HOUSE FLOOR AMENDMENT EXPLANATION

Bill Number: **HB 2902**

Pawlik Floor Amendment

- Specifies educational entities are not required to extend the number of school days or add instructional hours to meet school finance calculations and will continue to receive payments from ADE as if the entity was open for the duration of the closure.
- States daily route miles will be calculated based on transportation provided for the first 100 days.
- Requires educational entities to continue to pay all employees for the duration of the closure.
- Prohibits entities from requiring employees use sick or vacation time and requires time charged during the closure to be reimbursed.
- Allows ADE to waive school finance requirements to ensure educational entities continue to receive payment.
- Defines *educational entities*.

Amendment explanation prepared by **Brenden Foland**
Phone Number 6-5848
3/18/2020
Page 22, between lines 36 and 37, insert:

"Sec. 8.  School emergency closure; 2019-2020; instructional hour calculation; school finance calculations; staffing; employee vacation or sick time; waivers; definition

A. Notwithstanding any other law, if an educational entity, public health official or the governor enacts a school closure due to a pandemic or other similar health emergency in school year 2019-2020:

1. After the school closure ends, the educational entity is not required to extend the number of school days or add additional instructional hours for the purposes of school finance calculations. Educational entities shall continue to receive payments from the department of education in the same manner and determined in the same manner as if the educational entity was open for the duration of the closure. Average daily membership shall be calculated based on the first one hundred days of instruction without regard to the hours of instruction provided. Arizona online instruction may continue to operate and provide instruction and log instructional hours for the purpose of determining average daily membership if instruction is provided over the internet and there is no in-person instruction. Educational entities that have been approved to operate their schools for two hundred days and that have increased their base level amount by five percent shall not be penalized for not operating for two hundred days and average daily membership shall be calculated based on the
first one hundred days of instruction. Daily route miles and eligible
students transported for the current year shall be based on transportation
provided for the first one hundred days of instruction, increased by a
factor to represent the full school year in school year 2019-2020. The
department of education shall continue to make payments according to the
standard apportionment schedule. The department of education shall make
adjustments as necessary to continue to provide funding for the duration of
a closure.

2. For the public benefit of retaining school employees and the
significant value received by the community, schools, staff and students,
the educational entity shall continue to pay all employees, including
hourly employees, for the duration of the school closure. Educational
entities shall require employees to be available to work, including
providing additional duties to address local needs in managing the public
health crises. Employees may perform work from home but must return to
their normal work setting when recalled. Employees may not receive
additional pay if required to perform work during a closure, subject to
applicable state and federal laws. An educational entity shall honor
enacted contracts to compensate for special education services that are
delivered through private entities.

3. The educational entity may not require any employee to use
accrued vacation or sick leave for the duration of the closure and shall
reimburse any vacation or sick time that has been charged for a closure.
This paragraph does not apply to an employee who has opted to be
unavailable for work-related activities in-person or remotely as assigned
by the educational entity due to personal or health-related reasons or to
other determinations of sick leave or vacation leave policies outside the
scope and professional or contractual responsibilities of a school closure
for a public health emergency.

4. The department of education may waive any school finance
requirements to ensure that educational entities continue to receive
payments as if school was open, except that the department of education may
not increase payments to a local education agency in excess of what would otherwise be distributed if not for the school closure. The department of education shall not enact additional requirements for payments to continue as otherwise would have been provided if the educational institution was not closed due to a pandemic or other similar health emergency.

B. For the purposes of this section, "educational entities" means educational entities funded through the department of education including all school districts, career and technical education districts, accommodation schools, charter schools, county jails, county juvenile detention centers, the state department of corrections, the department of juvenile corrections, the Arizona state schools for the deaf and the blind, entities funded through an educational voucher and schools operating on alternative calendars including operating for less than five days per week or on a 200 day school calendar."

Renumber to conform
Page 24, after line 25, insert:

"Sec. 11. Delayed repeal
Section 8 of this act is repealed from and after July 15, 2020.
Sec. 12. Retroactivity
Section 8 of this act applies retroactively to from and after March 16, 2020."

Amend title to conform