



2013 Legislative & Budget Wrap-up

Presenters

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- General Effective Dates
 - HB 2001 -- General Appropriations Bill or Feed Bill
 - June 17th, 2013
 - HB 2003 -- Education Budget Reconciliation Bill (BRB)
 - September 12th, 2013

- Sets the base level at \$3326.54 (not including teacher comp), an increase of \$58.82 per student comp (this is the \$82 million for inflationary funding)
 - \$3,368.12 with teacher comp
- Appropriates \$3.65 million for the School Safety Program
 - Requires 25% of appropriated monies to be used for security hardware
 - Creates, with the above appropriation, a \$100,000 School Emergency Readiness Pilot Program
 - Requires ADE to select 3 districts; Process, procedures, and qualifications outlined

- Appropriates \$2.4 million to the Performance Incentive Fund
 - Establishes the Performance Incentive Fund with ADE to fund districts and charters in FY15 based on achievement and improvement on the A-F Accountability System.
- Removes CORL and soft capital references and replaces it with “district additional assistance”
 - Deletes the soft capital and building renewal statutes
 - Requires districts to transfer soft capital and CORL capacity and cash at the end of FY13 to M&O or unrestricted capital
- Funds JTEDs with 2,000 or more students at 91%; all others funded at 100%

- Permanently increases elementary and high school district class B bonding capacity limits from 5% to 10% and for unified districts from 10% to 20%.
 - Applies to bonds pursuant to elections held both before and after the effective date of this legislation.
- By November 30th of each year, requires ADE to submit to JLBC and OSPB a report that “lists the amount budgeted by districts for the current fiscal year for each type of override”
- Reduces the K-12 rollover by \$21.9 million, exempts districts with fewer than 600 pupils from the rollover, and requires the state to make the FY13 rollover payment by July 12, 2013 (currently, it is August 29, 2013).

- **Data System:**
 - Funds ADOA at the same level of \$7 million as ADE was previously funded (\$5.4 million from general fund and \$1.6 million for community college and university fees)
 - Requires the State Board, in collaboration with ADE and ADOA, to report quarterly on its progress in implementing ELAS and must include an assessment of progress from an independent third party that is not affiliated with state government.
- **School Facilities Board:**
 - Building Renewal and New Construction – Requires the SFB to inventory and inspect all school buildings in the state to develop a database to administer building renewal grants and new school construction; database must be updated annually; requires districts to report information required for the administration of the Building Renewal Grant fund no later than September 1 (currently October 15).
 - New School Funding – Establishes qualification that districts must meet to qualify for new school construction monies; requires the SFB to review and evaluate the enrollment projections by March 1st after the submission of the enrollment projections and to determine whether that space would have been needed for the current school year before receiving funding under the new system above; accommodation schools are not eligible for new facilities monies
- Requires ADE to transfer \$10 million to the General Fund from the Arizona Structured English Immersion Fund.

Comprehensive Wrap-Up Brief: available at
www.azsba.org

Geoff Esposito, Governmental Relations
Analyst

General Effective Date: September 13th, 2013**

**Unless an emergency clause is included

2013 KEY LEGISLATION

- Allows a unified school district governing board to be created when a unified district is formed to conduct operations for the following year.
 - Can conduct meetings after a majority vote of each school district approves the consolidation
- Allows unified school boards that cannot meet the February 15th deadline to preliminarily file the new taxing district information
- Requires schools boards in the process of consolidating to file information relating to the changes in boundaries of the new or existing taxing jurisdiction with the Department of Revenue and the County Assessor by May 15th
- Retroactive as of June 30, 2012

- Allows ADE to charge a convenience fee for payments with a credit card, debit card, or other means of electronic payment

- Addresses the assessment issues related to AIMS and PARCC:
 - Removes the requirement that the SBE develop and adopt competency tests for high school graduation
 - Repeals the requirement that the SBE adopt a norm-reference test
- Eliminates the current Arizona English Language Learners Task Force
 - Directs the State Board of Education to take over its statutory authority, powers, duties and responsibilities
 - Retroactive as of December 31, 2012

- Requires Governing Boards to develop policies in School Year 2013-14 for confinement as a disciplinary measure and must include:
 - A process for prior written parental notification and include it in the student's enrollment packet or admission form
 - A process for prior written parental consent before confinement is allowed for any student in the school district
- Must provide for an exemption for school principals or teachers that determine that confinement must be used without prior written parental consent if a student poses imminent physical harm to themselves or others
 - Requires the principal or teacher to make reasonable attempts to notify the parent or guardian in writing by the end of the day confinement was used
- Contains an emergency clause

- Numerous changes to statute relating to charter establishment, renewal and revocation
 - Requires detailed educational, business, and operational plans (any other info required by the sponsor)
 - Removes the requirement for the charter of a school to include a description of the charter school's personnel policies and qualifications, method of school governance, and the specific role and duties of the sponsor of the charter school
 - Reduces the timeframe for notification of intent to revoke and for charter to improve academic performance from 90 to 60 days
 - Performance framework must be publicly available
- Exempts the State Board for Charter Schools from rule making for 2 years to comply with these changes
- Contains an emergency clause

- Requires a school bus operator to display the stop signal and alternately flashing lights on a private road or driveway when passengers are being picked up or discharged when transporting school children to or from school or home

- *Allows voluntary diabetes care assistants to administer insulin in addition to glucagon, assist the pupil with self-administration of insulin in an emergency situation or perform any combination of these actions under certain conditions.*
 - Adds nurses to the health professionals that can train voluntary diabetes care assistants
 - Parent must provide the glucagon or insulin along with all equipment and supplies necessary for insulin administration

- Prohibits the state and all its political subdivisions from spending or using public resources to influence an election
 - Ensures that district governing board pro/con ballot arguments are still allowed
 - Defines *Government-sponsored forum or debate* as “any event, or part of an event or meeting, in which the government is an official sponsor, which is open to the public or to invited members of the public, and whose purpose is to inform the public about an issue or proposition that is before the voters.”
- Imposes a civil penalty of an amount not to exceed \$5000 (currently \$500) on any person or public entity that violates the prohibition or that knowingly aids another person or public entity in a violation
 - Allows the court to order an additional penalty in an amount that equals the value of the resources unlawfully used

- Allows leases or lease purchase agreements for school buildings and grounds for up to ten years without an election
- Allows districts to call for a capital outlay override while using the proceeds from the sale or lease of school property

- Establishes a 4-year simulated outcome-based funding pilot program
 - Allows districts and charters to submit applications to the State Board of Education (SBE) to participate
 - 5 districts and 5 charters must be included
 - SBE must solicit a request for information by October 31, 2013 regarding the appropriate assessment instruments that may be used to implement the simulated program, including cost estimates and proposed timetables for implementation
- Requires SBE to submit a report to the Governor and Legislature beginning November 15, 2015 summarizing the results
- Repealed as of September 15, 2020

- Clarifies that a member is not required to maintain or select a certain benefit option if such action would violate another law, existing contract, or court order.
- To protect members -- specifies that items like SSN, address, telephone number, health insurance information, email address, medical records, etc. are not subject to inspection
- Eliminates the Permanent Benefit Increase for new members
- Permits the ARS to establish a self-insured health insurance program (no plans currently)

- Establishes the Extraordinary Educators Special License Plate upon an entity paying \$32,000 to the ADOT by December 31, 2016.
- Establishes the Extraordinary Educators Special Plate Trust Fund for the exclusive purpose of implementing, continuing, and supporting the educational purposes of the foundation (also defined).

- Allows charter school enrollment preference to the grandchildren or legal wards of employees of the school or charter holder, members of the governing body of the school or directors, officers, partners and board members of the charter holder
- Allows charter school enrollment preference to a student or the siblings of a student that previously attended a charter school that has the same educational management organization, charter management organization or educational service provider, as determined by the charter authorizer, as the enrolling school

- Allows charter schools, in addition to school districts, to be exempt from certain rules and statutes if a letter grade of “A” is maintained for two of the last three consecutive years

- Contains numerous provisions on teacher and principal evaluation, dismissal, and nonrenewal statutes
- Trailer bill to ensure proper implementation of last year's HB2823 and furthers its intent
- Retroactive as of July 1, 2013

- Allows DPS to contract with an entity to provide electronic or internet-based fingerprinting services for individuals applying for, or renewing, a teaching certificate
- Contains an emergency clause

- Allows ADE to monitor fraudulent activity in the ESA voucher program and allows parents to appeal ADE's decision
- Allows an ESA to be revoked if a recipient is out of compliance with the contract and for the Treasurer to be advised and cancel any future payments

- Allows a charter school to use a third party as its representative in any zoning applications and actions
- Makes other changes to the charter school zoning statute – parity to school districts

- A mandatory reporter is not required to report or cause reports to be made if:
 - The minor is of elementary school age;
 - The physical injury occurs in the course of typical playground activity during a school day on the premises of the school that the minor attends;
 - The physical injury is reported to the legal guardian of the minor; and
 - The school maintains a written record of the incident.
- (Session Law) Upon governing board approval, allows a school to expunge a report contained in a student's school file if:
 - The report involved a physical injury to a minor of elementary school age that occurred in the course of typical playground activity during a school day; and
 - The injury occurred on the premises of the school the minor attends and was reported to the minor's legal parent or guardian.

- Annual levy for both principal and interest, including a reasonable tax delinquency factor, including an amount necessary to correct prior year errors in the levy and expenses and fees pursuant to section 35-512

- Allows school boards to transmit and receive contracts of certificated employees in an electronic format and to accept electronic signatures on those contracts
- Requires an electronic contract to be submitted to both the certificated employee's school, district email, as well as their personal email prior to the start of the next school year if a contract has not been transmitted to the certificated employee by the end of the current school year in order to notify them of the contract offer
- Requires school boards to provide validation to the employee that the contract has been transmitted

- Revises the timeframe a school board may extend or renegotiate a superintendent's contract from the May of the year preceding their final year to no earlier than 15 months before their contract expires

- Continues the Arizona State Schools for the Deaf and Blind (ASDB) for 10 years

- Allows for a leased centralized campus for up to a 1.75 funding factor under specific requirements
- Accommodation school students may be counted in average daily membership for a JTED
- Centralized campus course if offered to all eligible students in member districts and enrolls students from multiple high schools

- Beginning in the 2015-16 school year, allows students in grades 7-12 to be provided with one or more CPR training sessions through the use of psychomotor skills in an age-appropriate manner
- Allows an opt-out
- Allows districts to receive in-kind donations of materials, equipment, and services

Chapter 243: SB 1421 (school personnel; emergency epinephrine administration)



- Requires school districts and charter schools to stock auto-injectable epinephrine at each school and establishes other requirements regarding auto-injectable epinephrine.
- Voluntary if appropriation isn't provided
 - Requires each school district and charter school beginning in the 2014-15 school year to stock two juvenile doses and two adult doses of auto-injectable epinephrine at each school
 - Annual training in the administration of auto-injectable epinephrine, as directed on the prescription protocol, for designated medical and nonmedical school personnel
 - Annual training for all school site personnel on the recognition of anaphylactic shock symptoms and the procedures to follow when anaphylactic shock occurs, per American Academy of Pediatrics national guidelines
- Requires school district governing boards to prescribe and enforce policies and procedures for the emergency administration of auto-injectable epinephrine by a trained school district employee
- Provides civil immunity for certain persons acting in good faith

- Expands the Arizona Empowerment Scholarship Accounts Program to kindergarteners
 - Now include 90 % of the sum of the BSL and Additional Assistance for the particular student if that student was attending a charter school

- Charter schools may choose to provide a preschool program for children with disabilities
- Charter school students that reside within the boundaries of a JTED are counted in average daily membership in the same manner as district students
- ADE is required to evaluate any school that has been assigned a letter grade of F
- Director of Department of Administration or designee added to ADE Data Governance Commission

- Eliminates certain school bus reports
- Repayment options for Red Mesa School District
- Requires the ADE Data Governance Commission to ensure that adopted guidelines reduce duplication and administrative requirements
- Reduces the age limit for state funding for a JTED student at over 21 years of age

- Requires the SBE to prescribe competency requirements for personal finance for high school graduation
- Prohibits the State Board from requiring a separate personal finance course when prescribing financial literacy competency requirements for high school graduation
 - Allows school district governing boards and charter schools to prescribe a separate personal finance course for the graduation of pupils from high school

- Establishes a notification process regarding knowing violations of the Family Educational Rights and Privacy Act (FERPA)
 - Allows any person who suspects that a school district or charter school has knowingly violated FERPA to notify the principal of the charter school or the superintendent of the school district
 - The charter principal or district superintendent has 60 days to satisfactorily resolve the matter before a complaint may be filed with the Superintendent of Public Instruction (SPI)
 - Requires the SPI to notify the district or charter school upon determination that it is knowingly in violation of FERPA
 - Provides the district or charter school 60 days to correct the violation after notice
 - Allows the Superintendent to inform the Family Policy Compliance Office of the U.S. Department of Education of a possible FERPA violation if it is not corrected in the 60 day timeframe
- No financial penalty – removed in a compromise floor amendment

ASBA Policy Update

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THANK YOU