notice; examination and HB 2330 - Property tax exemption; charter schools. The Governor vetoed SB 1406 . Impact fees . which would have restricted the ability of counties to impose impact fees.

Academic Credit Transfer

House Bill 2563 – Transfer credits; notice; examination (Laws 2008, Chapter 2)

A school district or charter school must accept all transfer credits earned by a pupil who was previously enrolled in another school district or charter school in this state. Provisions include:

- Allowing a school district governing board or charter school governing body to adopt a policy that determines whether a transfer credit will be assigned as an elective or a core credit.
- Requiring a school district or charter school to provide a pupil who transfers from another school district or charter school within the state with a list indicating which credits were accepted as elective credits and which were accepted as core credits.
- Allowing a transfer pupil, within 10 days of receiving the list, to request to take a test in each particular course where core credit has been denied. The test must be developed and evaluated by a teacher who teaches that particular subject matter.
- Requiring the school district or charter school to accept the credit as core credit if the student passes the test.

Admission of Student with High School Diploma

House Bill 2368 – School pupils; admission; absences (Laws 2008, Chapter 267)

Schools may refuse to admit a child who has graduated from a high school with a recognized diploma. The law includes other provisions as well.

Alternative Graduation Requirements

House Bill 2008 – School pupils; alternative graduation requirements (Laws 2008, Chapter 202)

Retroactive to January 1, 2008, House Bill 2008 reinstates alternative high school graduation requirements for certain students who have not achieved a passing score on the AIMS test. Provisions include:

- Allowing a pupil who fails to achieve a passing score on the AIMS test to graduate from high school if the pupil meets the following alternative graduation requirements:
 - The pupil has taken the AIMS test each time the test was offered.
 - The pupil has completed with a passing grade all coursework and credits necessary to graduate from high school.
 - The pupil has participated in academic remediation programs in the subject areas where the pupil failed to achieve a passing score on the AIMS test.
- Permitting a pupil who meets the eligibility conditions and who failed to achieve a passing score on the AIMS test to augment the score with additional credit.
- Stipulating the maximum amount a pupil may augment their AIMS test score in each area as follows:
 - For the 2007-08 and 2008-09 school years, 25% of the pupil's highest achieved score.
 - For the 2009-10 school year, 15% of the pupil's highest achieved score.
 - For the 2010-11 and subsequent school years, 5% of the pupil's highest achieved score.
- Requiring State Board of Education, by rule, to provide for the augmenting of AIMS test scores and establish the manner in which additional credit may be used pursuant to the following:
 - Additional credits must be based only on performance of the pupil in those courses that meet the requirements for graduation established by the SBE.
 - Varying amounts of additional credit must be provided for the pupil's performance level achieved in a course so that a grade of A is proportionally higher than a grade of B, which is proportionally higher than a grade of C. Grades below C are not eligible for additional credit
- If the augmented score exceeds the passing score of the AIMS test, the pupil is considered to have passed the AIMS test for that subject area for the purpose of graduation.

Budget/Appropriations/Funds

House Bill 2167 – Charter schools; academic contests fund (Laws 2008, Chapter 61)

Charter schools may receive monies through the Academic Contests Fund for the purpose of sending a pupil who won a state level academic contest to the national level.

House Bill 2209 – General appropriations act; 2008-2009 (Laws 2008, Chapter 285)

Among other provisions, House Bill 2209 postpones the additional three full-time employees for the State Board of Charter Schools.

House Bill 2211 – Budget reconciliation; education (Laws 2008, Chapter 287)

House Bill 2211 makes statutory and session law changes to the FY 2008-09 budget for K-12 and higher education. Provisions include:

- Increasing by 2% charter school additional assistance for K-8 from \$1,445.25 to \$1,474.16 and 9-12 from \$1,684.41 to \$1,718.10.
- Increasing by 2% the base level in FY 2008-09 from \$3,226.88 to \$3,291.42.
- Asserting that for each year the Legislature appropriates sufficient monies for Teacher Performance Pay into the Classroom Site Fund, the amount appropriated is equal to the product of the base level stipulated by statute multiplied by the prior year weighted student count multiplied by the following percentages:
 - Stage one is equal to 1%
 - Stage two is equal to 2%
 - Stage three is equal to 3%
 - Stage four is equal to 4%
 - Stage five is equal to 5%
 - Stage six is equal to 5.5% by June 30, 2018
- Establishing the 7-member Arizona Assessment of Achievement Test Task Force to: 1) examine the experience and outcomes of other states that have adopted tests required for high school graduation and that incorporate a national college admission and placement examination; 2) develop methodologies, models and other recommendations for the initial Arizona Assessment of Achievements test (Test+); 3) examine whether the Test should be a high-stakes test that pupils must pass to graduate high school; and 4) submit a written report by June 30, 2009 to the SBE, the Governor, and the Legislature documenting the Task Force's findings and recommendations.

- Prohibiting the State Board of Education from entering into any contracts longer than a one-year period after June 30, 2008 with a publisher of standardized tests for services provided in connection with the design, modification, administration, scoring or evaluation of the AIMS test.
- Prohibiting Arizona Department of Education from correcting state aid for Technology Assisted Projected Based Instruction (TAPBI) program for FY 2007-08 or prior fiscal years to address issues pertaining to concurrent enrollment identified by the Auditor General in the 2007 TAPBI performance audit.

**Senate Bill 1096 – Appropriation; English language learners
(Laws 2008, Chapter 34)**

Senate Bill 1096 appropriates \$40,653,833.30 in fiscal year 2008-2009 to the Arizona Structured English Immersion Fund to fund the models adopted by the Arizona English Language Learners Task Force. The total includes \$14.3 million from the state General Fund conditionally appropriated in FY 2007-2008 for an increase to the ELL Group B weight and \$26,353,833.30 from the state General Fund. It further specifies that the monies in the Fund are State aid and shall be distributed in the same manner as Basic State Aid to schools.

Charter Renewal

**Senate Bill 1215 – Charter schools; approved plans; renewal
(Laws 2008, Chapter 56)**

A charter school sponsor must notify the charter school that it may apply for renewal 18 months before the expiration of the charter. A charter school electing to apply for renewal must file a renewal application at least 15 months before the expiration of the charter.

Charter School Property Taxes & Development Fees

**House Bill 2330 – Property tax exemption; charter schools
(Laws 2008, Chapter 252)**

House Bill 2330 specifies when a nonprofit charter school becomes exempt from property taxation and the procedures for filing an affidavit of eligibility and applying for a refund of taxes paid. Property and buildings owned by a nonprofit organization that operates as a charter school are exempt from taxation if the property is used for education and is not used or held for profit. The nonprofit organization must file evidence of tax exempt status with the county assessor. In addition, when a facility is bought or leased for use by a charter school, it will become tax exempt on the date of sale or lease instead of the current calendar year cycle.

Collecting Biometric Information

Senate Bill 1216 – Schools; biometric information; prohibition (Laws 2008, Chapter 189)

A school district or charter school shall not collect biometric information from a pupil unless the pupil's parent or guardian provides written permission. A school in a school district or a charter school must provide notice to a parent or guardian of the school's intent to collect biometric information from a pupil at least 30 days prior to the collection. The written notice must include a statement in 18-point font and in bold-faced capital letters that the parent or guardian must grant written permission to collect biometric information before the school can collect information. Further, "collect biometric information" is defined.

Diabetes Treatment at School

Senate Bill 1229 – Diabetes treatment; schools (Laws 2008, Chapter 31)

A school district governing board or charter school governing body may adopt policies and procedures for pupils with diabetes, who are diagnosed by a licensed primary health professional or nurse practitioner, to manage their diabetes in the classroom, on school grounds and at school sponsored activities. If policies and procedures are adopted, the school district governing board or charter school governing body must include specified components in the policies and procedures related to diabetes management on school grounds. Additionally, a school district governing board or charter school governing body may adopt policies and procedures to designate two or more school employees to serve as voluntary diabetes care assistants to administer glucagon in an emergency situation under specified conditions. The law includes other provisions as well.

Early Graduation Scholarships

House Bill 2736 – early graduation scholarships; academic year (Laws 2008, Chapter 140)

- Removes the requirement for a student to submit a statement from the qualifying postsecondary institution that details specific costs for that student.
- Removes the requirement for the student or his or her legal guardian to sign a promissory note for reimbursement.
- Requires Arizona Department of Education to transmit a list of early graduates to the Commission that includes:

- Identifying information.
 - The cohort graduation date.
 - The early graduation date.
 - The high school of graduation.
- Requires the Commission to make awards from the Fund upon the certification of the cost of each student's tuition and fees by the qualifying postsecondary institution.
 - Removes the 36 month requirement that after graduation the student reimburse the Fund for unused monies.
 - Clarifies that if a student does not complete the academic year as defined in federal law the student or qualifying postsecondary institution must reimburse the Fund.
 - Clarifies that a student is required to complete the first year in good academic standing before receiving monies for the second year.

Education database

House Bill 1218 – education database; pupil privacy (Laws 2008, Chapter 28)

- Mandates Arizona Department of Education to comply with Family Educational Rights and Privacy Act (FERPA) when collecting, maintaining, or disclosing any information in an education database.
- Stipulates that Arizona Department of Education must maintain an education database of pupil records according to the following guidelines:
 - Use of information in the database is limited to complying with statutory obligations.
 - Personally identifiable information in the database is confidential and not public record.
 - Proper security measures must be employed to guarantee the integrity and confidentiality of the database and prevent identity theft and security breaches.
 - Requires a pupil's identifier to be unique and not recognizable by anyone who is not an official maintaining the database.
 - Prohibits the unique pupil identifier in the database from being a pupil's social security number or other variation of the pupil's social security number.

E-Learning

House Bill 2064 – e-learning task force (Laws 2008, Chapter 265)

Requires the Task Force to submit recommendations to the Legislature on the:

- Transformation of traditional instruction programs to e-learning programs.
- Options to equip teachers with the most effective technology and training.
- Revisions to the current system of school funding as it applies to e-learning programs.
- Coordination of a standardized data system for use by schools that interfaces with the data warehouse at the Arizona Department of Education and that provides decision support data for the school district office, school personnel, parents and pupils.
- Enhancement and expansion of the integrated data of Arizona's learning web portal system within the ADE.

Requires the Task Force to collaborate with Government Information Technology Agency (GITA) and other private and public entities to express the technology needs of Arizona schools.

Directs the K-12 Education Committee, the Senate and the House of Representatives to conduct a review of the Task Force to:

- Determine the actual need of the Task Force and to the extent that statutory requirements are necessary and being met.
- Receive public testimony, including reasons from the Task Force chairperson on the continuation of the Task Force.
- Consider factors to determine the need for the continuation or termination of the Task Force, including objective, purpose, effectiveness, and to the extent that in which Task Force has encouraged public input, addressed statutory deficiencies and needed statutory changes to comply with its mandate.
- Submit a final report to the Governor, Legislature and Task Force by December 1, 2008, that recommends continuation, revision, consolidation and termination of the Task Force and includes a written statement by the Task Force.

Becomes effective on the general effective date.

Fingerprinting

House Bill 2566 – Schools; student teachers; tutors; fingerprinting (Laws 2008, Chapter 115)

A person who participates in an approved student teacher program or is contracted to provide tutoring services must obtain a fingerprint clearance card prior to participating in field experience where services will be provided directly to pupils. Due to the emergency clause, this law took effect on April 28, 2008.

House Bill 2694 – Schools; fingerprinting; contract employees (Laws 2008, Chapter 222)

House Bill 2694 amends A.R.S. §15-512, which applies to charter schools through A.R.S. §15-183(C)(4). Provisions include:

- Requiring a school district to fingerprint or obtain a full set of fingerprints from a contractor, subcontractor, or vendor or any of their employees who is contracted to provide services on a regular basis on school property.
- Allowing a school district to charge the cost of the fingerprint check to the contractor, subcontractor, vendor or their employee.
- Updating statutory language that allows fingerprints submitted to DPS to be used to perform a state and federal criminal records check and be exchanged with the FBI.
- Requiring a school district governing board to adopt a policy that may exempt a person who is unlikely to have direct, unsupervised contact with pupils from the requirements of this act.
- Exempting a school district, its governing board members, school council members and school employees from civil liability related to the consequences of adopting and implementing the fingerprint requirements unless they are found guilty of gross negligence or intentional misconduct.
- Defining ~~to provide services on a regular basis~~ as services provided at least five times per month on school property.

Joint Technical Education Districts (JTED) bonding

House Bill 2234 – JTEDs; bonding (Laws 2008, Chapter 302)

- Expands the use of Class B bonds to finance any facility at a campus owned or operated and maintained by a JTED and conforms existing ballot language required as part of an election to approve a JTED Class B bond, and the 30 percent bond indebtedness limit.
- Prohibits a JTED to spend Class B bond proceeds to construct or renovate a facility located on the campus of a school in a school district that participates in the JTED, unless the facility is only used to provide career and technical education and is available to all pupils who live within the JTED.
- Stipulates that an intergovernmental agreement or written contract be executed for ten years or the duration of the bonded indebtedness, whichever is greater, if the facility is not owned by the JTED, with the following provisions:
 - preservation of the usage of the facility only for career and technology programs.
 - a process to be used by a participating school district to compensate the JTED if the facility is no longer used only for career and technical education offered by the JTED during the life of the bond.
- Excludes a school district building's square footage in the calculation and distribution of SFB building renewal monies, if the building is leased to a JTED.

- Includes a school district building's square footage in the calculation for State Facilities Board new construction, if the building is leased to a JTED.
- Restores the term restriction of five years for class B bonds for soft capital items.
- Requires leased square footage to be included as part of a school district's space capacity for new construction calculations.

Military Children; Interstate Compact

Senate Bill 1334– Compact; Educational Opportunity; Military Children (Laws 2008, Chapter 86)

Authorizes Arizona to enter into the Interstate Compact on Educational Opportunity for Military Children. The intent of the Compact is remove educational barriers to children of military families who may move frequently or have family members deployed. The Compact covers the following areas: educational records, placement and attendance, credit transfers and graduation requirements.

Parent Notification of Absences

House Bill 2368 – School pupils; admission; absences (Laws 2008, Chapter 267)

A school must notify the parents of a pupil who is absent from school without an excuse within:

- Two hours after the first missed class for pupils in kindergarten through sixth grade.
- Two hours of the first missed class for pupils in seventh or eighth grade if the class is the pupil's first class of the day.
- Five hours of the first missed class for pupils in seventh or eighth grade if the class is not the pupil's first class of the day.

Residency Restriction

House Bill 1011 – residency restrictions; schools; child care (Laws 2008, Chapter 6)

- Applies the 1,000-foot residency restriction to individuals who have been convicted of an offense committed in another jurisdiction if the offense would have been considered a Dangerous Crime Against Children if committed in Arizona.
- Clarifies that the distance is measured in a straight line in all directions without regard to intervening structures or objects, from the nearest point on a school's or child care facility's property to the nearest point on an individual's property.

School crossings

House Bill 2093 – school crossings (Laws 2008, Chapter 143)

- Establishes two new subsections to clarify that school crosswalk signs must indicate doubling of the civil penalty as a condition of doubling the fine.
- Adds an assessment equal to the amount of the civil penalty when the violation occurs where the words "civil penalty will be doubled" is included on the portable school crossing signs.
- Eliminates the additional assessment if the words "civil penalty will be doubled" are not included on the portable school crossing signs.
- Contains a delayed effective date from and after December 31, 2008.

School Employee Arrests – Reporting Requirements

House Bill 2042 – School employees; arrests; reporting (Laws 2008, Chapter 212)

Within 30 days after the effective date of this law, a school district or charter school must notify, in writing, each person employed at the school district or charter school that is subject to fingerprinting requirements of the notification requirements in House Bill 2042. Provisions include:

- Specifying that a person is guilty of unprofessional conduct if they are employed by a school district or charter school or are an applicant for employment with a school district or charter school, are arrested for or charged with any non-appealable offense listed in A.R.S. 41-1758.03(B), and do not immediately report the arrest or charge to their supervisor or potential employer.
- Requiring the person who meets the above specifications to be immediately dismissed from employment with the school district or charter school or immediately be excluded from potential employment.
- Requiring an employee of a charter school or school district who is convicted of a non-appealable offense in A.R.S. 41-1758.03(B) or an offense that amounts to unprofessional conduct under A.R.S. 15-550 to do the following: 1) surrender any certificates issued by ADE; 2) notify their employer or potential employer of the conviction; 3) notify DPS of the conviction; and 4) surrender their FCC.
- Requiring the SBE to adopt rules to prohibit a person from certification who violates the notification requirements, certification surrender requirements or FCC surrender requirements for at least 10 years after the date of the violation.
- Requiring the SBE and ASBCS to provide DPS with a current list of email addresses for each school district and charter school in the state. It also requires the list of email addresses to be periodically updated.

- Requiring DPS to notify each school district and charter school in the state that a person's FCC has been suspended or revoked if the person has been arrested or convicted of any offenses that amount to unprofessional conduct.
- Specifying that the DPS notification requirements to school districts and charter schools applies to persons required to have a FCC to be employed or engage in volunteer activities at a school district or charter school.

Sexual conduct; minor; school teacher

Senate Bill 1336 – sexual conduct; minor; school teacher (Laws 2008, Chapter 210)

The list of persons for whom conviction of sexual misconduct with a minor who is at least 15 years old will be classified as a class 2 felony is expanded to include the minor's teacher (defined), clergyman or priest. Formerly, class 2 status applied only if the person was the minor's parent, stepparent, adoptive parent, foster parent or legal guardian.

School Safety Program

Senate Bill 1401 – school safety program; reserve officers (Laws 2008, Chapter 74)

Permits a full-authority AZPOST reserve peace officer to be assigned to participate in the program.

Tax Exemption; Internet Applications

Senate Bill 1340 – tax exemption; internet applications (Laws 2008, Chapter 194)

The list of items that are exempt from sales tax and use tax is expanded to include the purchase by schools (charter or district), community colleges or state universities of application services that promote curriculum design or are used to assess student learning. Likewise Internet-based learning applications are exempt from the telecommunications tax and from taxes associated with the rental of personal property. Retroactive to Jan 1, 2000. Claims for refunds must be submitted by Dec 31, 2008, and total statewide amount of refunds is capped at \$10,000, including interest.

Technology Assisted Project-Based Instruction

Senate Bill 1081 – TAPBI program; administrative salaries (Laws 2008, Chapter 155)

In its annual report, each Technology Assisted Project-Based Instruction (TAPBI) school must include a listing of the salaries, by titles and job descriptions, of the administrators who are employed or contracted for employment at each school.

Textbooks

House Bill 2441 – school textbooks; alternative media producers (Laws 2008, Chapter 108)

- Requires SBE to designate alternative media producers to produce human-voiced audio, large-print and Braille textbooks for pupils with disabilities.
- Stipulates that an alternative media producer will adapt current standard print textbooks or provide specialized textbooks, or both.
- Requires an alternative media producer to produce alternative textbooks in at least one of the alternative textbook formats for all relevant subjects.
- Requires the SBE to post the designated list of alternative media producers on their website.

Transportation – Sensory Impaired Pupils

House Bill 2747 – Charter schools; ASDB; transportation (Laws 2008, Chapter 208)

A school district may transport sensory-impaired pupils to a charter school if the school district transports pupils to a campus of the Arizona State Schools for the Deaf and Blind and other conditions are met. The law includes other provisions as well.