

REFERENCE TITLE: technical correction; education; extended year

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2620

Introduced by
Representative Martinez

AN ACT

AMENDING SECTIONS 15-881, 15-902.04 AND 15-1184, ARIZONA REVISED STATUTES;
RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-881, Arizona Revised Statutes, is amended to
3 read:

4 15-881. Extended school year services for pupils with
5 disabilities; eligibility and service structure;
6 definition

7 A. Each school district shall make extended school year services
8 available to all pupils with disabilities for whom such services are
9 necessary. Extended school year services are necessary if either of the
10 following applies:

11 1. The benefits that the pupil gained during the regular school
12 year would be significantly jeopardized if the pupil is not provided
13 educational services.

14 2. The pupil would experience severe or substantial regression if
15 the pupil is not provided educational services during recesses or the
16 summer months and the regression would result in substantial skill loss of
17 a degree and duration that would seriously impede the pupil's progress
18 toward educational goals.

19 B. The determination of whether a pupil is eligible for extended
20 school year services shall take into account the least restrictive
21 environmental considerations and shall be determined by a multifaceted
22 inquiry by the individualized education program team based on the
23 following criteria:

24 1. Retrospective data, such as past regression and the rate of
25 recoupment.

26 2. Predictive data, when empirical data is not available, **THAT** may
27 be proven by expert opinion, based on a professional individual
28 assessment.

29 C. The state board of education shall ~~prescribe~~ **ADOPT** rules to
30 carry out the purposes of this section.

31 D. Rules that are adopted pursuant to subsection C of this section
32 shall clarify that attendance in the program is not compulsory, that the
33 program is not required for all pupils with disabilities and that
34 eligibility for participation in the program is not based on need or
35 desire for any of the following:

36 1. A day care or respite care service for pupils with disabilities.

37 2. A program to maximize the academic potential of pupils with
38 disabilities.

39 3. A summer recreation program for pupils with disabilities.

40 E. For the purposes of this section, "extended school year" means
41 additional special education and related services for pupils with
42 disabilities to supplement the normal school year, which are provided as
43 part of a free and appropriate public education as defined in Public Law
44 94-142.

1 Sec. 2. Section 15-902.04, Arizona Revised Statutes, is amended to
2 read:

3 15-902.04. Optional two hundred days of instruction

4 A school district or charter holder that elects to provide two
5 hundred days of instruction may increase its base level by five ~~per cent~~
6 PERCENT. A school district or charter holder that elects to provide two
7 hundred days of instruction shall obtain approval from the department of
8 education before the beginning of the fiscal year that the school district
9 or the charter holder is planning on offering instruction for two hundred
10 days. The school district or charter holder shall ensure that the last
11 day of instruction in any school year occurs before June 30. The school
12 district or charter school shall increase its annual instructional hours
13 by ten ~~per cent~~ PERCENT in order to receive the base level increase
14 prescribed in this section.

15 Sec. 3. Section 15-1184, Arizona Revised Statutes, is amended to
16 read:

17 15-1184. Vouchers; requirements; budgets; prohibited uses

18 A. The director of the division of special education shall develop
19 requirements for the approval of vouchers, as provided in this section,
20 including the following:

21 1. For a special education residential placement voucher,
22 documentation that the requirements of section 15-765 have been met.

23 2. For an initial residential education voucher, documentation that
24 the requirements of section 15-1183, subsection B have been met.

25 3. For a continuing residential education voucher, documentation
26 that the requirements of section 15-1183, subsection C have been met.

27 B. The home school district shall consider recommendations from the
28 state placing agency when determining whether the child should be placed
29 solely in the private residential facility or should be placed for part of
30 the school day in a school operated by a school district as provided in
31 section 15-1185.

32 C. The private residential facility must demonstrate that
33 previously received voucher monies were spent appropriately.

34 D. If approved, the appropriate voucher shall be issued in an
35 amount ~~OF~~ not ~~exceeding~~ MORE THAN the sum of the following and shall be
36 paid directly to the private residential facility in a manner prescribed
37 by the superintendent of public instruction:

38 1. For group A and for placements not requiring special education
39 services, the base level multiplied by two.

40 2. For group B, the sum of the support level weight as provided in
41 section 15-943, paragraph 2, subdivision (a) for kindergarten programs
42 through grade eight or for grades nine through twelve, whichever is
43 appropriate, and the support level weight for the category, multiplied by
44 the base level.

1 3. For both group A and group B, ~~two hundred forty dollars~~ \$240 for
2 capital outlay costs or related services and ~~fifty dollars~~ \$50 for
3 transportation or related services costs. Beginning with fiscal year
4 1991-1992, the amounts provided in this paragraph for capital outlay and
5 transportation are increased by the growth rate prescribed by law, subject
6 to appropriation.

7 E. When an initial residential education voucher expires, the
8 funding for the initial residential education voucher shall be paid
9 directly to the private facility from the date of initial placement until
10 the date on which the voucher expires pursuant to section 15-1183.

11 F. For the purpose of this article, the chief official of each
12 state placing agency and the superintendent of public instruction shall
13 jointly prescribe a uniform budgeting format to be submitted by each
14 private institution and to be used in determining instructional costs and
15 residential costs of persons placed.

16 G. Any residential special education placement or residential
17 education voucher issued pursuant to this article shall not be used in any
18 private residential facility that discriminates on the basis of race,
19 religion, creed, color, national origin or disability.

20 H. Voucher monies shall only be spent to provide education and
21 related services to children placed as provided in this article. The
22 state board of education may withhold funding from an institution for
23 noncompliance with any applicable statute or any applicable rule adopted
24 by the state board.

25 I. The individualized education program for any child requiring a
26 residential special education placement must include exit criteria that
27 indicate when the educational placement of the child shall be reviewed in
28 order to determine whether the child can be moved to a less restrictive
29 placement.