

REFERENCE TITLE: **live, remote instruction; dual enrollment**

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

HB 2039

Introduced by
Representatives Udall: Blackman

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

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

38 Sec. 3. Heading change

39 The article heading of title 15, chapter 12, article 2, Arizona
40 Revised Statutes, is changed from "STATE BOARD OF DIRECTORS FOR COMMUNITY
41 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 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 COMMUNITY COLLEGE DISTRICT MAY ATTEST IN WRITING TO THE
15 DEPARTMENT OF EDUCATION THE TOTAL NUMBER OF STUDENTS WHO ARE ELIGIBLE FOR
16 AND PAID THE REDUCED TUITION RATE PRESCRIBED IN THIS SUBSECTION FOR A DUAL
17 ENROLLMENT COURSE DESCRIBED IN SUBSECTION B OF THIS SECTION AND WHO ARE
18 ENROLLED IN THE DUAL ENROLLMENT COURSE ON THE FORTIETH DAY OF THE COURSE.
19 ON VALIDATION, THE DEPARTMENT OF EDUCATION SHALL REMIT \$100 PER ELIGIBLE
20 STUDENT TO THE COMMUNITY COLLEGE DISTRICT FROM THE ARIZONA DUAL ENROLLMENT
21 FUND ESTABLISHED BY SUBSECTION D OF THIS SECTION.

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

27 Sec. 6. Appropriation; Arizona dual enrollment fund

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