

House Engrossed

live, remote instruction; dual enrollment

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2039

AN ACT

AMENDING SECTION 15-901.08, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-901.09; AMENDING SECTIONS 15-1427 AND 15-1821.01, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO SCHOOL INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-901.08, Arizona Revised Statutes, is amended  
3 to read:

4 15-901.08. School year; school month; instructional time  
5 models; requirements; funding; definition

6 A. Except as may be otherwise authorized by the superintendent of  
7 public instruction to accommodate a year-round school operation or as  
8 otherwise prescribed under an instructional time model adopted pursuant to  
9 this section, the school year begins July 1 and ends June 30, and a school  
10 month is twenty school days or four weeks of five days each.

11 B. Notwithstanding any other law, for the purposes of meeting the  
12 instructional time and instructional hours requirements prescribed in  
13 sections 15-808 and 15-901, a school district governing board, after at  
14 least two public hearings in the school district, or a charter school  
15 governing body for one or more schools may adopt any instructional time  
16 models as prescribed in this section to meet the minimum annual  
17 instructional time and instructional hours requirements prescribed in  
18 sections 15-808 and 15-901 for all of the following purposes:

- 19 1. Determining average daily membership.
- 20 2. Determining daily attendance.
- 21 3. Determining student count.
- 22 4. Any other purpose relating to instructional time or  
23 instructional hours prescribed in section 15-808 or 15-901.

24 C. Notwithstanding any other law, all of the following apply to an  
25 instructional time model adopted by a school district governing board or  
26 charter school governing body for one or more schools pursuant to this  
27 section:

28 1. Students shall receive the minimum instructional time or  
29 instructional hours required under section 15-808 or 15-901, as  
30 applicable, for the full school year in any day, week and course length  
31 increments adopted by the school district governing board or charter  
32 school governing body.

33 2. A school may deliver the annual required instructional time or  
34 instructional hours to students through any combination of the following:

- 35 (a) Direct instruction.
- 36 (b) Project-based learning.
- 37 (c) Independent learning.
- 38 (d) Mastery-based learning, which may be delivered in a blended  
39 classroom serving multiple grade levels or providing blended grade level  
40 content.

41 3. A school may define instructional time and instructional hours  
42 to include any combination of the following:

- 43 (a) In-person instruction.
- 44 (b) Remote instruction, subject to all of the following:

1 (i) During school year 2021-2022, a school may provide up to fifty  
2 percent of its total instructional time in a remote setting without any  
3 impact to the school's funding. Beginning in school year 2022-2023 and  
4 each school year thereafter, a school may provide up to forty percent of  
5 its total instructional time in a remote setting without any impact to the  
6 school's funding. **THE THRESHOLD PRESCRIBED IN THIS ITEM DOES NOT APPLY TO**  
7 **LIVE, REMOTE INSTRUCTION COURSES OFFERED PURSUANT TO SECTION 15-901.09.**

8 (ii) If a school provides instructional time in a remote setting  
9 beyond the threshold prescribed in item (i) of this subdivision in any  
10 school year, the department of education shall calculate funding as  
11 prescribed in subsection D of this section.

12 (iii) The department of education shall annually provide a list of  
13 schools that provide more than the allowed instructional time in a remote  
14 setting to the state board of education. The state board of education  
15 shall determine whether the school must apply to become an online school  
16 under section 15-808.

17 (iv) The department of education shall annually provide a list of  
18 charter schools that provide more than the allowed instructional time in a  
19 remote setting to the state board for charter schools. The state board  
20 for charter schools shall determine whether the charter school must apply  
21 to become an online school under section 15-808.

22 (c) **LIVE, REMOTE INSTRUCTION PURSUANT TO SECTION 15-901.09.**

23 4. A school may reallocate any minimum instructional time or  
24 instructional hours per course required under section 15-808 or 15-901 or  
25 any other statute to other courses on a per-student basis so that students  
26 are able to spend more of their required instructional time or  
27 instructional hours on courses of greater depth or courses that require  
28 additional learning time to catch up to grade level or to stay on pace.

29 5. A school may stagger learning times and schedules for students  
30 and may offer courses and other instructional time options on the weekend  
31 or in the evenings so that all students are not expected to attend or  
32 complete their school day or instructional time at the same time.

33 6. A school shall align its attendance policies to reflect the  
34 instructional time and instructional hours policies prescribed under the  
35 adopted instructional time model.

36 D. If a school provides remote instructional time beyond the  
37 threshold prescribed in subsection C, paragraph 3, subdivision (b), item  
38 (i) of this section in any school year, the department of education shall  
39 calculate funding as follows:

40 1. Calculate the total percentage of instructional time provided by  
41 the school in a remote setting.

42 2. Subtract the allowable threshold prescribed in subsection C,  
43 paragraph 3, subdivision (b), item (i) of this section from the amount  
44 calculated pursuant to paragraph 1 of this subsection.

1           3. Fund the percentage of the base support level equal to the  
2 percentage calculated in paragraph 2 of this subsection at ninety-five  
3 percent of the base support level that would otherwise be calculated for  
4 the school.

5           E. For the purposes of this section, "mastery-based learning" means  
6 a system in which students advance to higher levels of learning when they  
7 demonstrate mastery of concepts and skills regardless of time, place or  
8 pace.

9           Sec. 2. Title 15, chapter 9, article 1, Arizona Revised Statutes,  
10 is amended by adding section 15-901.09, to read:

11           15-901.09. Live, remote instruction courses

12           A. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY OFFER A COURSE OR  
13 COURSES FOR STUDENTS IN KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE  
14 IN WHICH THE INSTRUCTIONAL SERVICES ARE PROVIDED REMOTELY IN A LIVE AND  
15 SYNCHRONOUS SETTING BY ANOTHER SCHOOL DISTRICT OR CHARTER SCHOOL IN THIS  
16 STATE PURSUANT TO A WRITTEN AGREEMENT. A SCHOOL DISTRICT OR CHARTER  
17 SCHOOL THAT OFFERS LIVE, REMOTE INSTRUCTION COURSES SHALL PROVIDE AN IN-  
18 PERSON TEACHER OR INSTRUCTIONAL AIDE FOR EACH COURSE AND ENSURE THAT  
19 STUDENTS ENROLLED IN LIVE, REMOTE INSTRUCTION COURSES SATISFY THE  
20 INSTRUCTIONAL TIME AND INSTRUCTIONAL HOURS REQUIREMENTS PRESCRIBED IN  
21 SECTION 15-901. ANY WRITTEN AGREEMENT BETWEEN SCHOOL DISTRICTS OR CHARTER  
22 SCHOOLS TO PROVIDE LIVE, REMOTE INSTRUCTION COURSES MUST SPECIFY THAT THE  
23 SCHOOL DISTRICT OR CHARTER SCHOOL ACTING AS THE INSTRUCTIONAL SERVICES  
24 PROVIDER SHALL PAY THE INSTRUCTOR OF THE COURSE A STIPEND IN AN AMOUNT OF  
25 AT LEAST TWENTY-FIVE PERCENT OF THE CONTRACTUAL AMOUNT OF PER-COURSE, PER-  
26 STUDENT MONIES.

27           B. THE SCHOOL DISTRICT OR CHARTER SCHOOL PROVIDING THE MODERATED  
28 CLASSROOM GENERATES AVERAGE DAILY MEMBERSHIP FOR STUDENTS ENROLLED IN  
29 LIVE, REMOTE INSTRUCTION COURSES AS PRESCRIBED IN SECTION 15-901. THE  
30 SCHOOL DISTRICT OR CHARTER SCHOOL ACTING AS THE INSTRUCTIONAL SERVICES  
31 PROVIDER MAY NOT GENERATE AVERAGE DAILY MEMBERSHIP FOR STUDENTS ATTENDING  
32 A LIVE, REMOTE INSTRUCTION COURSE. THE SCHOOL DISTRICT OR CHARTER SCHOOL  
33 PROVIDING THE MODERATED CLASSROOM FOR LIVE, REMOTE INSTRUCTION COURSES AND  
34 GENERATING AVERAGE DAILY MEMBERSHIP SHALL PROVIDE ADMINISTRATIVE CONTROL  
35 OF STUDENTS ENROLLED IN LIVE, REMOTE INSTRUCTION COURSES, INCLUDING  
36 RECORDING A STUDENT'S PARTICIPATION IN A LIVE, REMOTE INSTRUCTION COURSE  
37 ON THE STUDENT'S TRANSCRIPT AND TRACKING PROGRESS FOR GRADUATION  
38 REQUIREMENTS.

39           Sec. 3. Heading change

40           The article heading of title 15, chapter 12, article 2, Arizona  
41 Revised Statutes, is changed from "STATE BOARD OF DIRECTORS FOR COMMUNITY  
42 COLLEGES" to "COMMUNITY COLLEGE DISTRICT ANNUAL REPORTS".

1           Sec. 4. Section 15-1427, Arizona Revised Statutes, is amended to  
2 read:

3           15-1427. Annual report

4           A. ~~By~~ ON OR BEFORE December 1 of each year, each community college  
5 district shall make a report for the preceding fiscal year to the  
6 governor, the president of the senate, the speaker of the house of  
7 representatives and the joint legislative budget committee and shall  
8 provide a copy of this report to the secretary of state.

9           B. The report shall contain the following information regarding the  
10 operation of the district:

11           1. The state of progress of the community colleges operated under  
12 this chapter.

13           2. The courses of study included in the curricula.

14           3. The number of professors and other instructional staff members  
15 employed.

16           4. The number of students registered and attending classes.

17           5. The number of full-time equivalent students enrolled during the  
18 year.

19           6. The total number of students not residing in the district,  
20 disaggregated by the county of residence for nonresident students who  
21 reside in this state and by the state of residence for nonresident  
22 students who reside in another state.

23           7. The amount of receipts and expenditures.

24           8. A general description of tuition and fees charged for credit  
25 courses.

26           9. A general description of tuition and fees charged for noncredit  
27 courses.

28           10. Such other information as the governor and the joint  
29 legislative budget committee deem proper.

30           C. In each odd-numbered calendar year, the report shall also  
31 contain the following information regarding dual enrollment programs  
32 operated pursuant to section 15-1821.01:

33           1. Documentation of compliance with the requirements prescribed in  
34 section 15-1821.01, SUBSECTION A, paragraphs 3, 4 and 5, including a list  
35 of the members of the faculty advisory committees of each community  
36 college.

37           2. Total enrollments listed by location, by high school grade level  
38 and by course.

39           3. A copy of each addendum to intergovernmental agreements or  
40 contracts executed pursuant to section 15-1821.01, SUBSECTION A,  
41 paragraph 1.

42           4. Summary data by community college district and by individual  
43 community colleges on the number of scholarships or grants awarded to  
44 students.

1           5. Such other information as the governor and the joint legislative  
2 budget committee deem proper.

3           Sec. 5. Section 15-1821.01, Arizona Revised Statutes, is amended to  
4 read:

5           15-1821.01. Dual enrollment information; tuition; Arizona  
6                                 dual enrollment fund

7           A. On a determination by a community college district governing  
8 board that it is in the best interest of the citizens of a district, the  
9 district governing board may authorize district community colleges to  
10 offer college courses that may be counted toward both high school and  
11 college graduation requirements at the high school during the school day,  
12 subject to the following:

13           1. The community college district governing board and the governing  
14 board of the school district or organization of which the high school is a  
15 part shall enter into an agreement or contract. These intergovernmental  
16 agreements or contracts shall be based on a uniform format that has been  
17 cooperatively developed by the community college districts in this state.  
18 Each of these agreements or contracts shall clearly specify the following:

19           (a) The financial provisions of the agreement or contract and the  
20 format for billing all services under the agreement or contract, including  
21 the amount that the community college received in full-time student  
22 equivalent funding pursuant to section 15-1466.01, the portion of the  
23 funding that is distributed to the school district governing board or  
24 charter school and any amount that is subsequently returned to the  
25 community college district by the school district governing board or  
26 charter school.

27           (b) Student tuition and financial aid policies, including whether  
28 scholarships or grants are awarded to students in dual enrollment courses  
29 from the community college.

30           (c) The accountability provisions for each party to the agreement  
31 or contract.

32           (d) The responsibilities and services required of each party to the  
33 agreement or contract.

34           (e) The type of instruction that will be provided under the  
35 agreement or contract, including the titles of the courses to be offered.

36           (f) The quality of the instruction that will be provided under the  
37 agreement or contract.

38           2. Students shall be admitted to the community college under the  
39 policies adopted by each district, except that all students who are  
40 enrolled for college credit shall be high school freshmen, sophomores,  
41 juniors or seniors. All students who are in the course, including those  
42 not electing to enroll for college credit, shall satisfy the prerequisites  
43 for the course as published in the college catalog and shall comply with  
44 college policies regarding student placement in courses.

1           3. The courses shall be previously evaluated and approved through  
2 the curriculum approval process of the district, shall be at a higher  
3 level than taught by the high school and shall be transferable to a  
4 university under the jurisdiction of the Arizona board of regents or be  
5 applicable to an established community college occupational degree or  
6 certificate program. Physical education courses are not available for  
7 dual enrollment purposes.

8           4. College-approved textbooks, syllabuses, course outlines and  
9 grading standards that are applicable to the courses if taught at the  
10 community college shall apply to these courses and to all students in the  
11 courses offered pursuant to this ~~section~~ SUBSECTION. The chief executive  
12 officer of each community college shall establish an advisory committee of  
13 full-time faculty who teach in the disciplines offered at the community  
14 college to assist in course selection and implementation in the high  
15 schools and to review and report at least annually to the chief executive  
16 officer whether the course goals and standards are understood, the course  
17 guidelines are followed and the same standards of expectation and  
18 assessment are applied to these courses as though they were being offered  
19 at the community college. The advisory committee of full-time faculty  
20 shall meet at least three times each academic year.

21           5. Each faculty member shall meet the requirements established by  
22 the governing board pursuant to section 15-1444. The chief executive  
23 officer of each community college district shall establish an advisory  
24 committee of full-time faculty who teach in the disciplines offered at the  
25 community college district to assist in the selection, orientation,  
26 ongoing professional development and evaluation of faculty who are  
27 teaching college courses in conjunction with the high schools. The  
28 advisory committee of full-time faculty shall meet at least two times each  
29 academic year.

30           6. A school district shall ensure that a pupil is a full-time  
31 student as defined in section 15-901 and is enrolled in and attending a  
32 full-time instructional program at a school in the school district before  
33 that pupil is allowed to enroll in a college course pursuant to this  
34 ~~section~~ SUBSECTION, except that high school seniors who satisfy high  
35 school graduation requirements with less than a full-time instructional  
36 program are exempt from this paragraph.

37           7. Notwithstanding paragraph 6 of this ~~section~~ SUBSECTION,  
38 homeschooled students may fully participate in dual enrollment, including  
39 receipt of college credit pursuant to this ~~section~~ SUBSECTION.

40           B. NOTWITHSTANDING SECTION 15-1445, PARAGRAPH 3 AND EXCEPT AS  
41 PRESCRIBED IN SUBSECTION C OF THIS SECTION, A COMMUNITY COLLEGE DISTRICT  
42 GOVERNING BOARD MAY NOT FIX TUITION IN AN AMOUNT THAT EXCEEDS \$125 PER  
43 DUAL ENROLLMENT COURSE PER STUDENT, INCLUDING ANY MANDATORY COURSE FEE,  
44 FOR ANY OF THE FOLLOWING DUAL ENROLLMENT COURSES:

1           1. ANY COURSE THAT FULFILLS A LOWER DIVISION GENERAL EDUCATION  
2 CREDIT AT A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF  
3 REGENTS OR A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.

4           2. ANY SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS COURSE.

5           3. ANY CAREER AND TECHNICAL EDUCATION COURSE THAT IS REQUIRED FOR A  
6 PROGRAM THAT RESULTS IN A CERTIFICATE, CREDENTIAL OR LICENSE.

7           C. A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD MAY NOT FIX TUITION  
8 IN AN AMOUNT THAT EXCEEDS \$25 PER DUAL ENROLLMENT COURSE PER STUDENT,  
9 INCLUDING ANY MANDATORY COURSE FEE, FOR ANY DUAL ENROLLMENT COURSE  
10 DESCRIBED IN SUBSECTION B OF THIS SECTION FOR A STUDENT WHOSE FAMILY  
11 INCOME DOES NOT EXCEED ONE HUNDRED EIGHTY-FIVE PERCENT OF THE INCOME LIMIT  
12 REQUIRED TO QUALIFY A CHILD FOR REDUCED-PRICE LUNCHESES UNDER THE NATIONAL  
13 SCHOOL LUNCH AND CHILD NUTRITION ACTS (42 UNITED STATES CODE SECTIONS 1751  
14 THROUGH 1793). A SCHOOL DISTRICT OR CHARTER SCHOOL OFFERING DUAL  
15 ENROLLMENT COURSES MAY REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER  
16 PRESCRIBED BY THE DEPARTMENT THE STUDENTS WHO ARE ELIGIBLE FOR AND PAID  
17 THE REDUCED TUITION RATE PRESCRIBED IN THIS SUBSECTION FOR A DUAL  
18 ENROLLMENT COURSE DESCRIBED IN SUBSECTION B OF THIS SECTION AND WHO ARE  
19 ENROLLED IN THE DUAL ENROLLMENT COURSE ON THE FORTIETH DAY OF THE COURSE.  
20 THE DEPARTMENT OF EDUCATION SHALL ALLOCATE \$100 PER ELIGIBLE STUDENT TO  
21 THE COMMUNITY COLLEGE DISTRICT FROM THE ARIZONA DUAL ENROLLMENT FUND  
22 ESTABLISHED BY SUBSECTION D OF THIS SECTION.

23           D. THE ARIZONA DUAL ENROLLMENT FUND IS ESTABLISHED CONSISTING OF  
24 LEGISLATIVE APPROPRIATIONS. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER  
25 THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT  
26 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF  
27 APPROPRIATIONS.

28           Sec. 6. Appropriation; Arizona dual enrollment fund

29           The sum of \$500,000 is appropriated from the state general fund in  
30 fiscal year 2022-2023 to the Arizona dual enrollment fund established by  
31 section 15-1821.01, subsection D, Arizona Revised Statutes, as added by  
32 this act.