



**STATE OF ARIZONA**

**OFFICE OF THE ATTORNEY GENERAL**

<p>ATTORNEY GENERAL OPINION</p> <p>By</p> <p>MARK BRNOVICH ATTORNEY GENERAL</p> <p>October 14, 2016</p>	<p>No. I16-011 (R16-013)</p> <p>Re: Charter Schools Credit Transfers to District Schools</p>
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To: Paul Boyer  
Arizona House of Representatives

**Question Presented**

When a school district denies transfer credit to a student from a charter school, do Ariz. Rev. Stat. § 15-701.01(I) and Ariz. Admin. Code R7-2-302(5)(a)<sup>1</sup> require the school district to allow the student to take a placement examination and offer core credit if the student receives a passing score on the examination, or may the school district simultaneously deny transfer credit and refuse to offer a placement examination to students from a charter school?

**Summary Answer**

Once a student is enrolled and upon that student's request, the high school district must provide the opportunity for the student to demonstrate competency in a particular academic course or subject to obtain academic credit to fulfill high school graduation requirements for the course or subject without enrolling in the course or subject and in lieu of classroom time. Additionally, a high school district may award credit toward the completion of high school graduation requirements to a student from a K-8 school for courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements.

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<sup>1</sup> While the opinion request referenced A.A.C. R7-2-302(5)(a), the more applicable rule is R7-2-302(5)(c), upon which this opinion is based.

## Factual Background<sup>2</sup>

A charter school authorized to serve students in grades kindergarten through eight (“K-8”) offers a number of high school level courses to its junior high students. These courses are aligned with and meet the competency requirements adopted by the Arizona State Board of Education (“State Board”) and most, if not all, school district governing boards around the state. Some high school districts have refused to accept transfer credit for the completion of these courses at the charter school. Consequently, the charter school students must either (1) take the same course again, or (2) be placed in a more advanced course without credit for their prior coursework. Moreover, many of these high school districts do not allow these students to take a placement examination to demonstrate proficiency in the courses they have taken at the K-8 charter school, asserting that they are not statutorily required to do so because the charter school is authorized for K-8 education, not high school education.

## Analysis

The Legislature has assigned the State Board the responsibility for prescribing the “minimum course of study<sup>3</sup> and competency<sup>4</sup> requirements for the graduation of pupils from high school.” A.R.S. §§ 15-203(A)(13), 15-701.01(A). As mandated, the State Board adopted A.A.C. R7-2-302, setting forth the requirements for high school graduation. Students are required to obtain a minimum of twenty-two credits in order to graduate. The State Board identifies fifteen credits in particular subject areas or courses that the student must take to receive a high school diploma. A.A.C. R7-2-302(1)(a-e). The State Board also allows a local school district governing board or charter school to prescribe seven credits of additional courses that the student may take to meet the twenty-two credit minimum, as well as to prescribe courses or competency requirements that are in addition to or higher than the twenty-two required by the State Board. *Id.* at (1)(f); A.R.S. § 15-701.01(C).

Arizona Revised Statutes § 15-701.01(H) and (I) address a high school’s acceptance of transfer credits from a pupil previously enrolled in a charter school or school district.

If a pupil who was previously enrolled in a charter school or school district enrolls in a school district in this state, the school district shall accept credits earned by the pupil in courses or instructional programs at the charter school or school district. The governing

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<sup>2</sup> These facts are drawn from the request and assumed to be true for the purposes of rendering this legal opinion. No independent factual investigation occurred as part of the drafting process.

<sup>3</sup> A “course of study” is defined in A.R.S. § 15-101(10) as “a list of required and optional subjects to be taught in the schools.”

<sup>4</sup> “Competency” is defined in A.R.S. § 15-101(8) as “a demonstrated ability in a skill at a specified performance level.”

board of a school district may adopt a policy concerning the application of transfer credits for the purpose of determining whether a credit earned by a pupil who was previously enrolled in a school district or charter school will be assigned as an elective or core credit.

A.R.S. § 15-701.01(H)

A pupil who transfers credit from a charter school, school district or Arizona online instruction shall be provided with a list that indicates which credits have been accepted as an elective credit and which credits have been accepted as a core credit by the school district or charter school. Within ten school days after receiving the list, a pupil may request to take an examination in each particular course in which core credit has been denied. The school district or charter school shall accept the credit as a core credit for each particular course in which the pupil takes an examination and receives a passing score on a test, aligned to the competency requirements adopted pursuant to this section, designed and evaluated by a teacher in the school district or charter school who teaches the subject matter on which the examination is based. . . .

*Id.* at (I).

To implement these provisions, the Legislature has delegated power to the State Board to “adopt rules to allow high school pupils who can demonstrate competency in a particular academic course or subject to obtain academic credit . . . without enrolling in the course or subject.” A.R.S. § 15-701.01(J). The State Board has exercised that authority to provide that, upon a student’s request, the school district “shall provide the opportunity for the student to demonstrate competency” in specified subject areas “in lieu of classroom time.” A.A.C. R7-2-302(5)(c). Where “appropriate,” this demonstration will include taking the competency test adopted by the State Board and earning a minimum score set by the State Board. *Id.* Consequently, upon the request of an enrolled student, the local school district governing board must provide the opportunity for the student to demonstrate competency in particular academic courses or subjects and obtain academic credit without enrolling in the courses or subjects.

The State Board has also prescribed a more specific rule for students entering high school and seeking credit in mathematics. A.A.C. R7-2-302(1)(c)(iv). That rule provides that “[c]ourses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements<sup>5</sup> may be applied toward satisfying those requirements.” *Id.* Accordingly,

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<sup>5</sup> The State Board requires four credits of mathematics containing content prescribed in A.A.C. R7-2-302(1)(c)(i-iii) for high school graduation.

high school districts may award academic credit toward high school graduation requirements for a student's completion of a high school level mathematics course at a K-8 school, even without administering a competency exam as required in the general provision for credit transfers.

### **Conclusion**

Upon request of an enrolled student, the high school district must provide the student an opportunity to demonstrate competency in an academic course or subject to obtain academic credit without enrolling in the course or subject and in lieu of classroom time. Additionally, a high school district may award credit toward the completion of high school graduation requirements to a student for courses successfully completed in a K-8 school that meet the high school mathematics credit requirements.

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