

REFERENCE TITLE: full-day kindergarten students; ADM

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## HB 2170

Introduced by  
Representatives Pawlik: Contreras P, Gutierrez, Longdon, Ortiz, Quiñonez,  
Schwiebert, Seaman, Terech, Travers; Senator Marsh

AN ACT

AMENDING SECTIONS 15-808 AND 15-901, ARIZONA REVISED STATUTES; RELATING TO  
SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-808, Arizona Revised Statutes, is amended to  
3 read:

4 15-808. Arizona online instruction; reports; definitions

5 A. Arizona online instruction shall be instituted to meet the needs  
6 of pupils in the information age. The state board of education shall  
7 select district public schools and state-approved charter authorizers  
8 shall sponsor charter schools to be online course providers or online  
9 schools. The state board of education and state-approved charter  
10 authorizers shall develop standards for the approval of online course  
11 providers and online schools based on the following criteria:

12 1. The depth and breadth of curriculum choices.

13 2. The variety of educational methodologies employed by the school  
14 and the means of addressing the unique needs and learning styles of  
15 targeted pupil populations, including computer-assisted learning systems,  
16 virtual classrooms, virtual laboratories, electronic field trips, ~~e-mail~~  
17 EMAIL, virtual tutoring, online help desk, group chat sessions and  
18 noncomputer-based activities performed under the direction of a  
19 certificated teacher.

20 3. The availability of an intranet or private network to safeguard  
21 pupils against predatory and pornographic elements of the internet.

22 4. The availability of filtered research access to the internet.

23 5. The availability of private individual ~~e-mail~~ EMAIL between  
24 pupils, teachers, administrators and parents in order to protect the  
25 confidentiality of pupil records and information.

26 6. The availability of faculty members who are experienced with  
27 computer networks, the internet and computer animation.

28 7. The extent to which the school intends to develop partnerships  
29 with universities, community colleges and private businesses.

30 8. The services offered to populations with developmental  
31 disabilities.

32 9. The grade levels that will be served.

33 B. Each new school that provides online instruction shall provide  
34 online instruction on a probationary status. After a new school that  
35 provides online instruction has clearly demonstrated the academic  
36 integrity of its instruction through the actual improvement of the  
37 academic performance of its students, the school may apply to be removed  
38 from probationary status. The state board of education or the  
39 state-approved charter authorizer that sponsored the charter school shall  
40 remove from Arizona online instruction any probationary school that fails  
41 to clearly demonstrate improvement in academic performance within three  
42 years measured against goals in the approved application and the state's  
43 accountability system. All pupils who participate in Arizona online  
44 instruction shall reside in this state. Pupils who participate in Arizona  
45 online instruction are subject to the testing requirements prescribed in

1 chapter 7, article 3 of this title. On enrollment, the school shall  
2 notify the parents or guardians of the pupil of the state testing  
3 requirements. If a pupil fails to comply with the testing requirements  
4 and the school administers the tests pursuant to this subsection to less  
5 than ninety-five percent of the pupils in Arizona online instruction, the  
6 pupil shall not be allowed to participate in Arizona online instruction.

7 C. The state board of education and state-approved charter  
8 authorizers shall develop annual reporting mechanisms for schools that  
9 participate in Arizona online instruction.

10 D. The department of education shall compile the information  
11 submitted in the annual reports by schools participating in Arizona online  
12 instruction. The department of education shall submit the compiled report  
13 to the governor, the speaker of the house of representatives and the  
14 president of the senate by November 15 of each year.

15 E. Each school selected for Arizona online instruction shall ensure  
16 that a daily log is maintained for each pupil who participates in Arizona  
17 online instruction. The daily log shall describe the amount of time spent  
18 by each pupil participating in Arizona online instruction pursuant to this  
19 section on academic tasks. The daily log shall be used by the school  
20 district or charter school to qualify the pupils who participate in  
21 Arizona online instruction in the school's average daily attendance  
22 calculations pursuant to subsection F of this section.

23 F. If a pupil is enrolled in a school district or charter school  
24 and also participates in Arizona online instruction, the sum of the  
25 average daily membership, which includes enrollment as prescribed in  
26 section 15-901, subsection A, paragraph 1, subdivisions (a) and (b) and  
27 daily attendance as prescribed in section 15-901, subsection A, paragraph  
28 5, for that pupil in the school district or charter school and in Arizona  
29 online instruction shall not exceed 1.0. If the pupil is enrolled in a  
30 school district or a charter school and also participates in Arizona  
31 online instruction and the sum of the daily membership or daily attendance  
32 for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and  
33 shall be apportioned between the school district, unless the school  
34 district is a career technical education district subject to the  
35 apportionment requirements of section 15-393, or charter school and  
36 Arizona online instruction based on the percentage of total time that the  
37 pupil is enrolled or in attendance in the school district or charter  
38 school and Arizona online instruction. The uniform system of financial  
39 records shall include guidelines for the apportionment of the pupil  
40 enrollment and attendance as provided in this subsection. Pupils in  
41 Arizona online instruction do not incur absences for purposes of this  
42 subsection and may generate an average daily attendance of 1.0 for  
43 attendance hours during any hour of the day, during any day of the week  
44 and at any time between July 1 and June 30 of each fiscal year. For  
45 kindergarten programs and grades one through eight, average daily

1 membership shall be calculated by dividing the instructional hours as  
2 reported in the daily log required in subsection E of this section by the  
3 applicable hourly requirements prescribed in section 15-901. For grades  
4 nine through twelve, average daily membership shall be calculated by  
5 dividing the instructional hours as reported in the daily log required in  
6 subsection E of this section by nine hundred. The average daily  
7 membership of a pupil who participates in online instruction shall not  
8 exceed 1.0. Average daily membership shall not be calculated on the one  
9 hundredth day of instruction for the purposes of this section. Funding  
10 shall be determined as follows:

11 1. A pupil who is enrolled ~~full-time~~ FULL TIME in Arizona online  
12 instruction shall be funded for online instruction at ninety-five percent  
13 of the base support level that would be calculated for that pupil if that  
14 pupil were enrolled as a full-time student in a school district or charter  
15 school that does not participate in Arizona online instruction. Charter  
16 additional assistance and district additional assistance shall be  
17 calculated in the same manner they would be calculated if the student were  
18 enrolled in a district or charter school that does not participate in  
19 Arizona online instruction.

20 2. A pupil who is enrolled ~~part-time~~ PART TIME in Arizona online  
21 instruction shall be funded for online instruction at eighty-five percent  
22 of the base support level that would be calculated for that pupil if that  
23 pupil were enrolled as a part-time student in a school district or charter  
24 school that does not participate in Arizona online instruction. Charter  
25 additional assistance and district additional assistance shall be  
26 calculated in the same manner they would be calculated if the student were  
27 enrolled in a district or charter school that does not participate in  
28 Arizona online instruction.

29 G. If the academic achievement of a pupil declines while the pupil  
30 is participating in Arizona online instruction, the pupil's parents, the  
31 pupil's teachers and the principal or head teacher of the school shall  
32 confer to evaluate whether the pupil should be allowed to continue to  
33 participate in Arizona online instruction.

34 H. To ensure the academic integrity of pupils who participate in  
35 online instruction, Arizona online instruction shall include multiple  
36 diverse assessment measures and the proctored administration of required  
37 state standardized tests.

38 I. A school district or charter school may not charge a fee to a  
39 pupil who takes an examination in a particular course to obtain academic  
40 credit, pursuant to section 15-701.01, subsection I, from the school  
41 district or charter school if the academic credit for a course was  
42 previously earned in an Arizona online instruction course or at any public  
43 school in this state. Any test administered pursuant to this subsection  
44 shall be an assessment that is aligned to the course-relevant state  
45 academic standards.

1 J. For the purposes of this section:  
2 1. "Full-time student" means:  
3 (a) A student who is at least five years of age before September 1  
4 of a school year and who is enrolled EITHER:  
5 (i) In a school HALF-DAY kindergarten program that meets at least  
6 three hundred forty-six hours during the school year.  
7 (ii) IN A SCHOOL FULL-DAY KINDERGARTEN PROGRAM THAT MEETS AT LEAST  
8 SEVEN HUNDRED TWELVE HOURS DURING THE SCHOOL YEAR.  
9 (b) A student who is at least six years of age before September 1  
10 of a school year, who has not graduated from the highest grade taught in  
11 the school and who is regularly enrolled in a course of study required by  
12 the state board of education. For first, second and third grade students,  
13 the instructional program shall meet at least seven hundred twelve hours  
14 DURING THE SCHOOL YEAR. For fourth, fifth and sixth grade students, the  
15 instructional program shall meet at least eight hundred ninety hours  
16 during the school year.  
17 (c) Seventh and eighth grade students or ungraded students who are  
18 at least twelve, but under fourteen, years of age on or before September 1  
19 and who are enrolled in an instructional program of courses that meets at  
20 least one thousand sixty-eight hours during the school year.  
21 (d) For high schools, a student who has not graduated from the  
22 highest grade taught in the school district, or an ungraded student who is  
23 at least fourteen years of age on or before September 1, and who is  
24 enrolled in at least four courses throughout the year that meet at least  
25 nine hundred hours during the school year. A full-time student shall not  
26 be counted more than once for computation of average daily membership.  
27 2. "Online course provider" means a school other than an online  
28 school that is selected by the state board of education or a  
29 state-approved charter authorizer to participate in Arizona online  
30 instruction pursuant to this section and that provides at least one online  
31 academic course that is approved by the state board of education.  
32 3. "Online school" means a school that provides at least four  
33 online academic courses or one or more online courses for the equivalent  
34 of at least five hours each day for one hundred eighty school days and  
35 that is a charter school that is sponsored by a state-approved charter  
36 authorizer or a district public school that is selected by the state board  
37 of education to participate in Arizona online instruction.  
38 4. "Part-time student" means:  
39 (a) Any student who is enrolled in a program that does not meet the  
40 definition in paragraph 1 of this subsection shall be funded at  
41 eighty-five percent of the base support level that would be calculated for  
42 that pupil if that pupil were enrolled as a part-time student in a school  
43 district or charter school that does not participate in Arizona online  
44 instruction.

1 (b) A part-time student of seventy-five percent average daily  
2 membership shall be enrolled in at least three subjects throughout the  
3 year that offer for first, second and third grade students at least five  
4 hundred thirty-four instructional hours in a school year and for fourth,  
5 fifth and sixth grade students at least six hundred sixty-eight  
6 instructional hours in a school year. A part-time student of fifty  
7 percent average daily membership shall be enrolled in at least two  
8 subjects throughout the year that offer for first, second and third grade  
9 students at least three hundred fifty-six instructional hours in a school  
10 year and for fourth, fifth and sixth grade students at least four hundred  
11 forty-five instructional hours in a school year. A part-time student of  
12 twenty-five percent average daily membership shall be enrolled in at least  
13 one subject throughout the year that offers for first, second and third  
14 grade students at least one hundred seventy-eight instructional hours in a  
15 school year and for fourth, fifth and sixth grade students at least two  
16 hundred twenty-three instructional hours in a school year.

17 (c) For seventh and eighth grade students, a part-time student of  
18 seventy-five percent average daily membership shall be enrolled in at  
19 least three subjects throughout the year that offer at least eight hundred  
20 one instructional hours in a school year. A part-time student of fifty  
21 percent average daily membership shall be enrolled in at least two  
22 subjects throughout the year that offer at least five hundred thirty-four  
23 instructional hours in a school year. A part-time student of twenty-five  
24 percent average daily membership shall be enrolled in at least one subject  
25 throughout the year that offers at least two hundred sixty-seven  
26 instructional hours in a school year.

27 (d) For high school students, a part-time student of seventy-five  
28 percent average daily membership shall be enrolled in at least three  
29 subjects throughout the year that offer at least six hundred seventy-five  
30 instructional hours in a school year. A part-time student of fifty  
31 percent average daily membership shall be enrolled in at least two  
32 subjects throughout the year that offer at least four hundred fifty  
33 instructional hours in a school year. A part-time student of twenty-five  
34 percent average daily membership shall be enrolled in at least one subject  
35 throughout the year that offers at least two hundred twenty-five  
36 instructional hours in a school year.

37 5. "State-approved charter authorizer" means any charter school  
38 sponsor authorized pursuant to section 15-183.

39 Sec. 2. Section 15-901, Arizona Revised Statutes, is amended to  
40 read:

41 15-901. Definitions

42 A. In this title, unless the context otherwise requires:

43 1. "Average daily membership" means the total enrollment of  
44 fractional students and full-time students, minus withdrawals, of each  
45 school day through the first one hundred days or two hundred days in

1 session, as applicable, for the current year. For the purposes of this  
2 paragraph, "withdrawals" means students who are formally withdrawn from  
3 schools or students who are absent for ten consecutive school days, except  
4 for excused absences identified by the department of education. For  
5 computation purposes, a student who is absent for nine or fewer  
6 consecutive school days, including the last day of the school year, is not  
7 a withdrawal and may not be subtracted from the total enrollment of  
8 fractional students and full-time students. For the purposes of this  
9 section, school districts and charter schools shall report student absence  
10 data to the department of education at least once every sixty days in  
11 session. For computation purposes, the effective date of withdrawal shall  
12 be retroactive to the last day of actual attendance of the student or  
13 excused absence. A school district or charter school may satisfy any of  
14 the time and hours requirements prescribed in this subsection in any  
15 manner prescribed in the school district's or charter school's  
16 instructional time model adopted under section 15-901.08.

17 (a) "Fractional student" means:

18 (i) For common schools, a preschool child who is enrolled in a  
19 program for preschool children with disabilities of at least three hundred  
20 sixty minutes each week that meets at least two hundred sixteen hours over  
21 the minimum number of days or a kindergarten student who is at least five  
22 years of age before January 1 of the school year and enrolled in a school  
23 HALF-DAY kindergarten program that meets at least three hundred fifty-six  
24 hours AND FEWER THAN SEVEN HUNDRED TWELVE HOURS for a one hundred  
25 eighty-day school year, or the instructional hours prescribed in this  
26 section. In computing the average daily membership, preschool children  
27 with disabilities and HALF-DAY kindergarten students shall be counted as  
28 one-half of a full-time student. For common schools, a part-time student  
29 is a student enrolled for less than the total time for a full-time student  
30 as defined in this section. A part-time common school student shall be  
31 counted as one-fourth, one-half or three-fourths of a full-time student if  
32 the student is enrolled in an instructional program that is at least  
33 one-fourth, one-half or three-fourths of the time a full-time student is  
34 enrolled as defined in subdivision (b) of this paragraph. The hours in  
35 which a student is scheduled to attend a common school during the regular  
36 school day shall be included in the calculation of the average daily  
37 membership for that student.

38 (ii) For high schools, a part-time student who is enrolled in less  
39 than four subjects that count toward graduation as defined by the state  
40 board of education, each of which, if taught each school day for the  
41 minimum number of days required in a school year, would meet a minimum of  
42 one hundred twenty-three hours a year, or the equivalent, in a recognized  
43 high school. The average daily membership of a part-time high school  
44 student shall be 0.75 if the student is enrolled in an instructional  
45 program of three subjects that meet at least five hundred forty hours for

1 a one hundred eighty-day school year, or the instructional hours  
 2 prescribed in this section. The average daily membership of a part-time  
 3 high school student shall be 0.5 if the student is enrolled in an  
 4 instructional program of two subjects that meet at least three hundred  
 5 sixty hours for a one hundred eighty-day school year, or the instructional  
 6 hours prescribed in this section. The average daily membership of a  
 7 part-time high school student shall be 0.25 if the student is enrolled in  
 8 an instructional program of one subject that meets at least one hundred  
 9 eighty hours for a one hundred eighty-day school year, or the  
 10 instructional hours prescribed in this section. The hours in which a  
 11 student is scheduled to attend a high school during the regular school day  
 12 shall be included in the calculation of the average daily membership for  
 13 that student.

14 (b) "Full-time student" means:

15 (i) For common schools, a student who is at least ~~six~~ FIVE years of  
 16 age before January 1 of a school year, who has not graduated from the  
 17 highest grade taught in the school district and who is regularly enrolled  
 18 in a SCHOOL FULL-DAY KINDERGARTEN PROGRAM OR A course of study required by  
 19 the state board of education. FULL-DAY KINDERGARTEN STUDENTS, first,  
 20 second and third grade students or ungraded group B children with  
 21 disabilities who are at least five, but under six, years of age by  
 22 September 1 must be enrolled in an instructional program that meets for a  
 23 total of at least seven hundred twelve hours for a one hundred eighty-day  
 24 school year, or the instructional hours prescribed in this section.  
 25 Fourth, fifth, sixth, seventh and eighth grade students must be enrolled  
 26 in an instructional program that meets for a total of at least eight  
 27 hundred ninety hours for a one hundred eighty-day school year, or the  
 28 instructional hours prescribed in this section, including the equivalent  
 29 number of instructional hours for schools that operate on a one hundred  
 30 forty-four-day school year. The hours in which a student is scheduled to  
 31 attend a common school during the regular school day shall be included in  
 32 the calculation of the average daily membership for that student.

33 (ii) For high schools, a student who has not graduated from the  
 34 highest grade taught in the school district and who is enrolled in at  
 35 least an instructional program of four or more subjects that count toward  
 36 graduation as defined by the state board of education, each of which, if  
 37 taught each school day for the minimum number of days required in a school  
 38 year, would meet a minimum of one hundred twenty-three hours a year, or  
 39 the equivalent, that meets for a total of at least seven hundred twenty  
 40 hours for a one hundred eighty-day school year, or the instructional hours  
 41 prescribed in this section in a recognized high school. A full-time  
 42 student shall not be counted more than once for computation of average  
 43 daily membership. The average daily membership of a full-time high school  
 44 student shall be 1.0 if the student is enrolled in at least four subjects  
 45 that meet at least seven hundred twenty hours for a one hundred eighty-day



1 school year, or the equivalent instructional hours prescribed in this  
2 section. The hours in which a student is scheduled to attend a high  
3 school during the regular school day shall be included in the calculation  
4 of the average daily membership for that student.

5 (iii) If a child who has not reached five years of age before  
6 September 1 of the current school year is admitted to kindergarten and  
7 repeats kindergarten in the following school year, a school district or  
8 charter school is not eligible to receive basic state aid on behalf of  
9 that child during the child's second year of kindergarten. If a child who  
10 has not reached five years of age before September 1 of the current school  
11 year is admitted to kindergarten but does not remain enrolled, a school  
12 district or charter school may receive a portion of basic state aid on  
13 behalf of that child in the subsequent year. A school district or charter  
14 school may charge tuition for any child who is ineligible for basic state  
15 aid pursuant to this item.

16 (iv) Except as otherwise provided by law, for a full-time high  
17 school student who is concurrently enrolled in two school districts or two  
18 charter schools, the average daily membership shall not exceed 1.0.

19 (v) Except as otherwise provided by law, for any student who is  
20 concurrently enrolled in a school district and a charter school, the  
21 average daily membership shall be apportioned between the school district  
22 and the charter school and shall not exceed 1.0. The apportionment shall  
23 be based on the percentage of total time that the student is enrolled in  
24 or in attendance at the school district and the charter school.

25 (vi) Except as otherwise provided by law, for any student who is  
26 concurrently enrolled, pursuant to section 15-808, in a school district  
27 and Arizona online instruction or a charter school and Arizona online  
28 instruction, the average daily membership shall be apportioned between the  
29 school district and Arizona online instruction or the charter school and  
30 Arizona online instruction and shall not exceed 1.0. The apportionment  
31 shall be based on the percentage of total time that the student is  
32 enrolled in or in attendance at the school district and Arizona online  
33 instruction or the charter school and Arizona online instruction.

34 (vii) For homebound or hospitalized, a student receiving at least  
35 four hours of instruction per week.

36 (c) "Regular school day" means the regularly scheduled class  
37 periods intended for instructional purposes. Instructional purposes may  
38 include core subjects, elective subjects, lunch, study halls, music  
39 instruction and other classes that advance the academic instruction of  
40 pupils. Instructional purposes do not include athletic practices or  
41 extracurricular clubs and activities.

42 2. "Budget year" means the fiscal year for which the school  
43 district is budgeting and that immediately follows the current year.

1           3. "Common school district" means a political subdivision of this  
2 state offering instruction to students in programs for preschool children  
3 with disabilities and kindergarten programs and either:

4           (a) Grades one through eight.

5           (b) Grades one through nine pursuant to section 15-447.01.

6           4. "Current year" means the fiscal year in which a school district  
7 is operating.

8           5. "Daily attendance" means:

9           (a) For common schools, days in which a pupil:

10           (i) Of a kindergarten program or ungraded, but not group B children  
11 with disabilities, who is at least five, but under six, years of age by  
12 September 1 attends at least three-quarters of the instructional time  
13 scheduled for the day. If the total instruction time scheduled for the  
14 year is at least three hundred fifty-six hours but is less than seven  
15 hundred twelve hours, such attendance shall be counted as one-half day of  
16 attendance. If the instructional time scheduled for the year is at least  
17 six hundred ninety-two hours, "daily attendance" means days in which a  
18 pupil attends at least one-half of the instructional time scheduled for  
19 the day. Such attendance shall be counted as one-half day of attendance.  
20 A school district or charter school may satisfy any of the time and hours  
21 requirements prescribed in this item in any manner prescribed in the  
22 school district's or charter school's instructional time model adopted  
23 under section 15-901.08.

24           (ii) Of the first, second or third grades attends more than  
25 three-quarters of the instructional time scheduled for the day. A school  
26 district or charter school may satisfy any of the time and hours  
27 requirements prescribed in this item in any manner prescribed in the  
28 school district's or charter school's instructional time model adopted  
29 under section 15-901.08.

30           (iii) Of the fourth, fifth or sixth grades attends more than  
31 three-quarters of the instructional time scheduled for the day, except as  
32 provided in section 15-797. A school district or charter school may  
33 satisfy any of the time and hours requirements prescribed in this item in  
34 any manner prescribed in the school district's or charter school's  
35 instructional time model adopted under section 15-901.08.

36           (iv) Of the seventh or eighth grades attends more than  
37 three-quarters of the instructional time scheduled for the day, except as  
38 provided in section 15-797. A school district or charter school may  
39 satisfy any of the time and hours requirements prescribed in this item in  
40 any manner prescribed in the school district's or charter school's  
41 instructional time model adopted under section 15-901.08.

42           (b) For common schools, the attendance of a pupil at three-quarters  
43 or less of the instructional time scheduled for the day shall be counted  
44 as follows, except as provided in section 15-797 and except that

1 attendance for a fractional student shall not exceed the pupil's  
 2 fractional membership:

3 (i) If attendance for all pupils in the school is based on quarter  
 4 days, the attendance of a pupil shall be counted as one-fourth of a day's  
 5 attendance for each one-fourth of full-time instructional time attended.  
 6 A school district or charter school may satisfy any of the time and hours  
 7 requirements prescribed in this item in any manner prescribed in the  
 8 school district's or charter school's instructional time model adopted  
 9 under section 15-901.08.

10 (ii) If attendance for all pupils in the school is based on half  
 11 days, the attendance of at least three-quarters of the instructional time  
 12 scheduled for the day shall be counted as a full day's attendance and  
 13 attendance at a minimum of one-half but less than three-quarters of the  
 14 instructional time scheduled for the day equals one-half day of  
 15 attendance. A school district or charter school may satisfy any of the  
 16 time and hours requirements prescribed in this item in any manner  
 17 prescribed in the school district's or charter school's instructional time  
 18 model adopted under section 15-901.08.

19 (c) For common schools, the attendance of a preschool child with  
 20 disabilities shall be counted as one-fourth day's attendance for each  
 21 thirty-six minutes of attendance, except as provided in paragraph 1,  
 22 subdivision (a), item (i) of this subsection for children with  
 23 disabilities up to a maximum of three hundred sixty minutes each week. A  
 24 school district or charter school may satisfy any of the time and hours  
 25 requirements prescribed in this subdivision in any manner prescribed in  
 26 the school district's or charter school's instructional time model adopted  
 27 under section 15-901.08.

28 (d) For high schools, the attendance of a pupil shall not be  
 29 counted as a full day unless the pupil is actually and physically in  
 30 attendance and enrolled in and carrying four subjects, each of which, if  
 31 taught each school day for the minimum number of days required in a school  
 32 year, would meet a minimum of one hundred twenty-three hours a year, or  
 33 the equivalent, that count toward graduation in a recognized high school  
 34 except as provided in section 15-797 and subdivision (e) of this  
 35 paragraph. Attendance of a pupil carrying less than the load prescribed  
 36 shall be prorated. A school district or charter school may satisfy any of  
 37 the time and hours requirements prescribed in this subdivision in any  
 38 manner prescribed in the school district's or charter school's  
 39 instructional time model adopted under section 15-901.08.

40 (e) For high schools, the attendance of a pupil may be counted as  
 41 one-fourth of a day's attendance for each sixty minutes of instructional  
 42 time in a subject that counts toward graduation, except that attendance  
 43 for a pupil shall not exceed the pupil's full or fractional membership. A  
 44 school district or charter school may satisfy any of the time and hours  
 45 requirements prescribed in this subdivision in any manner prescribed in

1 the school district's or charter school's instructional time model adopted  
2 under section 15-901.08.

3 (f) For homebound or hospitalized, a full day of attendance may be  
4 counted for each day during a week in which the student receives at least  
5 four hours of instruction. A school district or charter school may  
6 satisfy any of the time and hours requirements prescribed in this  
7 subdivision in any manner prescribed in the school district's or charter  
8 school's instructional time model adopted under section 15-901.08.

9 (g) For school districts that maintain school for an approved  
10 year-round school year operation, attendance shall be based on a  
11 computation, as prescribed by the superintendent of public instruction, of  
12 the one hundred eighty days' equivalency or two hundred days' equivalency,  
13 as applicable, of instructional time as approved by the superintendent of  
14 public instruction during which each pupil is enrolled. A school district  
15 or charter school may satisfy any of the time and hours requirements  
16 prescribed in this subdivision in any manner prescribed in the school  
17 district's or charter school's instructional time model adopted under  
18 section 15-901.08.

19 6. "Daily route mileage" means the sum of:

20 (a) The total number of miles driven daily by all buses of a school  
21 district while transporting eligible students from their residence to the  
22 school of attendance and from the school of attendance to their residence  
23 on scheduled routes approved by the superintendent of public instruction.

24 (b) The total number of miles driven daily on routes approved by  
25 the superintendent of public instruction for which a private party, a  
26 political subdivision or a common or a contract carrier is reimbursed for  
27 bringing an eligible student from the place of the student's residence to  
28 a school transportation pickup point or to the school of attendance and  
29 from the school transportation scheduled return point or from the school  
30 of attendance to the student's residence. Daily route mileage includes  
31 the total number of miles necessary to drive to transport eligible  
32 students from and to their residence as provided in this paragraph.

33 7. "District support level" means the base support level plus the  
34 transportation support level.

35 8. "Eligible students" means:

36 (a) Students who are transported by or for a school district and  
37 who qualify as full-time students or fractional students, except students  
38 for whom transportation is paid by another school district or a county  
39 school superintendent, and:

40 (i) For common school students, whose place of actual residence  
41 within the school district is more than one mile from the school facility  
42 of attendance or students who are admitted pursuant to section 15-816.01  
43 and who meet the economic eligibility requirements established under the  
44 national school lunch and child nutrition acts (42 United States Code  
45 sections 1751 through 1793) for free or reduced-price lunches and whose

1 actual place of residence outside the school district boundaries is more  
2 than one mile from the school facility of attendance.

3 (ii) For high school students, whose place of actual residence  
4 within the school district is more than one and one-half miles from the  
5 school facility of attendance or students who are admitted pursuant to  
6 section 15-816.01 and who meet the economic eligibility requirements  
7 established under the national school lunch and child nutrition acts  
8 (42 United States Code sections 1751 through 1793) for free or  
9 reduced-price lunches and whose actual place of residence outside the  
10 school district boundaries is more than one and one-half miles from the  
11 school facility of attendance.

12 (b) Kindergarten students, for purposes of computing the number of  
13 eligible students under subdivision (a), item (i) of this paragraph, shall  
14 be counted as full-time students, notwithstanding any other provision of  
15 law.

16 (c) Children with disabilities, as defined by section 15-761, who  
17 are transported by or for the school district or who are admitted pursuant  
18 to chapter 8, article 1.1 of this title and who qualify as full-time  
19 students or fractional students regardless of location or residence within  
20 the school district or children with disabilities whose transportation is  
21 required by the pupil's individualized education program.

22 (d) Students whose residence is outside the school district and who  
23 are transported within the school district on the same basis as students  
24 who reside in the school district.

25 9. "Enrolled" or "enrollment" means that a pupil is currently  
26 registered in the school district.

27 10. "GDP price deflator" means the average of the four implicit  
28 price deflators for the gross domestic product reported by the United  
29 States department of commerce for the four quarters of the calendar year.

30 11. "High school district" means a political subdivision of this  
31 state offering instruction to students for grades nine through twelve or  
32 that portion of the budget of a common school district that is allocated  
33 to teaching high school subjects with permission of the state board of  
34 education.

35 12. "Instructional hours" or "instructional time" means hours or  
36 time spent pursuant to an instructional time model adopted under section  
37 15-901.08.

38 13. "Revenue control limit" means the base revenue control limit  
39 plus the transportation revenue control limit.

40 14. "Student count" means average daily membership as prescribed in  
41 this subsection for the fiscal year before the current year, except that  
42 for the purpose of budget preparation student count means average daily  
43 membership as prescribed in this subsection for the current year.

44 15. "Submit electronically" means submitted in a format and in a  
45 manner prescribed by the department of education.

- 1           16. "Total bus mileage" means the total number of miles driven by  
2 all buses of a school district during the school year.
- 3           17. "Total students transported" means all eligible students  
4 transported from their place of residence to a school transportation  
5 pickup point or to the school of attendance and from the school of  
6 attendance or from the school transportation scheduled return point to  
7 their place of residence.
- 8           18. "Unified school district" means a political subdivision of this  
9 state offering instruction to students in programs for preschool children  
10 with disabilities and kindergarten programs and grades one through twelve.
- 11           B. In this title, unless the context otherwise requires:
- 12           1. "Base" means the revenue level per student count specified by  
13 the legislature.
- 14           2. "Base level" means the following amounts plus the percentage  
15 increase to the base level as provided in section 15-902.04:
- 16           (a) For fiscal year 2021-2022, \$4,390.65.  
17           (b) For fiscal year 2022-2023, \$4,775.27.  
18           (c) For fiscal year 2023-2024, \$4,914.71.
- 19           3. "Base revenue control limit" means the base revenue control  
20 limit computed as provided in section 15-944.
- 21           4. "Base support level" means the base support level as provided in  
22 section 15-943.
- 23           5. "Certified teacher" means a person who is certified as a teacher  
24 pursuant to the rules adopted by the state board of education, who renders  
25 direct and personal services to schoolchildren in the form of instruction  
26 related to the school district's educational course of study and who is  
27 paid from the maintenance and operation section of the budget.
- 28           6. "DD" means programs for children with developmental delays who  
29 are at least three years of age but under ten years of age. A preschool  
30 child who is categorized under this paragraph is not eligible to receive  
31 funding pursuant to section 15-943, paragraph 2, subdivision (b).
- 32           7. "ED, MIID, SLD, SLI and OHI" means programs for children with  
33 emotional disabilities, mild intellectual disabilities, a specific  
34 learning disability, a speech/language impairment and other health  
35 impairments. A preschool child who is categorized as SLI under this  
36 paragraph is not eligible to receive funding pursuant to section 15-943,  
37 paragraph 2, subdivision (b).
- 38           8. "ED-P" means programs for children with emotional disabilities  
39 who are enrolled in private special education programs as prescribed in  
40 section 15-765, subsection D, paragraph 1 or in an intensive school  
41 district program as provided in section 15-765, subsection D, paragraph 2.
- 42           9. "ELL" means English learners who do not speak English or whose  
43 native language is not English, who are not currently able to perform  
44 ordinary classroom work in English and who are enrolled in an English  
45 language education program pursuant to sections 15-751, 15-752 and 15-753.

1           10. "FRPL" means students who meet the eligibility requirements  
2 established under the national school lunch and child nutrition acts  
3 (42 United States Code sections 1751 through 1793) for free or  
4 reduced-price lunches, or an equivalent measure recognized for  
5 participating in the federal free and reduced-price lunch program and  
6 other school programs dependent on a poverty measure, including the  
7 community eligibility provision for which free and reduced-price lunch  
8 data is not available.

9           11. "Full-time equivalent certified teacher" or "FTE certified  
10 teacher" means for a certified teacher the following:

11           (a) If employed full time as defined in section 15-501, 1.00.

12           (b) If employed less than full time, multiply 1.00 by the  
13 percentage of a full school day, or its equivalent, or a full class load,  
14 or its equivalent, for which the teacher is employed as determined by the  
15 governing board.

16           12. "G" means educational programs for gifted pupils who score at  
17 or above the ninety-seventh percentile, based on national norms, on a test  
18 adopted by the state board of education.

19           13. "Group A" means educational programs for career exploration, a  
20 specific learning disability, an emotional disability, a mild intellectual  
21 disability, remedial education, a speech/language impairment,  
22 developmental delay, homebound pupils, bilingual pupils and pupils with  
23 other health impairments.

24           14. "Group B" means educational improvements for pupils in  
25 kindergarten programs and grades one through three, educational programs  
26 for autism, a hearing impairment, a moderate intellectual disability,  
27 multiple disabilities, multiple disabilities with severe sensory  
28 impairment, orthopedic impairments, preschool severe delay, a severe  
29 intellectual disability and emotional disabilities for school age pupils  
30 enrolled in private special education programs or in school district  
31 programs for children with severe disabilities or visual impairment,  
32 English learners enrolled in a program to promote English language  
33 proficiency pursuant to section 15-752 and students who meet the  
34 eligibility requirements established under the national school lunch and  
35 child nutrition acts (42 United States Code sections 1751 through 1793)  
36 for free or reduced-price lunches, or an equivalent measure recognized for  
37 participating in the federal free and reduced-price lunch program and  
38 other school programs dependent on a poverty measure, including the  
39 community eligibility provision for which free and reduced-price lunch  
40 data is not available.

41           15. "HI" means programs for pupils with hearing impairment.

42           16. "Homebound" or "hospitalized" means a pupil who is capable of  
43 profiting from academic instruction but is unable to attend school due to  
44 illness, disease, accident or other health conditions, who has been  
45 examined by a competent medical doctor and who is certified by that doctor

1 as being unable to attend regular classes for a period of not less than  
2 three school months or a pupil who is capable of profiting from academic  
3 instruction but is unable to attend school regularly due to chronic or  
4 acute health problems, who has been examined by a competent medical doctor  
5 and who is certified by that doctor as being unable to attend regular  
6 classes for intermittent periods of time totaling three school months  
7 during a school year. The medical certification shall state the general  
8 medical condition, such as illness, disease or chronic health condition,  
9 that is the reason that the pupil is unable to attend school. Homebound  
10 or hospitalized includes a student who is unable to attend school for a  
11 period of less than three months due to a pregnancy if a competent medical  
12 doctor, after an examination, certifies that the student is unable to  
13 attend regular classes due to risk to the pregnancy or to the student's  
14 health.

15 17. "K-3" means kindergarten programs and grades one through three.

16 18. "K-3 reading" means reading programs for pupils in kindergarten  
17 programs and grades one, two and three.

18 19. "MD-R, A-R and SID-R" means resource programs for pupils with  
19 multiple disabilities, autism and severe intellectual disability.

20 20. "MD-SC, A-SC and SID-SC" means self-contained programs for  
21 pupils with multiple disabilities, autism and severe intellectual  
22 disability.

23 21. "MD-SSI" means a program for pupils with multiple disabilities  
24 with severe sensory impairment.

25 22. "MOID" means programs for pupils with moderate intellectual  
26 disability.

27 23. "OI-R" means a resource program for pupils with orthopedic  
28 impairments.

29 24. "OI-SC" means a self-contained program for pupils with  
30 orthopedic impairments.

31 25. "PSD" means preschool programs for children with disabilities  
32 as provided in section 15-771.

33 26. "P-SD" means programs for children who meet the definition of  
34 preschool severe delay as provided in section 15-771.

35 27. "Qualifying tax rate" means the qualifying tax rate specified  
36 in section 15-971 applied to the assessed valuation used for primary  
37 property taxes.

38 28. "Small isolated school district" means a school district that  
39 meets all of the following:

40 (a) Has a student count of fewer than six hundred in kindergarten  
41 programs and grades one through eight or grades nine through twelve.

42 (b) Contains no school that is fewer than thirty miles by the most  
43 reasonable route from another school, or, if road conditions and terrain  
44 make the driving slow or hazardous, fifteen miles from another school that



1 teaches one or more of the same grades and is operated by another school  
2 district in this state.

3 (c) Is designated as a small isolated school district by the  
4 superintendent of public instruction.

5 29. "Small school district" means a school district that meets all  
6 of the following:

7 (a) Has a student count of fewer than six hundred in kindergarten  
8 programs and grades one through eight or grades nine through twelve.

9 (b) Contains at least one school that is fewer than thirty miles by  
10 the most reasonable route from another school that teaches one or more of  
11 the same grades and is operated by another school district in this state.

12 (c) Is designated as a small school district by the superintendent  
13 of public instruction.

14 30. "Transportation revenue control limit" means the transportation  
15 revenue control limit computed as prescribed in section 15-946.

16 31. "Transportation support level" means the support level for  
17 pupil transportation operating expenses as provided in section 15-945.

18 32. "VI" means programs for pupils with visual impairments.