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Conference Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SENATE BILL 1038

AN ACT

AMENDING SECTION 15-701.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-701.02; PROVIDING FOR DELAYED REPEAL OF SECTION 15-701.02, ARIZONA REVISED STATUTES; RELATING TO EDUCATION TESTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-701.01, Arizona Revised Statutes, is amended to
3 read:

4 15-701.01. High school; graduation; requirements; community
5 college or university courses; transfer from
6 private schools; academic credit

7 A. The state board of education shall:

8 1. Prescribe a minimum course of study, as defined in section 15-101
9 and incorporating the academic standards adopted by the state board of
10 education, for the graduation of pupils from high school.

11 2. Prescribe competency requirements for the graduation of pupils from
12 high school incorporating the academic standards in at least the areas of
13 reading, writing, mathematics, science and social studies.

14 3. Develop and adopt competency tests pursuant to section 15-741 for
15 the graduation of pupils from high school in at least the areas of reading,
16 writing and mathematics and shall establish passing scores for each such
17 test.

18 4. A PUPIL NOT SUCCESSFULLY PASSING THE REQUIRED COMPETENCY TEST SHALL
19 GRADUATE FROM HIGH SCHOOL WITH A RECOGNIZED DIPLOMA IF THE PUPIL MEETS THE
20 ALTERNATIVE GRADUATION REQUIREMENTS ESTABLISHED BY SECTION 15-701.02.

21 5. A PUPIL SHALL NOT BE REQUIRED TO PASS THE COMPETENCY TEST REQUIRED
22 IN PARAGRAPH 3 OF THIS SECTION TO GRADUATE FROM HIGH SCHOOL IF THE PUPIL
23 TRANSFERS INTO THE DISTRICT FROM OUT-OF-STATE AND HAS SUCCESSFULLY PASSED A
24 STATEWIDE ASSESSMENT TEST ON STATE ADOPTED STANDARDS THAT ARE SUBSTANTIALLY
25 EQUIVALENT TO THE STATE BOARD ADOPTED ACADEMIC STANDARDS.

26 B. The governing board of a school district shall:

27 1. Prescribe curricula that include the academic standards in the
28 required subject areas pursuant to subsection A, paragraph 1 of this section.

29 2. Prescribe criteria for the graduation of pupils from the high
30 schools in the school district. These criteria shall include accomplishment
31 of the academic standards in at least reading, writing, mathematics, science
32 and social studies, as determined by district assessment. Other criteria may
33 include additional measures of academic achievement and attendance.

34 C. The governing board may prescribe the course of study and
35 competency requirements for the graduation of pupils from high school which
36 are in addition to or higher than the course of study and competency
37 requirements which the state board prescribes.

38 D. The governing board may prescribe competency requirements for the
39 passage of pupils in courses which are required for graduation from high
40 school.

41 E. A teacher shall determine whether to pass or fail a pupil in a
42 course in high school as provided in section 15-521, paragraph 3 on the basis
43 of the competency requirements, if any have been prescribed. The governing
44 board, if it reviews the decision of a teacher to pass or fail a pupil in a
45 course in high school as provided in section 15-342, paragraph 11, shall base
46 its decision on the competency requirements, if any have been prescribed.

1 F. Graduation requirements established by the governing board may be
2 met by a pupil who passes courses in the required or elective subjects at a
3 community college or university, if the course is at a higher level than the
4 course taught in the high school attended by the pupil or, if the course is
5 not taught in the high school, the level of the course is equal to or higher
6 than the level of a high school course. The governing board shall determine
7 if the subject matter of the community college or university course is
8 appropriate to the specific requirement the pupil intends it to fulfill and
9 if the level of the community college or university course is less than,
10 equal to or higher than a high school course, and the governing board shall
11 award one-half of a carnegie unit for each three semester hours of credit the
12 pupil earns in an appropriate community college or university course. If a
13 pupil is not satisfied with the decision of the governing board regarding the
14 amount of credit granted or the subjects for which credit is granted, the
15 pupil may request that the state board of education review the decision of
16 the governing board, and the state board shall make the final determination
17 of the amount of credit to be given the pupil and for which subjects. The
18 governing board shall not limit the number of credits **THAT IS** required for
19 high school graduation ~~which~~ **AND THAT** may be met by taking community college
20 or university courses. For the purposes of this subsection:

21 1. "Community college" means an educational institution that is
22 operated by a community college district as defined in section 15-1401 or a
23 postsecondary educational institution under the jurisdiction of an Indian
24 tribe recognized by the United States department of the interior.

25 2. "University" means a university under the jurisdiction of the
26 Arizona board of regents.

27 G. A pupil who transfers from a private school shall be provided with
28 a list that indicates those credits that have been accepted and denied by the
29 school district. A pupil may request to take an examination in each
30 particular course in which credit has been denied. The school district shall
31 accept the credit for each particular course in which the pupil takes an
32 examination and receives a passing score on a test designed and evaluated by
33 a teacher in the school district who teaches the subject matter on which the
34 examination is based. In addition to the above requirements, the governing
35 board of a school district may prescribe requirements for the acceptance of
36 the credits of pupils who transfer from a private school.

37 H. The state board of education shall adopt rules to allow high school
38 pupils who can demonstrate competency in a particular academic course or
39 subject to obtain academic credit for the course or subject without enrolling
40 in the course or subject.

41 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes, is
42 amended by adding section 15-701.02, to read:

43 15-701.02. Alternative high school graduation requirement;
44 definition

1 A. A PUPIL WHO FAILS TO ACHIEVE A PASSING SCORE ON A COMPETENCY TEST
2 REQUIRED FOR GRADUATION DURING 2006 OR 2007 OF PUPILS FROM HIGH SCHOOL MAY
3 GRADUATE IF THE PUPIL MEETS THE ALTERNATIVE GRADUATION REQUIREMENTS
4 ESTABLISHED PURSUANT TO THIS SECTION.

5 B. A PUPIL IS ELIGIBLE FOR THE ALTERNATIVE GRADUATION REQUIREMENTS
6 ESTABLISHED PURSUANT TO THIS SECTION IF ALL OF THE FOLLOWING APPLY:

7 1. THE PUPIL HAS TAKEN THE COMPETENCY TEST EACH TIME THE TEST WAS
8 OFFERED WHEN THE PUPIL WAS ELIGIBLE TO TAKE THE TEST.

9 2. THE PUPIL HAS COMPLETED WITH A PASSING GRADE ALL COURSEWORK AND
10 CREDITS PRESCRIBED FOR THE GRADUATION OF PUPILS FROM HIGH SCHOOL BY THE
11 GOVERNING BOARD OF THE PUPIL'S SCHOOL DISTRICT PURSUANT TO SECTION 15-701.01.

12 3. THE PUPIL HAS PARTICIPATED IN ANY ACADEMIC REMEDIATION PROGRAMS
13 AVAILABLE IN THE PUPIL'S SCHOOL IN THOSE SUBJECT AREAS WHERE THE PUPIL FAILED
14 TO ACHIEVE A PASSING SCORE ON THE COMPETENCY TEST.

15 C. PUPILS WHO FAIL TO ACHIEVE A PASSING SCORE ON A COMPETENCY TEST
16 REQUIRED FOR GRADUATION FROM HIGH SCHOOL MAY AUGMENT THE SCORE WITH
17 ADDITIONAL CREDIT AS PROVIDED IN SUBSECTION D OF THIS SECTION. A PUPIL SHALL
18 AUGMENT THE SCORE OF EACH AREA WHERE THE PUPIL FAILED TO ACHIEVE A PASSING
19 SCORE SEPARATELY AND CONCURRENTLY IN AN AMOUNT NOT TO EXCEED ONE QUARTER OF
20 THE PUPIL'S ACHIEVED SCORE IN EACH AREA. FOR THE PURPOSES OF THIS SECTION, A
21 PUPIL MAY USE THE HIGHEST ACHIEVED SCORE IN EACH AREA OF ANY TIME THE
22 COMPETENCY TEST WAS TAKEN.

23 D. THE STATE BOARD OF EDUCATION SHALL PROVIDE FOR THE AUGMENTING OF
24 COMPETENCY TEST SCORES OF PUPILS WHO FAIL TO ACHIEVE A PASSING SCORE ON THE
25 COMPETENCY TEST REQUIRED FOR GRADUATION FROM HIGH SCHOOL. THE BOARD SHALL,
26 BY RULE, ESTABLISH THE MANNER THAT ADDITIONAL CREDIT MAY BE USED TO AUGMENT
27 THE SCORE OF THE PUPIL. THE BOARD SHALL USE THE AUGMENTED SCORES ONLY FOR
28 THE PURPOSE OF DETERMINING WHETHER THE PUPIL MEETS THE ALTERNATIVE GRADUATION
29 REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION. IF THE AUGMENTED SCORE OF
30 THE PUPIL EXCEEDS THE PASSING SCORE ON THE COMPETENCY TEST, THE PUPIL SHALL
31 BE CONSIDERED TO HAVE PASSED THE COMPETENCY TEST IN THAT AREA FOR GRADUATION
32 PURPOSES.

33 E. ADDITIONAL CREDITS APPLIED TO THE PUPIL'S SCORE PURSUANT TO
34 SUBSECTIONS C AND D OF THIS SECTION SHALL BE BASED ONLY ON THE PERFORMANCE OF
35 THE PUPIL IN THOSE COURSES THAT MEET THE REQUIREMENTS FOR GRADUATION
36 ESTABLISHED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-203,
37 SUBSECTION A, PARAGRAPH 13. EACH COURSE THAT RECEIVES ADDITIONAL CREDIT
38 PURSUANT TO THIS SECTION SHALL RECEIVE EQUIVALENT ADDITIONAL CREDIT
39 REGARDLESS OF SUBJECT AREA, EXCEPT THAT GREATER ADDITIONAL CREDIT SHALL BE
40 GRANTED FOR COURSES WITH MORE ADVANCED ACADEMIC CONTENT RELATED TO THE
41 ACADEMIC STANDARDS PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO
42 SECTION 15-701.01.

43 F. IN ESTABLISHING ITS RULES REGARDING ADDITIONAL CREDIT FOR SPECIFIC
44 PERFORMANCE IN COURSES PURSUANT TO SUBSECTIONS C, D AND E OF THIS SECTION,
45 THE STATE BOARD OF EDUCATION SHALL PROVIDE VARYING AMOUNTS OF ADDITIONAL
46 CREDIT FOR EACH PERFORMANCE LEVEL ACHIEVED IN THE COURSE AS FOLLOWS:

1 1. A GRADE OF A OR ITS EQUIVALENT SHALL BE PROPORTIONALLY HIGHER THAN
2 A GRADE OF B OR ITS EQUIVALENT.

3 2. A GRADE OF B OR ITS EQUIVALENT SHALL BE PROPORTIONALLY HIGHER THAN
4 A GRADE OF C OR ITS EQUIVALENT.

5 3. GRADES LOWER THAN C OR ITS EQUIVALENT SHALL NOT BE ELIGIBLE FOR
6 ADDITIONAL CREDIT.

7 G. FOR THE PURPOSES OF THIS SECTION, "COMPETENCY TEST" MEANS A
8 COMPETENCY TEST REQUIRED FOR GRADUATION OF A PUPIL FROM HIGH SCHOOL
9 ESTABLISHED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-701.01,
10 SUBSECTION A, PARAGRAPH 3.

11 Sec. 3. Delayed repeal

12 Section 15-701.02, Arizona Revised Statutes, is repealed from and after
13 December 31, 2007.

14 Sec. 4. State board of education rules; exemption

15 The board shall adopt rules to implement section 15-701.02, Arizona
16 Revised Statutes, as soon as possible but no later than September 1, 2005.
17 For the purposes of this section, the board is exempt from the rule making
18 process required pursuant to title 41, articles 2, 3, 4 and 5, Arizona
19 Revised Statutes, except that the board shall provide for notice of and
20 opportunity for comment on the policies and rules established pursuant to
21 this section as appropriate under the circumstances.

22 Sec. 5. Review of standards and performance measures; review of
23 test scores; reporting

24 A. The state board of education shall undertake a review of the
25 academic competency standards and performance measurements mechanisms used in
26 at least ten other states that are identified as having the most effective
27 K-12 educational systems by one or more nationally recognized education
28 performance rankings. Such review shall at a minimum include an examination
29 of the adopted academic standards for high school graduation, performance
30 measurement methods utilized to determine achievement of such standards and
31 any comprehensive academic competency tests utilized in each of the states
32 reviewed.

33 B. On the basis of the information gathered during the review required
34 in subsection A, the state board of education shall review the passing score
35 established for the mathematics portion of the AIMS test with the passing
36 scores established for similar tests in states with academic standards that
37 are similar to Arizona's among the states reviewed under subsection A.

38 C. The state board shall report its findings and conclusions resulting
39 from the review required in subsection A to the president of the senate and
40 the speaker of the house of representatives by January 31, 2006.

41 D. On the basis of the reviews required in subsections A and B, on or
42 before January 31, 2006 the state board of education shall confirm or modify
43 the passing score established for the mathematics portion of the AIMS test
44 for school year 2006 and thereafter so that the score is statistically
45 comparable to the passing scores established for similar tests in states with

1 academic standards that are similar to Arizona's among the states reviewed
2 under subsection A.

3 Sec. 6. Delayed repeal

4 Section 5 of this act, relating to the review of standards and
5 performance measures, is repealed from and after July 31, 2006.

6 (ENACTED WITHOUT THE EMERGENCY)

7 Sec. 7. Emergency

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