House Engrossed

public school closures; coronavirus disease.

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

CHAPTER 47

HOUSE BILL 2910

AN ACT

PROVIDING FOR PROCEDURES REGARDING PUBLIC SCHOOL CLOSURES RELATED TO THE CORONAVIRUS DISEASE 2019; APPROPRIATING MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Public school closures; coronavirus disease 2019; waivers; definition

A. For the benefit of students enrolled in public schools that have closed as a result of the statewide closure, each public school in this state shall continue to pay its employees, including hourly employees, from March 16, 2020 through March 29, 2020 if an employee is committed to being available to work during the employee's normal work hours. The public school may not require any employee to use accrued vacation or sick leave for the duration of the closure.

B. Notwithstanding any other law, if, following the statewide school closure announced on March 15, 2020 by the governor and the superintendent of public instruction in response to a state of emergency declaration by the governor related to the coronavirus disease 2019 (COVID-19), the statewide closure of the public schools in this state is lifted on or before March 29, 2020, all of the following apply:

1. Public schools in this state are not required to extend the number of school days or add additional instructional hours after the statewide closure ends to make up for the days and hours missed as a result of the statewide closure and to meet the requirements prescribed in sections 15-341.01, 15-391, 15-393, 15-901 and 15-902.04, Arizona Revised Statutes, or any other law for the number of school days or instructional hours, the number of hours a class must meet or the number of hours a student must be enrolled for school finance calculations.

2. The testing window for the statewide assessment adopted pursuant to section 15-741, Arizona Revised Statutes, is extended through May 31, 2020. Schools operated by a school district and charter schools are encouraged to offer formative assessments.

3. For the 2019-2020 school year, a public school's letter grade pursuant to section 15-241, Arizona Revised Statutes, is the higher of the public school's 2018-2019 letter grade or the public school's 2019-2020 letter grade.

C. Notwithstanding any other law, if, following the statewide school closure announced on March 15, 2020 by the governor and the superintendent of public instruction in response to a state of emergency declaration by the governor related to the coronavirus disease 2019 (COVID-19), the statewide closure of the public schools in this state is not lifted on or before March 29, 2020, all of the following apply:

1. Public schools in this state are not required to extend the number of school days or add additional instructional hours after the statewide closure ends to make up for the days and hours missed as a result of the first two weeks of the statewide closure during which general educational opportunities as determined by each public school were not provided as prescribed in paragraph 2 of this subsection and to meet the requirements prescribed in sections 15-341.01, 15-391, 15-393, 15-901 and 15-902.04, Arizona Revised Statutes, or any other law for the number of school days or instructional hours, the number of hours a class must meet or the number of hours a student must be enrolled for school finance calculations. If a public school complies with paragraphs 2 through 4 of this subsection, the public school is deemed to meet the requirements prescribed in sections 15-341.01, 15-901 and 15-902.04, Arizona Revised Statutes, or any other law for the number of school days or instructional hours, the number of hours a class must meet or the number of hours a student must be enrolled for school finance calculations for the 2019-2020 school year.

2. Beginning on March 30, 2020, each public school in this state shall offer students general educational opportunities as determined by the public school for the duration of the statewide closure as a condition of the public school receiving continued formula funding based on the public school's one hundredth-day average daily membership.* The state board of education and the department of education shall determine the manner in which a public school attests that it is complying with this paragraph.

3. If the statewide closure is not lifted before the scheduled end of the public school's 2019-2020 posted school year calendar, the public school shall continue offering general educational opportunities as determined by the public school as prescribed in paragraph 2 of this subsection until the scheduled end of the public school's 2019-2020 posted school year calendar.

4. If the statewide closure is lifted before the scheduled end of the public school's 2019-2020 posted school year calendar, the public school shall either:

(a) Resume physical operations as usual on the date that the statewide closure of the public schools in this state is lifted and continue operations until the scheduled end of the public school's 2019-2020 posted school year calendar.

(b) Continue offering general educational opportunities as determined by the public school as prescribed in paragraph 2 of this subsection until the scheduled end of the public school's 2019-2020 posted school year calendar.

5. If the statewide closure causes the daily route mileage as defined in section 15-901, Arizona Revised Statutes, of a school district to be lower in fiscal year 2019-2020 than it was in fiscal year 2018-2019, the daily route mileage as defined in section 15-901, Arizona Revised Statutes, of the school district for fiscal year 2019-2020 for the purposes of calculating the transportation support level under section 15-945, Arizona Revised Statutes, in fiscal year 2020-2021 shall be considered the daily route mileage from the 2018-2019 fiscal year. A public school's transportation fleet, including school buses, may be used to perform school operations that are deemed to support students and their families during the statewide closure as determined by the public school.

6. For the benefit of students enrolled in public schools that have closed as a result of the statewide closure, each public school in this state shall continue to pay all its employees, including hourly employees, for the duration of the statewide closure, subject to the following:

(a) Before March 30, 2020, each public school employee, including hourly employees, shall commit to be available to work during the employee's normal work hours.

(b) If the public school employee is able to perform the employee's work tasks remotely, the employee shall work remotely beginning March 30, 2020 through the duration of the statewide closure.* After the statewide closure is lifted, if the public school opts to resume physical operations as usual as prescribed in paragraph 4, subdivision (a) of this subsection, the public school employee may no longer work remotely unless otherwise authorized by the public school.

(c) If the public school employee is unable to perform the employee's work tasks remotely, the public school shall reassign the employee to other tasks that the employee is able to perform and the employee shall perform those tasks beginning March 30, 2020 through the duration of the statewide closure.* After the statewide closure is lifted, if the public school opts to resume physical operations as usual as prescribed in paragraph 4, subdivision (a) of this subsection, the public school employee shall resume the public school employee's normal work tasks unless otherwise authorized by the public school.

7. During the 2019-2020 school year, public schools may deviate from the statutory requirements relating to special education programs.* Public schools shall attempt to ensure that each student who has a section 504 plan as defined in section 15-731, Arizona Revised Statutes, or who receives special education services through an individualized education program has access to these educational opportunities.

8. Public schools may use any monies generated during the 2019-2020 school year to provide summer school instruction during the summer of 2020 only.

9. The statewide assessment adopted pursuant to section 15-741, Arizona Revised Statutes, is canceled.

10. For the 2019-2020 school year, a public school's letter grade pursuant to section 15-241, Arizona Revised Statutes, is the public school's 2018-2019 letter grade.

11. For the 2019-2020 school year, a pupil is not required to meet the requirements prescribed in section 15-701, Arizona Revised Statutes, to be promoted from the third grade.

12. The state board of education shall adopt rules for the graduation of public school students from high school for the 2019-2020 school year. For the purposes of this paragraph, the state board of education is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes.

13. For fiscal year 2020-2021, a public school student who takes an online course during June or July 2020 may generate up to a total of 1.25 average daily membership.

14. The auditor general shall work with public schools to establish modified timelines for financial and performance data reporting.

D. On or before April 15, 2020, the Arizona department of education, with the approval of the state board of education, shall apply to the United States department of education or other appropriate federal agency for a waiver of the federal food and nutrition, assessment and accountability requirements and other issues that impact educational attainment that cannot be met in the 2019-2020 school year due to the state of emergency declaration by the governor related to the coronavirus disease 2019 (COVID-19).

E. For the purposes of this section, "public school" includes schools operated by a school district, charter schools, the Arizona state schools for the deaf and the blind, accommodation schools as defined in section 15-101, Arizona Revised Statutes, county jail or juvenile detention center education programs established pursuant to section 15-913 or 15-913.01, Arizona Revised Statutes, and career technical education districts.

Sec. 2. Superintendent of public instruction; school finance requirements; waiver; 2019-2020 school year

Notwithstanding any other law, through June 30, 2021, the superintendent of public instruction, only with the approval of the state board of education, may waive any school finance requirement necessary to implement section 1 of this act for school finance matters related to the 2019-2020 school year only.

Sec. 3. Retroactivity

This act applies retroactively to from and after March 15, 2020.

Sec. 4. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR MARCH 27, 2020.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2020.