

REFERENCE TITLE: schools; transfer pupils; AIMS scores

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2038

Introduced by
Representatives Anderson: Schapira, Tobin

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO SCHOOL
ACCOUNTABILITY.

(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 classification label for school districts and charter
7 school operators

8 A. The department of education shall compile an annual achievement
9 profile for each public school.

10 B. Each school shall submit to the department any data that is
11 required and requested and that is necessary to compile the achievement
12 profile. A school that fails to submit the information that is necessary is
13 not eligible to receive monies from the classroom site fund established by
14 section 15-977.

15 C. The department shall establish a baseline achievement profile for
16 each school by October 15, 2001. The baseline achievement profile shall be
17 used to determine a standard measurement of acceptable academic progress for
18 each school and a school classification pursuant to subsection H of this
19 section. Any disclosure of educational records compiled by the department of
20 education pursuant to this section shall comply with the family educational
21 and privacy rights act of 1974 (20 United States Code section 1232g).

22 D. The achievement profile for schools that offer instruction in
23 kindergarten programs and grades one through eight, or any combination of
24 those programs or grades, shall include the following school academic
25 performance indicators:

26 1. The Arizona measure of academic progress. The department shall
27 compute the extent of academic progress made by the pupils in each school
28 during the course of each year.

29 2. The Arizona instrument to measure standards test. The department
30 shall compute the percentage of pupils who meet or exceed the standard on the
31 Arizona instrument to measure standards test, as prescribed by the state
32 board of education. The superintendent of public instruction and the
33 department may calculate academic gain on the Arizona instrument to measure
34 standards test according to each of the school classifications prescribed in
35 subsection G of this section on a statewide basis, for each school district
36 in this state and for each school by determining the average scale scores for
37 students in the current academic year as compared to the average scale scores
38 for the previous academic year for the same students. **FOR THE PURPOSES OF**
39 **THIS PARAGRAPH, IF A PUPIL WAS ENROLLED AT MORE THAN ONE SCHOOL DURING THE**
40 **SAME ACADEMIC YEAR, THE PUPIL'S SCORE ON THE ARIZONA INSTRUMENT TO MEASURE**
41 **STANDARDS TEST SHALL BE ASSIGNED TO THE SCHOOL WHERE THAT PUPIL WAS ENROLLED**
42 **FOR THE HIGHEST NUMBER OF DAYS DURING THAT ACADEMIC YEAR.**

43 3. 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 E. The achievement profile for schools that offer instruction in
2 grades nine through twelve, or any combination of those grades, shall include
3 the following school academic performance indicators:

4 1. The Arizona instrument to measure standards test. The department
5 shall compute the percentage of pupils pursuant to subsection G of this
6 section who meet or exceed the standard on the Arizona instrument to measure
7 standards test, as prescribed by the state board of education. The
8 superintendent of public instruction and the department may calculate
9 academic gain on the Arizona instrument to measure standards test according
10 to each of the school classifications prescribed in subsection G of this
11 section on a statewide basis, for each school district in this state and for
12 each school by determining the average scale scores for students in the
13 current academic year as compared to the average scale scores for the
14 previous academic year for the same students.

15 2. The annual dropout rate.

16 3. The annual graduation rate.

17 4. The results of English language learners tests administered
18 pursuant to section 15-756, subsection B, section 15-756.05 and section
19 15-756.06.

20 F. Schools that offer instruction in all or a combination of the
21 grades specified in subsections D and E of this section shall include a
22 single achievement profile for that school that includes the school academic
23 performance indicators specified in subsections D and E of this section.

24 G. Subject to final adoption by the state board of education, the
25 department shall determine the criteria for each school classification using
26 a research based methodology. The methodology shall include the performance
27 of pupils at all achievement levels, account for pupil mobility, account for
28 the distribution of pupil achievement at each school and include longitudinal
29 indicators of academic performance. For the purposes of this subsection,
30 "research based methodology" means the systematic and objective application
31 of statistical and quantitative research principles to determine a standard
32 measurement of acceptable academic progress for each school.

33 H. The achievement profile shall be used to determine a school
34 classification that designates each school as one of the following:

35 1. An excelling school.

36 2. A highly performing school.

37 3. A performing school.

38 4. An underperforming school.

39 5. A school failing to meet academic standards.

40 I. The classification for each school and the criteria used to
41 determine classification pursuant to subsection G of this section shall be
42 included on the school report card prescribed in section 15-746.

43 J. Subject to final adoption by the state board of education, the
44 department of education shall develop a parallel achievement profile for
45 accommodation schools, alternative schools as defined by the state board of

1 education and extremely small schools as defined by the state board of
 2 education for the purposes of this section.

3 K. If a school is designated as an underperforming school, within
 4 ninety days after receiving notice of the designation, the governing board
 5 shall develop an improvement plan for the school, submit a copy of the plan
 6 to the superintendent of public instruction and supervise the implementation
 7 of the plan. The plan shall include necessary components as identified by
 8 the state board of education. Within thirty days after submitting the
 9 improvement plan to the superintendent of public instruction, the governing
 10 board shall hold a special public meeting in each school that has been
 11 designated as an underperforming school and shall present the respective
 12 improvement plans that have been developed for each school. The school
 13 district governing board, within thirty days of receiving notice of the
 14 designation, shall provide written notification of the classification to each
 15 residence within the attendance area of the school. The notice shall explain
 16 the improvement plan process and provide information regarding the public
 17 meeting required by this subsection.

18 L. A school that has not submitted an improvement plan pursuant to
 19 subsection K of this section is not eligible to receive monies from the
 20 classroom site fund established by section 15-977 for every day that a plan
 21 has not been received by the superintendent of public instruction within the
 22 time specified in subsection K of this section plus an additional ninety
 23 days. The state board of education shall require the superintendent of the
 24 school district to testify before the board and explain the reasons that an
 25 improvement plan for that school has not been submitted.

26 M. If a charter school is designated as an underperforming school,
 27 within thirty days the school shall notify the parents of the students
 28 attending the school of the classification. The notice shall explain the
 29 improvement plan process and provide information regarding the public meeting
 30 required by this subsection. Within ninety days of receiving the
 31 classification, the charter holder shall present an improvement plan to the
 32 charter sponsor at a public meeting and submit a copy of the plan to the
 33 superintendent of public instruction. The improvement plan shall include
 34 necessary components as identified by the state board of education. For
 35 every day that an improvement plan is not received by the superintendent of
 36 public instruction, the school is not eligible to receive monies from the
 37 classroom site fund established by section 15-977 for every day that a plan
 38 has not been received by the superintendent of public instruction within the
 39 time specified in subsection K of this section plus an additional ninety
 40 days. The charter holder shall appear before the sponsoring board and
 41 explain why the improvement plan has not been submitted.

42 N. The department of education shall establish an appeals process, to
 43 be approved by the state board of education, for a school to appeal data used
 44 to determine the achievement profile of the school. The criteria established

1 shall be based on mitigating factors and may include a visit to the school
2 site by the department of education.

3 O. If a school remains classified as an underperforming school for a
4 third consecutive year, the department of education shall visit the school
5 site to confirm the classification data and to review the implementation of
6 the school's improvement plan. The school shall be classified as failing to
7 meet academic standards unless an alternate classification is made after an
8 appeal pursuant to subsection N of this section.

9 P. The school district governing board, within thirty days of
10 receiving notice of the school failing to meet academic standards
11 classification, shall provide written notification of the classification to
12 each residence in the attendance area of the school. The notice shall
13 explain the improvement plan process and provide information regarding the
14 public meeting required by subsection S of this section.

15 Q. The superintendent of public instruction, based on need, shall
16 assign a solutions team to an underperforming school, a school failing to
17 meet academic standards or any other school pursuant to a mutual agreement
18 between the department of education and the school comprised of master
19 teachers, fiscal analysts and curriculum assessment experts who are certified
20 by the state board of education as Arizona academic standards technicians.
21 The department of education may hire or contract with administrators,
22 principals and teachers who have demonstrated experience with the
23 characteristics and situations in an underperforming school or a school
24 failing to meet academic standards and may use these personnel as part of the
25 solutions team. The department of education shall work with staff at the
26 school to assist in curricula alignment and shall instruct teachers on how to
27 increase pupil academic progress, considering the school's achievement
28 profile. The solutions team shall consider the existing improvement plan to
29 assess the need for changes to curriculum, professional development and
30 resource allocation and shall present a statement of its findings to the
31 school administrator and district superintendent. Within forty-five days
32 after the presentation of the solutions team's statement of findings, the
33 school district governing board, in cooperation with each school within the
34 school district that is designated an underperforming school and its assigned
35 solutions team representative, shall develop and submit to the department of
36 education an action plan that details the manner in which the school district
37 will assist the school as the school incorporates the findings of the
38 solutions team into the improvement plan. The department of education shall
39 review the action plan and shall either accept the action plan or return the
40 action plan to the school district for modification. If the school district
41 does not submit an approved action plan within forty-five days, the state
42 board of education may direct the superintendent of public instruction to
43 withhold up to ten per cent of state monies that the school district would
44 otherwise be entitled to receive each month until the plan is submitted to

1 the department of education, at which time those monies shall be returned to
2 the school district.

3 R. The parent or the guardian of the pupil may apply to the department
4 of education, in a manner determined by the department of education, for a
5 certificate of supplemental instruction from the failing schools tutoring
6 fund established by this section. Pupils attending a school designated as an
7 underperforming school or a school failing to meet academic standards or a
8 pupil who has failed to pass one or more portions of the Arizona instrument
9 to measure standards test in grades eight through twelve in order to graduate
10 from high school may select an alternative tutoring program in academic
11 standards from a provider that is certified by the state board of education.
12 To qualify, the provider must state in writing a level of academic
13 improvement for the pupil that includes a timeline for improvement that is
14 agreed to by the parent or guardian of the pupil. The state board of
15 education shall annually review academic performance levels for providers
16 certified pursuant to this subsection and may remove a provider at a public
17 hearing from an approved list of providers if that provider fails to meet its
18 stated level of academic improvement. The state board of education shall
19 determine the application guidelines and the maximum value for each
20 certificate of supplemental instruction. The state board of education shall
21 annually complete a market survey in order to determine the maximum value for
22 each certificate of supplemental instruction. Nothing in this subsection
23 shall be construed to require the state to provide additional monies beyond
24 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

25 S. Within sixty days of receiving notification of designation as a
26 school failing to meet academic standards, the school district governing
27 board shall evaluate needed changes to the existing improvement plan for the
28 school, consider recommendations from the solutions team, submit a copy of
29 the plan to the superintendent of public instruction and supervise the
30 implementation of the plan. Within thirty days after submitting the
31 improvement plan to the superintendent of public instruction, the governing
32 board shall hold a public meeting in each school that has been designated as
33 a school failing to meet academic standards and shall present the respective
34 improvement plans that have been developed for each school.

35 T. A school that has not submitted an improvement plan pursuant to
36 subsection S of this section is not eligible to receive monies from the
37 classroom site fund established by section 15-977 for every day that a plan
38 has not been received by the superintendent of public instruction within the
39 time specified in subsection S of this section plus an additional ninety
40 days. The state board of education shall require the superintendent of the
41 school district to testify before the board and explain the reasons that an
42 improvement plan for that school has not been submitted.

1 U. If a charter school is designated as a school failing to meet
2 academic standards, the department of education shall immediately notify the
3 charter school's sponsor. The charter school's sponsor shall either take
4 action to restore the charter school to acceptable performance or revoke the
5 charter school's charter. Within thirty days the school shall notify the
6 parents of the students attending the school of the classification and of any
7 pending public meetings to review the issue.

8 V. A school that has been designated as a school failing to meet
9 academic standards shall be evaluated by the department of education to
10 determine if the school failed to properly implement its school improvement
11 plan, align the curriculum with academic standards, provide teacher training,
12 prioritize the budget or implement other proven strategies to improve
13 academic performance. After visiting the school site pursuant to subsection
14 0 of this section, the department of education shall submit to the state
15 board of education a recommendation to proceed pursuant to subsections Q, R
16 and S of this section or that the school be subject to a public hearing to
17 determine if the school failed to properly implement its improvement plan and
18 the reasons for the department's recommendation.

19 W. If the department does recommend a public hearing, the state board
20 of education shall meet and may provide by a majority vote at the public
21 hearing for the continued operation of the school as allowed by this
22 subsection. The state board of education shall determine whether
23 governmental, nonprofit and private organizations may submit applications to
24 the state board to fully or partially manage the school. The state board's
25 determination shall include:

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

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

30 3. Resource allocation pursuant to subsection Y of this section.

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

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

34 X. The state board shall periodically review the status of a school
35 that is operated by an organization other than the school district governing
36 board to determine whether the operation of the school should be returned to
37 the school district governing board. Before the state board makes a
38 determination, the state board or its designee shall meet with the school
39 district governing board or its designee to determine the time frame,
40 operational considerations and the appropriate continuation of existing
41 improvements that are necessary to assure a smooth transition of authority
42 from the other organization back to the school district governing board.

43 Y. If an alternative operation plan is provided pursuant to subsection
44 W of this section, the state board of education shall pay for the operation
45 of the school and shall adjust the school district's student count pursuant

1 to section 15-902, soft capital allocation pursuant to section 15-962,
2 capital outlay revenue limit pursuant to section 15-961, base support level
3 pursuant to section 15-943, monies distributed from the classroom site fund
4 established by section 15-977 and transportation support level pursuant to
5 section 15-945 to accurately reflect any reduction in district services that
6 are no longer provided to that school by the district. The state board of
7 education may modify the school district's revenue control limit, the
8 district support level and the general budget limit calculated pursuant to
9 section 15-947 by an amount that corresponds to this reduction in services.
10 The state board of education shall retain the portion of state aid that would
11 otherwise be due the school district for the school and shall distribute that
12 portion of state aid directly to the organization that contracts with the
13 state board of education to operate the school.

14 Z. If the state board of education determines that a charter school
15 failed to properly implement its improvement plan, the sponsor of the charter
16 school shall revoke the charter school's charter.

17 AA. If there are more than two schools in a district and more than
18 one-half, or in any case more than five, of the schools in the district are
19 designated as schools failing to meet academic standards for more than two
20 consecutive years, in the next election of members of the governing board the
21 election ballot shall contain the following statement immediately above the
22 listing of governing board candidates:

23 Within the last five years, (number of schools) schools in the
24 _____ school district have been designated as "schools
25 failing to meet academic standards" by the superintendent of
26 public instruction.

27 BB. At least twice each year the department of education shall publish
28 in a newspaper of general circulation in each county of this state a list of
29 schools that are designated as schools failing to meet academic standards.

30 CC. The failing schools tutoring fund is established consisting of
31 monies collected pursuant to section 42-5029, subsection E as designated for
32 this purpose. The department of education shall administer the fund. The
33 department of education may use monies from the fund to purchase materials
34 designed to assist students to meet the Arizona academic standards and to
35 achieve a passing score on the Arizona instrument to measure standards test
36 in order to graduate from high school.

37 DD. The department of education may develop a classification label for
38 school districts and charter school operators. If the department of
39 education develops a classification label for school districts and charter
40 school operators, the classification label may be developed from the
41 following components:

- 42 1. Measures of academic progress.
- 43 2. Pupil assessment data.

1 3. The attendance rates and graduation rates of pupils who are
2 educated in that charter school operator's charter schools or in that school
3 district's schools.

4 4. The percentage of the parents of pupils enrolled in that charter
5 school operator's charter schools or in that school district's schools that
6 categorizes the quality of their child's education as excellent on a parental
7 rating of school quality.