

REFERENCE TITLE: school dropout age; increase

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2670

Introduced by
Representatives Saradnik, Campbell CH, Garcia M, Kirkpatrick, Lujan,
Sinema: Ableser, Bradley, Burns J, Cajero Bedford, Campbell CL, Gallardo,
Lopes, Lopez, McGuire, Meza, Pancrazi, Prezelski, Schapira, Thrasher,
Ulmer, Senator Pesquiera

AN ACT

AMENDING SECTIONS 15-241, 15-802, 15-803 AND 15-805, ARIZONA REVISED
STATUTES; RELATING TO SCHOOL ATTENDANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:
4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund
6 A. The department of education shall compile an annual achievement
7 profile for each public school.
8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.
13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).
20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:
24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.
27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.
31 3. The results of English language learners tests administered
32 pursuant to section 15-756, subsection B, section 15-756.05 and section
33 15-756.06.
34 E. The achievement profile for schools that offer instruction in
35 grades nine through twelve, or any combination of those grades, shall include
36 the following school academic performance indicators:
37 1. The Arizona instrument to measure standards test. The department
38 shall compute the percentage of pupils pursuant to subsection F of this
39 section who meet or exceed the standard on the Arizona instrument to measure
40 standards test, as prescribed by the state board of education.
41 2. The annual dropout rate.
42 3. The annual graduation rate.
43 4. The results of English language learners tests administered
44 pursuant to section 15-756, subsection B, section 15-756.05 and section
45 15-756.06.

1 F. Subject to final adoption by the state board of education, the
2 department shall determine the criteria for each school classification using
3 a research based methodology. The methodology shall include the performance
4 of pupils at all achievement levels, account for pupil mobility, account for
5 the distribution of pupil achievement at each school and include longitudinal
6 indicators of academic performance. For the purposes of this subsection,
7 "research based methodology" means the systematic and objective application
8 of statistical and quantitative research principles to determine a standard
9 measurement of acceptable academic progress for each school.

10 G. The achievement profile shall be used to determine a school
11 classification that designates each school as one of the following:

- 12 1. An excelling school.
- 13 2. A highly performing school.
- 14 3. A performing school.
- 15 4. An underperforming school.
- 16 5. A school failing to meet academic standards.

17 H. The classification for each school and the criteria used to
18 determine classification pursuant to subsection F of this section shall be
19 included on the school report card prescribed in section 15-746.

20 I. Subject to final adoption by the state board of education, the
21 department of education shall develop a parallel achievement profile for
22 accommodation schools, alternative schools as defined by the state board of
23 education and schools with a student count of fewer than one hundred pupils.

24 J. If a school is designated as an underperforming school, within
25 ninety days after receiving notice of the designation, the governing board
26 shall develop an improvement plan for the school, submit a copy of the plan
27 to the superintendent of public instruction and supervise the implementation
28 of the plan. The plan shall include necessary components as identified by
29 the state board of education. Within thirty days after submitting the
30 improvement plan to the superintendent of public instruction, the governing
31 board shall hold a special public meeting in each school that has been
32 designated as an underperforming school and shall present the respective
33 improvement plans that have been developed for each school. The school
34 district governing board, within thirty days of receiving notice of the
35 designation, shall provide written notification of the classification to each
36 residence within the attendance area of the school. The notice shall explain
37 the improvement plan process and provide information regarding the public
38 meeting required by this subsection.

39 K. A school that has not submitted an improvement plan pursuant to
40 subsection J of this section is not eligible to receive monies from the
41 classroom site fund established by section 15-977 for every day that a plan
42 has not been received by the superintendent of public instruction within the
43 time specified in subsection J of this section plus an additional ninety
44 days. The state board of education shall require the superintendent of the

1 school district to testify before the board and explain the reasons that an
2 improvement plan for that school has not been submitted.

3 L. If a charter school is designated as an underperforming school,
4 within thirty days the school shall notify the parents of the students
5 attending the school of the classification. The notice shall explain the
6 improvement plan process and provide information regarding the public meeting
7 required by this subsection. Within ninety days of receiving the
8 classification, the charter holder shall present an improvement plan to the
9 charter sponsor at a public meeting and submit a copy of the plan to the
10 superintendent of public instruction. The improvement plan shall include
11 necessary components as identified by the state board of education. For
12 every day that an improvement plan is not received by the superintendent of
13 public instruction, the school is not eligible to receive monies from the
14 classroom site fund established by section 15-977 for every day that a plan
15 has not been received by the superintendent of public instruction within the
16 time specified in subsection J of this section plus an additional ninety
17 days. The charter holder shall appear before the sponsoring board and
18 explain why the improvement plan has not been submitted.

19 M. The department of education shall establish an appeals process, to
20 be approved by the state board of education, for a school to appeal data used
21 to determine the achievement profile of the school. The criteria established
22 shall be based on mitigating factors and may include a visit to the school
23 site by the department of education.

24 N. If a school remains classified as an underperforming school for a
25 third consecutive year, the department of education shall visit the school
26 site to confirm the classification data and to review the implementation of
27 the school's improvement plan. The school shall be classified as failing to
28 meet academic standards unless an alternate classification is made after an
29 appeal pursuant to subsection M of this section.

30 O. The school district governing board, within thirty days of
31 receiving notice of the school failing to meet academic standards
32 classification, shall provide written notification of the classification to
33 each residence in the attendance area of the school. The notice shall
34 explain the improvement plan process and provide information regarding the
35 public meeting required by subsection R of this section.

36 P. The superintendent of public instruction, based on need, shall
37 assign a solutions team to an underperforming school, a school failing to
38 meet academic standards or any other school pursuant to a mutual agreement
39 between the department of education and the school comprised of master
40 teachers, fiscal analysts and curriculum assessment experts who are certified
41 by the state board of education as Arizona academic standards technicians.
42 The department of education may hire or contract with administrators,
43 principals and teachers who have demonstrated experience with the
44 characteristics and situations in an underperforming school or a school
45 failing to meet academic standards and may use these personnel as part of the

1 solutions team. The department of education shall work with staff at the
 2 school to assist in curricula alignment and shall instruct teachers on how to
 3 increase pupil academic progress, considering the school's achievement
 4 profile. The solutions team shall consider the existing improvement plan to
 5 assess the need for changes to curriculum, professional development and
 6 resource allocation and shall present a statement of its findings to the
 7 school administrator and district superintendent. Within forty-five days
 8 after the presentation of the solutions team's statement of findings, the
 9 school district governing board, in cooperation with each school within the
 10 school district that is designated an underperforming school and its assigned
 11 solutions team representative, shall develop and submit to the department of
 12 education an action plan that details the manner in which the school district
 13 will assist the school as the school incorporates the findings of the
 14 solutions team into the improvement plan. The department of education shall
 15 review the action plan and shall either accept the action plan or return the
 16 action plan to the school district for modification. If the school district
 17 does not submit an approved action plan within forty-five days, the state
 18 board of education may direct the superintendent of public instruction to
 19 withhold up to ten per cent of state monies that the school district would
 20 otherwise be entitled to receive each month until the plan is submitted to
 21 the department of education, at which time those monies shall be returned to
 22 the school district.

23 Q. The parent or the guardian of the pupil may apply to the department
 24 of education, in a manner determined by the department of education, for a
 25 certificate of supplemental instruction from the failing schools tutoring
 26 fund established by this section. Pupils attending a school designated as an
 27 underperforming school or a school failing to meet academic standards or a
 28 pupil who has failed to pass one or more portions of the Arizona instrument
 29 to measure standards test in grades eight through twelve in order to graduate
 30 from high school may select an alternative tutoring program in academic
 31 standards from a provider that is certified by the state board of education.
 32 To qualify, the provider must state in writing a level of academic
 33 improvement for the pupil that includes a timeline for improvement that is
 34 agreed to by the parent or guardian of the pupil. The state board of
 35 education shall annually review academic performance levels for providers
 36 certified pursuant to this subsection and may remove a provider at a public
 37 hearing from an approved list of providers if that provider fails to meet its
 38 stated level of academic improvement. The state board of education shall
 39 determine the application guidelines and the maximum value for each
 40 certificate of supplemental instruction. The state board of education shall
 41 annually complete a market survey in order to determine the maximum value for
 42 each certificate of supplemental instruction. Nothing in this subsection
 43 shall be construed to require the state to provide additional monies beyond
 44 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

1 R. Within sixty days of receiving notification of designation as a
2 school failing to meet academic standards, the school district governing
3 board shall evaluate needed changes to the existing improvement plan for the
4 school, consider recommendations from the solutions team, submit a copy of
5 the plan to the superintendent of public instruction and supervise the
6 implementation of the plan. Within thirty days after submitting the
7 improvement plan to the superintendent of public instruction, the governing
8 board shall hold a public meeting in each school that has been designated as
9 a school failing to meet academic standards and shall present the respective
10 improvement plans that have been developed for each school.

11 S. A school that has not submitted an improvement plan pursuant to
12 subsection R of this section is not eligible to receive monies from the
13 classroom site fund established by section 15-977 for every day that a plan
14 has not been received by the superintendent of public instruction within the
15 time specified in subsection R of this section plus an additional ninety
16 days. The state board of education shall require the superintendent of the
17 school district to testify before the board and explain the reasons that an
18 improvement plan for that school has not been submitted.

19 T. If a charter school is designated as a school failing to meet
20 academic standards, the department of education shall immediately notify the
21 charter school's sponsor. The charter school's sponsor shall either take
22 action to restore the charter school to acceptable performance or revoke the
23 charter school's charter. Within thirty days the school shall notify the
24 parents of the students attending the school of the classification and of any
25 pending public meetings to review the issue.

26 U. A school that has been designated as a school failing to meet
27 academic standards shall be evaluated by the department of education to
28 determine if the school failed to properly implement its school improvement
29 plan, align the curriculum with academic standards, provide teacher training,
30 prioritize the budget or implement other proven strategies to improve
31 academic performance. After visiting the school site pursuant to subsection
32 N of this section, the department of education shall submit to the state
33 board of education a recommendation to proceed pursuant to subsections P, Q
34 and R of this section or that the school be subject to a public hearing to
35 determine if the school failed to properly implement its improvement plan and
36 the reasons for the department's recommendation.

37 V. If the department does recommend a public hearing, the state board
38 of education shall meet and may provide by a majority vote at the public
39 hearing for the continued operation of the school as allowed by this
40 subsection. The state board of education shall determine whether
41 governmental, nonprofit and private organizations may submit applications to
42 the state board to fully or partially manage the school. The state board's
43 determination shall include:

44 1. If and to what extent the local governing board may participate in
45 the operation of the school including personnel matters.

1 2. If and to what extent the state board of education shall
2 participate in the operation of the school.

3 3. Resource allocation pursuant to subsection X of this section.

4 4. Provisions for the development and submittal of a school
5 improvement plan to be presented in a public meeting at the school.

6 5. A suggested time frame for the alternative operation of the school.

7 W. The state board shall periodically review the status of a school
8 that is operated by an organization other than the school district governing
9 board to determine whether the operation of the school should be returned to
10 the school district governing board. Before the state board makes a
11 determination, the state board or its designee shall meet with the school
12 district governing board or its designee to determine the time frame,
13 operational considerations and the appropriate continuation of existing
14 improvements that are necessary to assure a smooth transition of authority
15 from the other organization back to the school district governing board.

16 X. If an alternative operation plan is provided pursuant to subsection
17 V of this section, the state board of education shall pay for the operation
18 of the school and shall adjust the school district's student count pursuant
19 to section 15-902, soft capital allocation pursuant to section 15-962,
20 capital outlay revenue limit pursuant to section 15-961, base support level
21 pursuant to section 15-943, monies distributed from the classroom site fund
22 established by section 15-977 and transportation support level pursuant to
23 section 15-945 to accurately reflect any reduction in district services that
24 are no longer provided to that school by the district. The state board of
25 education may modify the school district's revenue control limit, the
26 district support level and the general budget limit calculated pursuant to
27 section 15-947 by an amount that corresponds to this reduction in services.
28 The state board of education shall retain the portion of state aid that would
29 otherwise be due the school district for the school and shall distribute that
30 portion of state aid directly to the organization that contracts with the
31 state board of education to operate the school.

32 Y. If the state board of education determines that a charter school
33 failed to properly implement its improvement plan, the sponsor of the charter
34 school shall revoke the charter school's charter.

35 Z. If there are more than two schools in a district and more than
36 one-half, or in any case more than five, of the schools in the district are
37 designated as schools failing to meet academic standards for more than two
38 consecutive years, in the next election of members of the governing board the
39 election ballot shall contain the following statement immediately above the
40 listing of governing board candidates:

41 Within the last five years, (number of schools) schools in the
42 _____ school district have been designated as "schools
43 failing to meet academic standards" by the superintendent of
44 public instruction.

1 AA. At least twice each year the department of education shall publish
2 in a newspaper of general circulation in each county of this state a list of
3 schools that are designated as schools failing to meet academic standards.

4 BB. The failing schools tutoring fund is established consisting of
5 monies collected pursuant to section 42-5029, subsection E as designated for
6 this purpose. The department of education shall administer the fund. **MONIES**
7 **IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO**
8 **LAPSING OF APPROPRIATIONS.** The department of education may use monies from
9 the fund to purchase materials designed to assist students to meet the
10 Arizona academic standards and to achieve a passing score on the Arizona
11 instrument to measure standards test in order to graduate from high school.

12 CC. **ANY UNSPENT MONIES IN THE FAILING SCHOOLS TUTORING FUND AT THE END**
13 **OF THE FISCAL YEAR SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS THAT SUBMIT**
14 **PROPOSALS TO THE DEPARTMENT TO IMPROVE GRADUATION RATES. THE DEPARTMENT**
15 **SHALL DEVELOP APPLICATION PROCEDURES AND SELECTION CRITERIA FOR SCHOOL**
16 **DISTRICTS THAT WISH TO APPLY FOR MONIES PURSUANT TO THIS SUBSECTION FROM THE**
17 **FAILING SCHOOLS TUTORING FUND.**

18 Sec. 2. Section 15-802, Arizona Revised Statutes, is amended to read:

19 **15-802. School instruction; exceptions; violations;**
20 **classification; definitions**

21 A. Every child between the ages of six and ~~sixteen~~ **EIGHTEEN** years
22 shall attend a school and shall be provided instruction in at least the
23 subjects of reading, grammar, mathematics, social studies and science. The
24 person who has custody of the child shall choose a public, private, charter
25 or home school as defined in this section to provide instruction.

26 B. The parent or person who has custody shall do the following:

27 1. If the child will attend a public, private or charter school,
28 enroll the child in and ensure that the child attends a public, private or
29 charter school for the full time school is in session. If a child attends a
30 school which is operated on a year-round basis the child shall regularly
31 attend during school sessions that total not less than one hundred
32 seventy-five school days or two hundred school days, as applicable, or the
33 equivalent as approved by the superintendent of public instruction.

34 2. If the child will attend a private school or home school, file an
35 affidavit of intent with the county school superintendent stating that the
36 child is attending a regularly organized private school or is being provided
37 with instruction in a home school. The affidavit of intent shall include:

38 (a) The child's name.

39 (b) The child's date of birth.

40 (c) The current address of the school the child is attending.

41 (d) The names, telephone numbers and addresses of the persons who
42 currently have custody of the child.

43 3. If the child will attend home school, the child has not reached
44 eight years of age by September 1 of the school year and the person who has
45 custody of the child does not desire to begin home instruction until the

1 child has reached eight years of age, file an affidavit of intent pursuant to
2 paragraph 2 of this subsection stating that the person who has custody of the
3 child does not desire to begin home school instruction.

4 C. An affidavit of intent shall be filed within thirty days from the
5 time the child begins to attend a private school or home school and is not
6 required thereafter unless the private school or the home school instruction
7 is terminated and then resumed. The person who has custody of the child
8 shall notify the county school superintendent within thirty days of the
9 termination that the child is no longer being instructed at a private school
10 or a home school. If the private school or home school instruction is
11 resumed, the person who has custody of the child shall file another affidavit
12 of intent with the county school superintendent within thirty days.

13 D. A person is excused from the duties prescribed by subsection A or B
14 of this section if any of the following ~~are~~ IS shown to the satisfaction of
15 the school principal or the school principal's designee:

16 1. The child is in such physical or mental condition that instruction
17 is inexpedient or impracticable.

18 2. The child has completed the high school course of study necessary
19 for completion of grade ten as prescribed by the state board of education.

20 3. The child has presented reasons for nonattendance at a public
21 school which are satisfactory to the school principal or the school
22 principal's designee. For purposes of this paragraph, the principal's
23 designee may be the school district governing board.

24 4. The child is over fourteen years of age and is, with the consent of
25 the person who has custody of him, employed at some lawful wage earning
26 occupation.

27 5. The child is enrolled in a work training, career education, career
28 and technical education, vocational education or manual training program
29 which meets the educational standards established and approved by the
30 department of education.

31 6. The child was either:

32 (a) Suspended and not directed to participate in an alternative
33 education program.

34 (b) Expelled from a public school as provided in article 3 of this
35 chapter.

36 7. The child is enrolled in an education program provided by a state
37 educational or other institution.

38 E. Unless otherwise exempted in this section or section 15-803, a
39 parent of a child between six and ~~sixteen~~ EIGHTEEN years of age or a person
40 who has custody of a child, who does not provide instruction in a home school
41 and who fails to enroll or fails to ensure that the child attends a public,
42 private or charter school pursuant to this section is guilty of a class 3
43 misdemeanor. A parent who fails to comply with the duty to file an affidavit
44 of intent to provide instruction in a home school is guilty of a petty
45 offense.

1 F. For the purposes of this section:

2 1. "Home school" means a school conducted primarily by the parent,
3 guardian or other person who has custody of the child or instruction provided
4 in the child's home.

5 2. "Private school" means a nonpublic institution, other than the
6 child's home, where academic instruction is provided for at least the same
7 number of days and hours each year as a public school.

8 Sec. 3. Section 15-803, Arizona Revised Statutes, is amended to read:
9 15-803. School attendance; exemptions; definitions

10 A. It is unlawful for any child between six and ~~sixteen~~ EIGHTEEN years
11 of age to fail to attend school during the hours school is in session, unless
12 either:

13 1. The child is excused pursuant to section 15-802, subsection D or
14 section 15-901, subsection A, paragraph 6, subdivision (c).

15 2. The child is accompanied by a parent or a person authorized by a
16 parent.

17 3. The child is provided with instruction in a home school.

18 B. A child who is habitually truant or who has excessive absences may
19 be adjudicated an incorrigible child as defined in section 8-201. Absences
20 may be considered excessive when the number of absent days exceeds ten per
21 cent of the number of required attendance days prescribed in section 15-802,
22 subsection B, paragraph 1.

23 C. ~~As used in~~ FOR THE PURPOSES OF this section:

24 1. "Habitually truant" means a truant child who is truant for at least
25 five school days within a school year.

26 2. "Truant" means an unexcused absence for at least one class period
27 during the day.

28 3. "Truant child" means a child who is between six and ~~sixteen~~
29 EIGHTEEN years of age and who is not in attendance at a public or private
30 school during the hours that school is in session, unless excused as provided
31 by this section.

32 Sec. 4. Section 15-805, Arizona Revised Statutes, is amended to read:
33 15-805. Attendance officer; powers and duties

34 A. The attendance officer may enforce the law relating to:

35 1. School attendance of children between the ages of six and ~~sixteen~~
36 EIGHTEEN years.

37 2. ~~The provisions of~~ Section 15-802, subsection E, ~~and~~ section
38 15-803.

39 3. Employment of children between the ages of six and ~~sixteen~~ EIGHTEEN
40 years.

41 B. The attendance officer may:

42 1. Issue a citation to an adult or child who is alleged to be in
43 violation of laws specified in subsection A of this section to appear before
44 a court of competent jurisdiction and shall advise the person to whom the
45 citation is issued that failure to appear at the time and place specified in

1 the citation may result in the issuance of a warrant for the person's arrest.
2 A citation that is issued to a child under eighteen years of age shall
3 require the child's parent or person having custody to appear with the child
4 at the time and place specified in the citation. The attendance officer
5 shall notify the child's parent or person having custody that the citation
6 was issued and that the parent or person having custody is required to appear
7 in court with the child and shall give proof of the notice to the court.
8 2. Issue a citation on an Arizona traffic ticket and complaint form
9 for any violation of laws specified in subsection A of this section.
10 3. Report a violation of a law specified in subsection A of this
11 section to the local law enforcement agency and request an investigation of
12 the violation. The law enforcement agency ~~shall~~, when sufficient cause
13 exists, **SHALL** refer the matter for prosecution.
14 4. Enter all places where children may be employed to investigate and
15 enforce the law.