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Senate Engrossed House Bill  
State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HOUSE BILL 2129

AN ACT

AMENDING SECTION 15-808, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 17, SECTION 11; RELATING TO ARIZONA ONLINE INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-808, Arizona Revised Statutes, as amended by

3 Laws 2010, chapter 17, section 11, is amended to read:

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

5 A. Arizona online instruction shall be instituted to meet the needs of  
6 pupils in the information age. The state board of education shall select  
7 traditional public schools and the state board for charter schools shall  
8 sponsor charter schools to be online course providers or online schools. The  
9 state board of education and the state board for charter schools shall  
10 jointly develop standards for the approval of online course providers and  
11 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 and  
14 the means of addressing the unique needs and learning styles of targeted  
15 pupil populations, including computer assisted learning systems, virtual  
16 classrooms, virtual laboratories, electronic field trips, electronic mail,  
17 virtual tutoring, online help desk, group chat sessions and noncomputer based  
18 activities performed under the direction of a certificated teacher.

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

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

22 5. The availability of private individual electronic mail between  
23 pupils, teachers, administrators and parents in order to protect the  
24 confidentiality of pupil records and information.

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

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

29 8. The services offered to developmentally disabled populations.

30 9. The grade levels that will be served.

31 B. Each new school that provides online instruction shall provide  
32 online instruction on a probationary status. After a new school that  
33 provides online instruction has clearly demonstrated the academic integrity  
34 of its instruction through the actual improvement of the academic performance  
35 of its students, the school may apply to be removed from probationary status.  
36 The state board of education or the state board for charter schools shall  
37 remove from Arizona online instruction any probationary school that fails to  
38 clearly demonstrate improvement in academic performance within three years  
39 measured against goals in the approved application and the state's  
40 accountability system. The state board of education and the state board for

41 charter schools shall review the effectiveness of each participating school  
42 and other information that is contained in the annual report prescribed in  
43 subsection D of this section. 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  
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1 chapter 7, article 3 of this title. Upon enrollment, the school shall notify  
2 the parents or guardians of the pupil of the state testing requirements. If  
3 a pupil fails to comply with the testing requirements and the school  
4 administers the tests pursuant to this subsection to less than ninety-five  
5 per cent of the pupils in Arizona online instruction, the pupil shall not be  
6 allowed to participate in Arizona online instruction.

7 C. Beginning July 1, 2010, the state board of education and the state  
8 board for charter schools shall develop annual reporting mechanisms for  
9 schools that participate in Arizona online instruction.

10 D. The department of education shall compile the information submitted  
11 in the annual reports by schools participating in Arizona online instruction.  
12 The department of education shall submit the compiled report to the governor,  
13 the speaker of the house of representatives and the president of the senate  
14 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 by  
18 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 Arizona  
21 online instruction in the school's average daily attendance calculations  
22 pursuant to section 15-901.

23 F. If a pupil is enrolled in a school district or charter school and  
24 also participates in Arizona online instruction, the sum of the average daily  
25 membership, which includes enrollment as prescribed in section 15-901,  
26 subsection A, paragraph 2, subdivisions (a) and (b) and daily attendance as  
27 prescribed in section 15-901, subsection A, paragraph 6, for that pupil in  
28 the school district or charter school and in Arizona online instruction shall  
29 not exceed 1.0. If the pupil is enrolled in a school district or a charter  
30 school and also participates in Arizona online instruction and the sum of the  
31 daily membership or daily attendance for that pupil is greater than 1.0, the  
32 sum shall be reduced to 1.0 and shall be apportioned between the school  
33 district, unless the school district is a joint technical education district  
34 subject to the apportionment requirements of section 15-393, or charter  
35 school and Arizona online instruction based on the percentage of total time  
36 that the pupil is enrolled or in attendance in the school district or charter  
37 school and Arizona online instruction. The uniform system of financial  
38 records shall include guidelines for the apportionment of the pupil  
39 enrollment and attendance as provided in this subsection. Pupils in Arizona  
40 online instruction do not incur absences for purposes of section 15-901 and  
41 may generate an average daily attendance of 1.0 for attendance hours during  
42 any hour of the day, during any day of the week and at any time between July  
43 1 and June 30 of each fiscal year. For kindergarten programs and grades one  
44 through eight, average daily membership shall be calculated by dividing the  
45 instructional hours as reported in the daily log required in subsection E of  
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1 this section by the applicable hourly requirements prescribed in section  
2 15-901. For grades nine through twelve, average daily membership shall be

3 calculated by dividing the instructional hours as reported in the daily log  
4 required in subsection E of this section by nine hundred. The average daily  
5 membership of a pupil who participates in online instruction shall not exceed  
6 1.0. Average daily membership shall not be calculated on the one hundredth  
7 day of instruction for the purposes of this section. Funding shall be  
8 determined as follows:

9 1. A pupil who is enrolled full-time in Arizona online instruction  
10 shall be funded for online instruction at ninety-five per cent of the base  
11 support level that would be calculated for that pupil if that pupil were  
12 enrolled as a full-time student in a school district or charter school that  
13 does not participate in Arizona online instruction. Additional assistance,  
14 capital outlay revenue limit and soft capital allocation limit shall be  
15 calculated in the same manner they would be calculated if the student were  
16 enrolled in a district or charter school that does not participate in Arizona  
17 online instruction. **A pupil enrolled in Arizona online instruction shall be  
18 considered full-time if the pupil's average instructional hours, as reported  
19 in the daily log required in subsection E of this section, exceed one hundred  
20 nineteen minutes for kindergarten programs, two hundred thirty-eight minutes  
21 for grades one through three, two hundred ninety-seven minutes for grades  
22 four through six, three hundred fifty-six minutes for grades seven and eight  
23 and three hundred minutes for grades nine through twelve.**

24 2. A pupil who is enrolled part-time in Arizona online instruction  
25 shall be funded for online instruction at eighty-five per cent of the base  
26 support level that would be calculated for that pupil if that pupil were  
27 enrolled as a part-time student in a school district or charter school that  
28 does not participate in Arizona online instruction. Additional assistance,  
29 capital outlay revenue limit and soft capital allocation limit shall be  
30 calculated in the same manner they would be calculated if the student were  
31 enrolled in a district or charter school that does not participate in Arizona  
32 online instruction. **A pupil enrolled in Arizona online instruction shall be  
33 considered part-time if the pupil's average instructional hours, as reported  
34 in the daily log required in subsection E of this section, are less than the  
35 hours required for a full-time pupil pursuant to paragraph 1 of this  
36 subsection.**

37 G. If the academic achievement of a pupil declines while the pupil is  
38 participating in Arizona online instruction, the pupil's parents, the pupil's  
39 teachers and the principal or head teacher of the school shall confer to  
40 evaluate whether the pupil should be allowed to continue to participate in  
41 Arizona online instruction.

42 H. To ensure the academic integrity of pupils who participate in  
43 online instruction, Arizona online instruction shall include multiple diverse  
44 assessment measures and the proctored administration of required state  
45 standardized tests.

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1 I. 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 OF  
4 A SCHOOL YEAR AND WHO IS ENROLLED IN A SCHOOL KINDERGARTEN PROGRAM THAT  
5 MEETS

6 AT LEAST THREE HUNDRED FORTY SIX HOURS DURING THE SCHOOL YEAR.

7 (b) A STUDENT WHO IS AT LEAST SIX YEARS OF AGE BEFORE SEPTEMBER 1 OF A  
8 SCHOOL YEAR, WHO HAS NOT GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE  
9 SCHOOL AND WHO IS REGULARLY ENROLLED IN A COURSE OF STUDY REQUIRED BY THE  
10 STATE BOARD OF EDUCATION. THE INSTRUCTIONAL PROGRAM SHALL MEET AT LEAST  
11 EIGHT HUNDRED NINETY HOURS DURING THE SCHOOL YEAR.

11 (c) SEVENTH AND EIGHTH GRADE STUDENTS OR UNGRADED STUDENTS WHO ARE AT  
12 LEAST TWELVE, BUT UNDER FOURTEEN, YEARS OF AGE ON OR BEFORE SEPTEMBER 1  
AND

13 WHO ARE ENROLLED IN AN INSTRUCTIONAL PROGRAM OF COURSES THAT MEETS AT  
LEAST

14 ONE THOUSAND SIXTY-EIGHT HOURS DURING THE SCHOOL YEAR.

15 (d) FOR HIGH SCHOOLS, EXCEPT AS PROVIDED IN SECTION 15-105, A STUDENT  
16 NOT GRADUATED FROM THE HIGHEST GRADE TAUGHT IN THE SCHOOL DISTRICT, OR AN  
17 UNGRADED STUDENT AT LEAST FOURTEEN YEARS OF AGE ON OR BEFORE SEPTEMBER 1,  
AND

18 WHO IS ENROLLED IN AT LEAST FOUR COURSES THROUGHOUT THE YEAR THAT MEET AT  
19 LEAST NINE HUNDRED HOURS DURING THE SCHOOL YEAR. A FULL-TIME STUDENT SHALL  
20 NOT BE COUNTED MORE THAN ONCE FOR COMPUTATION OF AVERAGE DAILY  
MEMBERSHIP.

21 1. 2. "Online course provider" means a school other than an online  
22 school that is selected by the state board of education or the state board  
23 for charter schools to participate in Arizona online instruction pursuant to  
24 this section and that provides at least one online academic course that is  
25 approved by the state board of education.

26 2. 3. "Online school" means a school that provides at least four  
27 online academic courses or one or more online courses for the equivalent of  
28 at least five hours each day for one hundred eighty school days and that is a  
29 charter school that is sponsored by the state board for charter schools or a  
30 traditional public school that is selected by the state board of education to  
31 participate in Arizona online instruction.

32 4. "PART-TIME STUDENT" MEANS:

33 (a) ANY STUDENT WHO IS ENROLLED IN A PROGRAM THAT DOES NOT MEET THE  
34 DEFINITION IN PARAGRAPH 1 OF THIS SUBSECTION SHALL BE FUNDED AT EIGHTY-FIVE  
35 PER CENT OF THE BASE SUPPORT LEVEL THAT WOULD BE CALCULATED FOR THAT PUPIL  
IF

36 THAT PUPIL WERE ENROLLED AS A PART-TIME STUDENT IN A SCHOOL DISTRICT OR  
37 CHARTER SCHOOL THAT DOES NOT PARTICIPATE IN ARIZONA ONLINE INSTRUCTION.

38 (b) FOR STUDENTS IN GRADES ONE THROUGH SIX, A PART-TIME STUDENT OF  
39 SEVENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT  
LEAST

40 THREE SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST SIX HUNDRED  
41 SIXTY-EIGHT INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF  
42 FIFTY PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST TWO  
43 SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST FOUR HUNDRED FORTY-FIVE  
44 INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF TWENTY-FIVE PER  
45 CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST ONE SUBJECT

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1 THROUGHOUT THE YEAR THAT OFFERS AT LEAST TWO HUNDRED TWENTY-THREE  
2 INSTRUCTIONAL HOURS IN A SCHOOL YEAR.

3 (c) FOR SEVENTH AND EIGHTH GRADE STUDENTS, A PART-TIME STUDENT OF  
4 SEVENTY-FIVE PER CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST  
5 THREE SUBJECTS THROUGHOUT THE YEAR THAT OFFER AT LEAST EIGHT HUNDRED ONE  
6 INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF FIFTY PER CENT  
7 AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST TWO SUBJECTS  
8 THROUGHOUT THE YEAR THAT OFFER AT LEAST FIVE HUNDRED THIRTY-FOUR  
9 INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF TWENTY-FIVE PER  
10 CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST ONE SUBJECT  
11 THROUGHOUT THE YEAR THAT OFFERS AT LEAST TWO HUNDRED SIXTY-SEVEN  
12 INSTRUCTIONAL HOURS IN A SCHOOL YEAR.

13 (d) FOR HIGH SCHOOL STUDENTS, A PART-TIME STUDENT OF SEVENTY-FIVE PER

14 CENT AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST THREE SUBJECTS  
15 THROUGHOUT THE YEAR THAT OFFER AT LEAST SIX HUNDRED SEVENTY-FIVE  
16 INSTRUCTIONAL HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF FIFTY PER CENT  
17 AVERAGE DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST TWO SUBJECTS  
18 THROUGHOUT THE YEAR THAT OFFER AT LEAST FOUR HUNDRED FIFTY INSTRUCTIONAL  
19 HOURS IN A SCHOOL YEAR. A PART-TIME STUDENT OF TWENTY-FIVE PER CENT AVERAGE  
20 DAILY MEMBERSHIP SHALL BE ENROLLED IN AT LEAST ONE SUBJECT THROUGHOUT THE  
21 YEAR THAT OFFERS AT LEAST TWO HUNDRED TWENTY-FIVE INSTRUCTIONAL HOURS IN A  
22 SCHOOL YEAR.