



Arizona State Board of Education
1700 W. Washington Street Executive Tower, Suite 300
Phoenix, Arizona 85007
Phone: (602) 542-5057
Website: azsbe.az.gov



May 24, 2021

Below are highlights from the State Board of Education's May 24th Meeting.

Rulemaking Update

The Board opened rulemaking procedures on four rules. The rules may be reviewed [here](#). Public comments are accepted at inbox@azsbe.az.gov or may be provided at a public hearing or Board meeting.

- *R7-2-303 relating to Sex Education*: On April 20, 2021, the Governor issued an Executive Order directing the Board to adopt or amend rules relating to schools' adoption of sex education. The Executive Order also requires the Board to report on its rulemaking efforts by June 30, 2021. A virtual public hearing will be held on June 17, 2021 at noon. The Board plans to adopt the rules at the June 28, 2021 Meeting.
- *R7-2-205, R7-2-607, Article 7 and Article 13 relating to Educator Discipline*: The Board is charged with imposing discipline on certified educators for engaging in immoral or unprofessional conduct. HB 2023 subjects noncertified educators to discipline as well. The bill also made other changes to the educator discipline process. The Board opened rules to implement HB 2023. A virtual public hearing will be held on June 16, 2021 at noon. The Board may adopt the rules as early as the August 27, 2021 Meeting.
- *R7-2-317 relating to the State Seal of Biliteracy*: Statute allows schools to affix a seal on students' diplomas if they demonstrate proficiency in one or more language other than English. SB 1403 provides more pathways to students to demonstrate English language arts proficiency. The rule opened by the Board allows students to meet that requirement through the statewide assessment, the ACT or SAT, an advanced placement assessment or an end-of-course assessment administered in a dual enrollment or concurrent enrollment course. A virtual public hearing will be held on June 16, 2021 at noon. The Board may adopt the rules as early as the August 27, 2021 Meeting.
- *R7-2-809 and R7-2-810 relating to the emergency administration of epinephrine and inhalers*: Statute allows schools to administer epinephrine and inhalers to students in emergency situations under a standing order from specific medical professionals. SB 1016 added naturopaths to the list of medical professionals who may issue the standing order. The rule opened by the Board conforms to the legislation. A virtual public hearing will be held on June 16, 2021 at noon. The Board may adopt the rules as early as the August 27, 2021 Meeting.

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HB 2862 and Arizona Online Instruction (AOI)

On May 12th, the Arizona Department of Education released a notice regarding HB 2862 (schools; instructional time models). Please review the notice below.

Dear School Leader,

During the 2021 Legislative Session, the Arizona State Legislature passed [HB 2862 \(schools; instructional time models\)](#) which was signed by the Governor on 4/28/2021. **While the Legislative Session has not yet concluded, the Arizona Department of Education wanted to provide an initial communication so you are aware of these legislative changes and can begin planning for the upcoming school year if you would like to utilize the flexibility provided in HB 2862.**

Due to the Legislature still being in session, there could be further legislative changes that impact this information. If any additional changes occur, the Department will provide timely information that can be utilized in planning for the upcoming school year. Nonetheless, A.R.S. § 15-901.05 directs the Department to apply any changes to state law impact school finance to the entire fiscal year in which the change becomes effective.

Therefore, any adopted instructional time model for School Year 2021-2022 will be applied to the entire school year.

Please be aware that the authority to provide distance learning under the Executive Orders issued last summer will expire on 6/30/21. HB 2862 gives school districts and charter schools new flexibility to meet the instructional time requirements in statute, including the ability to provide remote instruction in School Year 2022 and beyond, but requires school district or charter school governing boards to hold at least two public hearings on the proposed approach before utilizing the new flexibility.

Legislative Summary

This section will provide a brief summary of the legislative changes enacted in HB 2862, for a more detailed summary please review the [House of Representatives As Transmitted Bill Summary for HB 2862](#).

The bill makes the following notable changes:

- Permits school districts and charter schools to adopt an instructional time model for one or more schools after at least two governing board meetings.
- Requires instructional time models to provide students with the minimum number of instructional hours outlined in statute in any day, week and course length increments adopted in the model.
- Permits the delivery of instructional hours through any combination of direct instruction, project-based learning, independent learning or mastery-based learning.
- Allows school districts and charter schools to reallocate any minimum instruction hours required per course, stagger learning times or schedules and offer courses and other instructional time options on the weekend of in the evenings.
- Requires school districts and charter schools to align attendance policies to reflect the adopted instructional time model.
- Permits school districts and charter schools to define instructional time to include any combination of in-person instruction and remote instruction.

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- Establishes the following limitations on the total delivery of remote instruction:
 - For School Year 2022, up to 50% of total instruction
 - For School Year 2023 onward, up to 40% of total instruction
- Directs funding for remote instruction over the limitation to be allocated at 95% of the Base Support Level.
- Requires ADE to annually provide a list of school districts and charter schools that provide more than the allowable remote instruction to the State Board of Education or State Board for Charter Schools and directs the applicable board to determine whether the school district or charter school must apply to provide Arizona Online Instruction as prescribed in A.R.S. § 15-808.

Additional Information for Consideration

The Department would like you to be aware of the following information as you consider what HB 2862 means for your school district or charter school:

- The Department intends to provide further guidance with more detail on implementation of HB 2862, including any additional Legislative changes that are applicable.
- To adopt an instructional time model, a governing board must hold at least two public hearings. School districts and charter schools intending to adopt an instructional time model should begin planning to structure upcoming governing board meetings to fulfill this requirement before the beginning of their school calendar for the upcoming school year.
- HB 2862 repealed A.R.S. § 15-861 which authorized schools to operate on a 4-day week after two public governing board hearings. Schools intending to continue operating on a 4-day week without any changes to the instructional model may provide the Department with a governing board-approved statement indicating the governing board previously held two public meetings to adopt the 4-day week, however if additional changes are made to the instructional model pursuant to HB 2862, including utilizing remote learning, mastery-based learning or project based learning, the governing board must hold two public hearings. More information will be released in upcoming guidance.
- Schools intending to adopt an instructional time model should begin considering how to track and take attendance for instruction provided under an instructional time model.

While this communication is intended to provide preliminary information and notification of this change, if you have any questions as further guidance is developed, please send them to SchoolFinance@azed.gov.

2021 Meeting Schedule

The Board's 2021 meeting schedule is set and provided on the Board's [homepage](#). The next Board meeting is scheduled for June 28, 2021.

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