

Senate Engrossed

dual enrollment; revisions; appropriations

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1717

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-244.02, 15-244.03 AND 15-244.04; AMENDING SECTION 15-1821.01, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised
3 Statutes, is amended by adding sections 15-244.02, 15-244.03 and
4 15-244.04, to read:

5 15-244.02. Dual enrollment incentive program; bonus monies;
6 fund; annual report; definitions

7 A. THE DUAL ENROLLMENT INCENTIVE PROGRAM IS ESTABLISHED WITHIN THE
8 DEPARTMENT OF EDUCATION TO PROVIDE AN INCENTIVE BONUS TO TEACHERS, SCHOOL
9 DISTRICTS AND CHARTER SCHOOLS FOR STUDENTS WHO OBTAIN A PASSING GRADE IN A
10 QUALIFYING DUAL ENROLLMENT COURSE.

11 B. BEGINNING IN FISCAL YEAR 2026-2027, THE DEPARTMENT OF EDUCATION
12 SHALL PAY AN INCENTIVE BONUS TO SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR
13 EACH STUDENT WHO RECEIVES A PASSING GRADE IN A QUALIFYING DUAL ENROLLMENT
14 COURSE. A STUDENT WHO RECEIVES A PASSING GRADE IN A QUALIFYING DUAL
15 ENROLLMENT COURSE AND WHO IS ENROLLED IN A SCHOOL WHERE FIFTY PERCENT OR
16 MORE OF THE STUDENTS ARE ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCHES SHALL
17 GENERATE FOR THE SCHOOL OR CHARTER SCHOOL A BONUS OF \$450 PER PASSING
18 GRADE ON A QUALIFYING DUAL ENROLLMENT COURSE. A STUDENT WHO RECEIVES A
19 PASSING GRADE IN A QUALIFYING DUAL ENROLLMENT COURSE AND WHO IS ENROLLED
20 IN A SCHOOL WHERE LESS THAN FIFTY PERCENT OF THE STUDENTS ARE ELIGIBLE FOR
21 FREE OR REDUCED-PRICE LUNCHES SHALL GENERATE FOR THE SCHOOL OR CHARTER
22 SCHOOL A BONUS OF \$300 PER PASSING GRADE IN A QUALIFYING DUAL ENROLLMENT
23 COURSE. IF THE STATEWIDE SUM OF PER STUDENT BONUSES AWARDED PURSUANT TO
24 THIS SUBSECTION EXCEEDS THE AMOUNT OF AVAILABLE MONIES APPROPRIATED FOR
25 INCENTIVE BONUSES, THE BONUS MONIES SHALL BE REDUCED PROPORTIONALLY TO
26 COVER ALL ELIGIBLE BONUS AWARDS.

27 C. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT RECEIVES AN INCENTIVE
28 BONUS PURSUANT TO THIS SECTION SHALL DISTRIBUTE AT LEAST FIFTY PERCENT OF
29 THE BONUS MONIES TO THE ASSOCIATED CLASSROOM TEACHER FOR EACH STUDENT WHO
30 RECEIVES A PASSING GRADE IN A QUALIFYING DUAL ENROLLMENT COURSE. BONUS
31 MONIES AWARDED TO A TEACHER PURSUANT TO THIS SUBSECTION ARE IN ADDITION TO
32 ANY REGULAR WAGE, COMPENSATION OR OTHER BONUS THE TEACHER RECEIVES OR IS
33 SCHEDULED TO RECEIVE AND SHALL BE PROVIDED TO THE TEACHER NOT LATER THAN
34 THIRTY DAYS AFTER THE END OF THE SCHOOL YEAR. THE REMAINDER OF ANY BONUS
35 MONIES RECEIVED BY A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE ALLOCATED
36 BY THE SCHOOL PRINCIPAL ON BEHALF OF STUDENTS WHO RECEIVE A PASSING GRADE
37 AND MAY BE USED FOR TEACHER PROFESSIONAL DEVELOPMENT, STUDENT
38 INSTRUCTIONAL SUPPORT, REIMBURSEMENT OF TUITION AND MANDATORY FEES OR
39 INSTRUCTIONAL MATERIALS. ANY BONUS MONIES RECEIVED BY A SCHOOL DISTRICT
40 OR CHARTER SCHOOL PURSUANT TO THIS SUBSECTION SHALL BE SEPARATELY
41 ACCOUNTED FOR IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ANNUAL
42 FINANCIAL REPORT.

43 D. INCENTIVE BONUSES DISTRIBUTED TO AND ANY BONUS MONIES RECEIVED
44 BY A SCHOOL DISTRICT OR CHARTER SCHOOL PURSUANT TO THIS SECTION ARE NOT

1 SUBJECT TO COLLECTIVE BARGAINING. INCENTIVE BONUSES DISTRIBUTED TO AND
2 ANY BONUS MONIES RECEIVED BY A TEACHER PURSUANT TO THIS SECTION ARE NOT
3 COMPENSATION AS DEFINED IN SECTION 38-711.

4 E. PAYMENTS OF BONUS MONIES MADE BY THE DEPARTMENT OF EDUCATION
5 PURSUANT TO THIS SECTION SHALL BE DISTRIBUTED TO SCHOOLS NOT LATER THAN
6 MARCH 1 OF EACH YEAR. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY APPEAL THE
7 ALLOCATION OF BONUS MONIES NOT LATER THAN AUGUST 1 OF EACH YEAR. THE
8 DEPARTMENT MAY WITHHOLD UP TO \$10,000 OF THE MONIES APPROPRIATED FOR THE
9 PURPOSES OF THIS SECTION TO ADDRESS ALLOCATION APPEALS BY SCHOOL DISTRICTS
10 AND CHARTER SCHOOLS.

11 F. THE DUAL ENROLLMENT INCENTIVE FUND IS ESTABLISHED CONSISTING OF
12 LEGISLATIVE APPROPRIATIONS. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER
13 THE FUND AND SHALL USE THE MONIES IN THE FUND FOR THE PURPOSES OF THIS
14 SECTION. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND EXEMPT FROM
15 THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

16 G. ON OR BEFORE DECEMBER 15, 2027, AND ON OR BEFORE DECEMBER 15 OF
17 EACH YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL SUBMIT A REPORT TO
18 THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
19 THE GOVERNOR, THE SECRETARY OF STATE AND THE JOINT LEGISLATIVE BUDGET
20 COMMITTEE ON ALL OF THE FOLLOWING:

21 1. THE NUMBER OF STUDENTS WHO ENROLLED IN A QUALIFYING DUAL
22 ENROLLMENT COURSE AT EACH SCHOOL.

23 2. THE NUMBER OF STUDENTS WHO RECEIVED A PASSING GRADE IN A
24 QUALIFYING DUAL ENROLLMENT COURSE AND THE NUMBER OF INCENTIVE BONUS AWARDS
25 DISTRIBUTED.

26 3. THE NUMBER AND TYPE OF QUALIFYING DUAL ENROLLMENT COURSES TAKEN
27 BY STUDENTS.

28 4. THE AMOUNT OF BONUS MONIES RECEIVED BY EACH SCHOOL.

29 H. FOR THE PURPOSES OF THIS SECTION:

30 1. "PASSING GRADE" MEANS A LETTER GRADE OF A, B OR C.

31 2. "QUALIFYING DUAL ENROLLMENT COURSE" MEANS A DUAL ENROLLMENT
32 COURSE THAT EITHER:

33 (a) FULFILLS A LOWER DIVISION GENERAL EDUCATION CREDIT AT A
34 UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A
35 COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.

36 (b) IS A CAREER AND TECHNICAL EDUCATION COURSE THAT IS REQUIRED FOR
37 A PROGRAM THAT RESULTS IN A CERTIFICATE, CREDENTIAL OR LICENSE.

38 15-244.03. Dual enrollment development fund; incentive
39 bonuses

40 A. THE DUAL ENROLLMENT DEVELOPMENT FUND IS ESTABLISHED CONSISTING
41 OF LEGISLATIVE APPROPRIATIONS. THE DEPARTMENT SHALL ADMINISTER THE FUND.
42 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DEPARTMENT SHALL
43 DISTRIBUTE MONIES IN THE FUND TO SCHOOLS TO PROVIDE AN INCENTIVE BONUS OF
44 UP TO \$1,000 PER TEACHER WHO BOTH:

1 1. SATISFIES THE REQUIREMENTS FOR TEACHING A DUAL ENROLLMENT COURSE
2 ADOPTED BY A HIGHER LEARNING COMMISSION THAT ACCREDITS DEGREE-GRANTING
3 POSTSECONDARY INSTITUTIONS IN THE NORTH CENTRAL REGION, INCLUDING THIS
4 STATE.

5 2. PROVIDES INSTRUCTION IN AT LEAST ONE DUAL ENROLLMENT COURSE.

6 B. A TEACHER MAY NOT RECEIVE MORE THAN ONE INCENTIVE BONUS PURSUANT
7 TO SUBSECTION A OF THIS SECTION. IF THE STATEWIDE SUM OF PER TEACHER
8 BONUSES AWARDED PURSUANT TO SUBSECTION A OF THIS SECTION EXCEEDS THE
9 AMOUNT OF AVAILABLE MONIES IN THE DUAL ENROLLMENT DEVELOPMENT FUND, THE
10 BONUS MONIES SHALL BE REDUCED PROPORTIONALLY TO COVER ALL ELIGIBLE BONUS
11 AWARDS.

12 15-244.04. Dual enrollment student fund; eligibility;
13 definitions

14 A. THE DUAL ENROLLMENT STUDENT FUND IS ESTABLISHED WITHIN THE STATE
15 BOARD OF EDUCATION TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WHO MEET
16 THE CRITERIA PRESCRIBED IN THIS SECTION. THE DEPARTMENT OF EDUCATION
17 SHALL ADMINISTER THE FUND AND SHALL USE THE MONIES IN THE FUND FOR THE
18 PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL DISTRIBUTE MONIES FROM THE
19 FUND TO QUALIFYING PROVIDERS FOR REIMBURSEMENTS PURSUANT TO SUBSECTION B
20 OF THIS SECTION AND PRIORITIZE DISTRIBUTIONS FROM THE FUND TO QUALIFYING
21 PROVIDERS THAT SERVE STUDENTS WHO ARE ELIGIBLE FOR FREE OR REDUCED-PRICE
22 LUNCHES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT
23 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
24 APPROPRIATIONS.

25 B. A STUDENT WHO OBTAINS A PASSING GRADE IN A QUALIFYING DUAL
26 ENROLLMENT COURSE MAY RECEIVE A REIMBURSEMENT OF UP TO \$50 PER CREDIT HOUR
27 FOR THE QUALIFYING DUAL ENROLLMENT COURSE, SUBJECT TO THE FOLLOWING:

28 1. A STUDENT WHO IS ENROLLED IN GRADE NINE OR TEN MAY NOT RECEIVE
29 MORE THAN \$300 PER SCHOOL YEAR.

30 2. A STUDENT WHO IS ENROLLED IN GRADE ELEVEN OR TWELVE MAY NOT
31 RECEIVE MORE THAN \$600 PER SCHOOL YEAR.

32 3. TO BE ELIGIBLE TO RECEIVE MONIES PURSUANT TO THIS SUBSECTION, A
33 STUDENT MUST HAVE A GRADE POINT AVERAGE OF 2.5 OR HIGHER ON A 4.0 SCALE.

34 C. FOR THE PURPOSES OF THIS SECTION:

35 1. "PASSING GRADE" MEANS A LETTER GRADE OF A, B OR C.

36 2. "QUALIFYING DUAL ENROLLMENT COURSE" MEANS A DUAL ENROLLMENT
37 COURSE THAT EITHER:

38 (a) FULFILLS A LOWER DIVISION GENERAL EDUCATION CREDIT AT A
39 UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A
40 COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.

41 (b) IS A CAREER AND TECHNICAL EDUCATION COURSE THAT IS REQUIRED FOR
42 A PROGRAM THAT RESULTS IN A CERTIFICATE, CREDENTIAL OR LICENSE.

43 3. "QUALIFYING PROVIDER" MEANS A COMMUNITY COLLEGE, UNIVERSITY OR
44 INSTITUTION THAT PROVIDES A QUALIFYING DUAL ENROLLMENT COURSE.

1 Sec. 2. Section 15-1821.01, Arizona Revised Statutes, is amended to
2 read:

3 15-1821.01. Dual enrollment information

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

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

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

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

27 (c) The accountability provisions for each party to the agreement
28 or contract.

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

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

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

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

42 3. The courses shall be previously evaluated and approved through
43 the curriculum approval process of the district, shall be at a higher
44 level than taught by the high school and shall be transferable to a

1 university under the jurisdiction of the Arizona board of regents or be
2 applicable to an established community college occupational degree or
3 certificate program. Physical education courses are not available for
4 dual enrollment purposes.

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

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

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

34 7. Notwithstanding paragraph 6 of this section, homeschooled
35 students may fully participate in dual enrollment, including receipt of
36 college credit pursuant to this section.

37 8. A CHILD WITH A DISABILITY AS DEFINED IN SECTION 15-761 SHALL
38 HAVE ACCESS TO ANY SUPPLEMENTARY AID, SERVICE OR ACCOMMODATION PROVIDED IN
39 THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM AS DEFINED IN SECTION 15-731
40 OR IN THE STUDENT'S SECTION 504 PLAN AS DEFINED IN SECTION 15-731.

41 Sec. 3. Dual enrollment grant program; delayed repeal

42 A. The dual enrollment grant program is established within the
43 department of education to support the establishment of dual enrollment
44 programs by school districts and charter schools in this state. The

1 department of education shall administer the dual enrollment grant program
2 and establish procedures and requirements for school districts and charter
3 schools to apply for grants. A school district or charter school is
4 eligible to receive a grant pursuant to this section only if the school
5 district or charter school does not offer dual enrollment courses or have
6 an established dual enrollment program on or before July 1, 2023. Monies
7 appropriated for the dual enrollment grant program may be used for only:

8 1. The establishment and operation of a new dual enrollment program
9 by a school district or charter school.

10 2. The costs of administering the dual enrollment grant program,
11 except that the administrative costs may not exceed three percent of the
12 appropriated monies each fiscal year.

13 B. The department of education shall prioritize grant applications
14 as follows:

15 1. Applications submitted by a school district or charter school in
16 which fifty percent or more of the students are eligible for free or
17 reduced-price lunches shall have highest priority. If the statewide sum
18 of grant applications from school districts or charter schools described
19 in this paragraph exceeds the amount of available monies appropriated for
20 the dual enrollment grant program, the grant awards shall be reduced
21 proportionally to cover all eligible grant applications.

22 2. Subject to available monies, the department of education may
23 award grants to a school district or charter school in which less than
24 fifty percent of the students are eligible for free or reduced-price
25 lunches on a first-come, first-served basis after awarding grants to all
26 applicants described in paragraph 1 of this subsection.

27 C. This section is repealed from and after December 31, 2027.

28 Sec. 4. Appropriations; dual enrollment; incentive fund;
29 development fund; student fund; grant program;
30 exemptions; transfer of monies

31 A. The sum of \$5,000,000 is appropriated from the state general
32 fund in fiscal year 2023-2024 to the dual enrollment incentive fund
33 established by section 15-244.02, Arizona Revised Statutes, as added by
34 this act. The appropriation made in this subsection is exempt from the
35 provisions of section 35-190, Arizona Revised Statutes, relating to
36 lapsing of appropriations.

37 B. The sum of \$500,000 is appropriated from the state general fund
38 in fiscal year 2023-2024 to the dual enrollment development fund
39 established by section 15-244.03, Arizona Revised Statutes, as added by
40 this act. The appropriation made in this subsection is exempt from the
41 provisions of section 35-190, Arizona Revised Statutes, relating to
42 lapsing of appropriations, except that all monies remaining unencumbered
43 and unexpended on July 1, 2029 revert to the state general fund.

1 C. The sum of \$15,000,000 is appropriated from the state general
2 fund in fiscal year 2023-2024 to the dual enrollment student fund
3 established by section 15-244.04, Arizona Revised Statutes, as added by
4 this act.

5 D. The sum of \$5,000,000 is appropriated from the state general
6 fund in fiscal year 2023-2024 to the dual enrollment grant program
7 established by this act. The appropriation made in this subsection is
8 exempt from the provisions of section 35-190, Arizona Revised Statutes,
9 relating to lapsing of appropriations, except that all monies remaining
10 unencumbered and unexpended on July 1, 2027 are transferred to the dual
11 enrollment incentive fund established by section 15-244.02, Arizona
12 Revised Statutes, as added by this act.