

REFERENCE TITLE: high schools; graduation; board examinations

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HB 2731

Introduced by
Representatives Crandall, Ash, Court, Driggs, Pratt, Schapira, Young
Wright, Senator Huppenthal: Representatives Adams, Goodale, Jones,
Kavanagh, Lujan, McComish, McLain, Meyer, Pancrazi, Tobin, Waters

AN ACT

AMENDING SECTIONS 15-182, 15-183, 15-185 AND 15-241, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-342.01; AMENDING SECTION 15-701.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; RELATING TO THE BOARD EXAMINATION SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-182, Arizona Revised Statutes, is amended to
3 read:

4 15-182. State board for charter schools: membership: terms:
5 compensation: duties

6 A. The state board for charter schools is established consisting of
7 the following members:

8 1. The superintendent of public instruction or the superintendent's
9 designee.

10 2. Six members of the general public, at least two of whom shall
11 reside in a school district where at least sixty per cent of the children who
12 attend school in the district meet the eligibility requirements established
13 under the national school lunch and child nutrition acts (42 United States
14 Code sections 1751 through 1785) for free lunches, and at least one of whom
15 shall reside on an Indian reservation, who are appointed by the governor
16 pursuant to section 38-211.

17 3. Two members of the business community who are appointed by the
18 governor pursuant to section 38-211.

19 4. A teacher who provides classroom instruction at a charter school
20 and who is appointed by the governor pursuant to section 38-211.

21 5. An operator of a charter school who is appointed by the governor
22 pursuant to section 38-211.

23 6. Three members of the legislature who shall serve as advisory
24 members and who are appointed jointly by the president of the senate and the
25 speaker of the house of representatives.

26 B. The superintendent of public instruction shall serve a term on the
27 state board for charter schools that runs concurrently with the
28 superintendent's term of office. The members appointed pursuant to
29 subsection A, paragraph 6 of this section shall serve two year terms on the
30 state board for charter schools that begin and end on the third Monday in
31 January and that run concurrently with their respective terms of office.
32 Members appointed pursuant to subsection A, paragraphs 2, 3, 4 and 5 of this
33 section shall serve staggered four year terms that begin and end on the third
34 Monday in January.

35 C. The state board for charter schools shall annually elect a
36 president and such other officers as it deems necessary from among its
37 membership.

38 D. Members of the state board for charter schools are not eligible to
39 receive compensation but are eligible for reimbursement of expenses pursuant
40 to title 38, chapter 4, article 2.

41 E. The state board for charter schools shall:

42 1. Exercise general supervision over charter schools sponsored by the
43 board and recommend legislation pertaining to charter schools to the
44 legislature.

1 2. Grant charter status to qualifying applicants for charter schools
2 pursuant to section 15-183.

3 3. Adopt and use an official seal in the authentication of its acts.

4 4. Keep a record of its proceedings.

5 5. Adopt rules for its own government.

6 6. Determine the policy of the board and the work undertaken by it.

7 7. Delegate to the superintendent of public instruction the execution
8 of board policies.

9 8. Prepare a budget for expenditures necessary for the proper
10 maintenance of the board and the accomplishment of its purpose.

11 F. The state board for charter schools may:

12 1. Contract.

13 2. Sue and be sued.

14 3. MODIFY PREVIOUSLY APPROVED CURRICULUM REQUIREMENTS FOR CHARTER
15 SCHOOLS THAT WISH TO PARTICIPATE IN THE BOARD EXAMINATION SYSTEM PRESCRIBED
16 IN CHAPTER 7, ARTICLE 6 OF THIS TITLE.

17 Sec. 2. Section 15-183, Arizona Revised Statutes, is amended to read:

18 15-183. Charter schools; application; requirements; immunity;
19 exemptions; renewal of application; reprisal

20 A. An applicant seeking to establish a charter school shall submit a
21 written application to a proposed sponsor as prescribed in subsection C of
22 this section. The application shall include a detailed business plan for the
23 charter school and may include a mission statement for the charter school, a
24 description of the charter school's organizational structure and the
25 governing body, a financial plan for the first three years of operation of
26 the charter school, a description of the charter school's hiring policy, the
27 name of the charter school's applicant or applicants and requested sponsor, a
28 description of the charter school's facility and the location of the school,
29 a description of the grades being served and an outline of criteria designed
30 to measure the effectiveness of the school.

31 B. The sponsor of a charter school may contract with a public body,
32 private person or private organization for the purpose of establishing a
33 charter school pursuant to this article.

34 C. The sponsor of a charter school may be either a school district
35 governing board, the state board of education or the state board for charter
36 schools, subject to the following requirements:

37 1. For charter schools that submit an application for sponsorship to a
38 school district governing board:

39 (a) An applicant for a charter school may submit its application to a
40 school district governing board, which shall either accept or reject
41 sponsorship of the charter school within ninety days. An applicant may
42 submit a revised application for reconsideration by the governing board. If
43 the governing board rejects the application, the governing board shall notify
44 the applicant in writing of the reasons for the rejection. The applicant may

1 request, and the governing board may provide, technical assistance to improve
2 the application.

3 (b) In the first year that a school district is determined to be out
4 of compliance with the uniform system of financial records, within fifteen
5 days of the determination of noncompliance, the school district shall notify
6 by certified mail each charter school sponsored by the school district that
7 the school district is out of compliance with the uniform system of financial
8 records. The notification shall include a statement that if the school
9 district is determined to be out of compliance for a second consecutive year,
10 the charter school will be required to transfer sponsorship to another entity
11 pursuant to subdivision (c) of this paragraph.

12 (c) In the second consecutive year that a school district is
13 determined to be out of compliance with the uniform system of financial
14 records, within fifteen days of the determination of noncompliance, the
15 school district shall notify by certified mail each charter school sponsored
16 by the school district that the school district is out of compliance with the
17 uniform system of financial records. A charter school that receives a
18 notification of school district noncompliance pursuant to this subdivision
19 shall file a written sponsorship transfer application within forty-five days
20 with the state board of education, the state board for charter schools or the
21 school district governing board if the charter school is located within the
22 geographic boundaries of that school district. A charter school that
23 receives a notification of school district noncompliance may request an
24 extension of time to file a sponsorship transfer application, and the state
25 board of education, the state board for charter schools or a school district
26 governing board may grant an extension of not more than an additional thirty
27 days if good cause exists for the extension. The state board of education
28 and the state board for charter schools shall approve a sponsorship transfer
29 application pursuant to this paragraph.

30 (d) A school district governing board shall not grant a charter to a
31 charter school that is located outside the geographic boundaries of that
32 school district.

33 (e) A school district that has been determined to be out of compliance
34 with the uniform system of financial records during either of the previous
35 two fiscal years shall not sponsor a new or transferring charter school.

36 2. The applicant may submit the application to the state board of
37 education or the state board for charter schools. The state board of
38 education or the state board for charter schools may approve the application
39 if the application meets the requirements of this article and may approve the
40 charter if the proposed sponsor determines, within its sole discretion, that
41 the applicant is sufficiently qualified to operate a charter school. The
42 state board of education or the state board for charter schools may approve
43 any charter schools transferring charters. The state board of education and
44 the state board for charter schools shall approve any charter schools
45 transferring charters from a school district that is determined to be out of

1 compliance with the uniform system of financial records pursuant to this
2 section, but may require the charter school to sign a new charter that is
3 equivalent to the charter awarded by the former sponsor. If the state board
4 of education or the state board for charter schools rejects the preliminary
5 application, the state board of education or the state board for charter
6 schools shall notify the applicant in writing of the reasons for the
7 rejection and of suggestions for improving the application. An applicant may
8 submit a revised application for reconsideration by the state board of
9 education or the state board for charter schools. The applicant may request,
10 and the state board of education or the state board for charter schools may
11 provide, technical assistance to improve the application.

12 3. Each applicant seeking to establish a charter school shall submit a
13 full set of fingerprints to the approving agency for the purpose of obtaining
14 a state and federal criminal records check pursuant to section 41-1750 and
15 Public Law 92-544. If an applicant will have direct contact with students,
16 the applicant shall possess a valid fingerprint clearance card that is issued
17 pursuant to title 41, chapter 12, article 3.1. The department of public
18 safety may exchange this fingerprint data with the federal bureau of
19 investigation. The criminal records check shall be completed before the
20 issuance of a charter.

21 4. All persons engaged in instructional work directly as a classroom,
22 laboratory or other teacher or indirectly as a supervisory teacher, speech
23 therapist or principal shall have a valid fingerprint clearance card that is
24 issued pursuant to title 41, chapter 12, article 3.1, unless the person is a
25 volunteer or guest speaker who is accompanied in the classroom by a person
26 with a valid fingerprint clearance card. A charter school shall not employ a
27 teacher whose certificate has been revoked for a violation of section 15-507
28 or 15-550 or for any offense that placed a pupil in danger. All other
29 personnel shall be fingerprint checked pursuant to section 15-512. Before
30 employment, the charter school shall make documented, good faith efforts to
31 contact previous employers of a person to obtain information and
32 recommendations that may be relevant to a person's fitness for employment as
33 prescribed in section 15-512, subsection F. The charter school shall notify
34 the department of public safety if the charter school or sponsor receives
35 credible evidence that a person who possesses a valid fingerprint clearance
36 card is arrested for or is charged with an offense listed in section
37 41-1758.03, subsection B. Charter schools may hire personnel that have not
38 yet received a fingerprint clearance card if proof is provided of the
39 submission of an application to the department of public safety for a
40 fingerprint clearance card and if the charter school that is seeking to hire
41 the applicant does all of the following:

42 (a) Documents in the applicant's file the necessity for hiring and
43 placement of the applicant before receiving a fingerprint clearance card.

44 (b) Ensures that the department of public safety completes a statewide
45 criminal records check on the applicant. A statewide criminal records check

1 shall be completed by the department of public safety every one hundred
2 twenty days until the date that the fingerprint check is completed.

3 (c) Obtains references from the applicant's current employer and the
4 two most recent previous employers except for applicants who have been
5 employed for at least five years by the applicant's most recent employer.

6 (d) Provides general supervision of the applicant until the date that
7 the fingerprint card is obtained.

8 (e) Completes a search of criminal records in all local jurisdictions
9 outside of this state in which the applicant has lived in the previous five
10 years.

11 (f) Verifies the fingerprint status of the applicant with the
12 department of public safety.

13 5. A charter school that complies with the fingerprinting requirements
14 of this section shall be deemed to have complied with section 15-512 and is
15 entitled to the same rights and protections provided to school districts by
16 section 15-512.

17 6. If a charter school operator is not already subject to a public
18 meeting or hearing by the municipality in which the charter school is
19 located, the operator of a charter school shall conduct a public meeting at
20 least thirty days before the charter school operator opens a site or sites
21 for the charter school. The charter school operator shall post notices of
22 the public meeting in at least three different locations that are within
23 three hundred feet of the proposed charter school site.

24 7. A person who is employed by a charter school or who is an applicant
25 for employment with a charter school, who is arrested for or charged with a
26 nonappealable offense listed in section 41-1758.03, subsection B and who does
27 not immediately report the arrest or charge to the person's supervisor or
28 potential employer is guilty of unprofessional conduct and the person shall
29 be immediately dismissed from employment with the charter school or
30 immediately excluded from potential employment with the charter school.

31 8. A person who is employed by a charter school and who is convicted
32 of any nonappealable offense listed in section 41-1758.03, subsection B or is
33 convicted of any nonappealable offense that amounts to unprofessional conduct
34 under section 15-550 shall immediately do all of the following:

35 (a) Surrender any certificates issued by the department of education.

36 (b) Notify the person's employer or potential employer of the
37 conviction.

38 (c) Notify the department of public safety of the conviction.

39 (d) Surrender the person's fingerprint clearance card.

40 D. A board that is authorized to sponsor charter schools pursuant to
41 this article has no legal authority over or responsibility for a charter
42 school sponsored by a different board. This subsection does not apply to the
43 state board of education's duty to exercise general supervision over the
44 public school system pursuant to section 15-203, subsection A, paragraph 1.

1 E. The charter of a charter school shall ensure the following:

2 1. Compliance with federal, state and local rules, regulations and
3 statutes relating to health, safety, civil rights and insurance. The
4 department of education shall publish a list of relevant rules, regulations
5 and statutes to notify charter schools of their responsibilities under this
6 paragraph.

7 2. That it is nonsectarian in its programs, admission policies and
8 employment practices and all other operations.

9 3. That it provides a comprehensive program of instruction for at
10 least a kindergarten program or any grade between grades one and twelve,
11 except that a school may offer this curriculum with an emphasis on a specific
12 learning philosophy or style or certain subject areas such as mathematics,
13 science, fine arts, performance arts or foreign language.

14 4. That it designs a method to measure pupil progress toward the pupil
15 outcomes adopted by the state board of education pursuant to section
16 15-741.01, including participation in the Arizona instrument to measure
17 standards test and the nationally standardized norm-referenced achievement
18 test as designated by the state board and the completion and distribution of
19 an annual report card as prescribed in chapter 7, article 3 of this title.

20 5. That, except as provided in this article and in its charter, it is
21 exempt from all statutes and rules relating to schools, governing boards and
22 school districts.

23 6. That, except as provided in this article, it is subject to the same
24 financial and electronic data submission requirements as a school district,
25 including the uniform system of financial records as prescribed in chapter 2,
26 article 4 of this title, procurement rules as prescribed in section 15-213
27 and audit requirements. The auditor general shall conduct a comprehensive
28 review and revision of the uniform system of financial records to ensure that
29 the provisions of the uniform system of financial records that relate to
30 charter schools are in accordance with commonly accepted accounting
31 principles used by private business. A school's charter may include
32 exceptions to the requirements of this paragraph that are necessary as
33 determined by the district governing board, the state board of education or
34 the state board for charter schools. The department of education or the
35 office of the auditor general may conduct financial, program or compliance
36 audits.

37 7. Compliance with all federal and state laws relating to the
38 education of children with disabilities in the same manner as a school
39 district.

40 8. That it provides for a governing body for the charter school that
41 is responsible for the policy decisions of the charter school.
42 Notwithstanding section 1-216, if there is a vacancy or vacancies on the
43 governing body, a majority of the remaining members of the governing body
44 constitute a quorum for the transaction of business, unless that quorum is
45 prohibited by the charter school's operating agreement.

1 9. That it provides a minimum of one hundred seventy-five
2 instructional days before June 30 of each fiscal year unless it is operating
3 on an alternative calendar approved by its sponsor. The superintendent of
4 public instruction shall adjust the apportionment schedule accordingly to
5 accommodate a charter school utilizing an alternative calendar.

6 F. The charter of a charter school shall include a description of the
7 charter school's personnel policies, personnel qualifications and method of
8 school governance and the specific role and duties of the sponsor of the
9 charter school. A charter school shall keep on file the resumes of all
10 current and former employees who provide instruction to pupils at the charter
11 school. Resumes shall include an individual's educational and teaching
12 background and experience in a particular academic content subject area. A
13 charter school shall inform parents and guardians of the availability of the
14 resume information and shall make the resume information available for
15 inspection on request of parents and guardians of pupils enrolled at the
16 charter school. Nothing in this subsection shall be construed to require any
17 charter school to release personally identifiable information in relation to
18 any teacher or employee, including the teacher's or employee's address,
19 salary, social security number or telephone number.

20 G. The charter of a charter school may be amended at the request of
21 the governing body of the charter school and on the approval of the sponsor.

22 H. Charter schools may contract, sue and be sued.

23 I. An approved plan to establish a charter school is effective for
24 fifteen years from the first day of the fiscal year the charter school is in
25 operation, subject to the following:

26 1. At least eighteen months before the expiration of the approved
27 plan, the sponsor shall notify the charter school that the charter school may
28 apply for renewal. A charter school that elects to apply for renewal shall
29 file an application for renewal at least fifteen months before the expiration
30 of the approved plan. In addition to any other requirements, the application
31 for renewal shall include a detailed business plan for the charter school, a
32 review of fiscal audits and academic performance data for the charter school
33 that are annually collected by the sponsor and a review of the current
34 contract between the sponsor and the charter school. The sponsor may deny
35 the request for renewal if, in its judgment, the charter school has failed to
36 complete the obligations of the contract or has failed to comply with this
37 article. A sponsor shall give written notice of its intent not to renew the
38 charter school's request for renewal to the charter school at least twelve
39 months before the expiration of the approved plan to allow the charter school
40 an opportunity to apply to another sponsor to transfer the operation of the
41 charter school. If the operation of the charter school is transferred to
42 another sponsor, the fifteen year period of the current charter shall be
43 maintained.

44 2. A charter operator may apply for early renewal. At least nine
45 months before the charter school's intended renewal consideration, the

1 operator of the charter school shall submit a letter of intent to the sponsor
2 to apply for early renewal. The sponsor shall review fiscal audits and
3 academic performance data for the charter school that are annually collected
4 by the sponsor, review the current contract between the sponsor and the
5 charter school and provide the qualifying charter school with a renewal
6 application. On submission of a complete application, the sponsor shall give
7 written notice of its consideration of the renewal application.

8 3. A sponsor shall review a charter at five year intervals and may
9 revoke a charter at any time if the charter school breaches one or more
10 provisions of its charter. At least ninety days before the effective date of
11 the proposed revocation the sponsor shall give written notice to the operator
12 of the charter school of its intent to revoke the charter. Notice of the
13 sponsor's intent to revoke the charter shall be delivered personally to the
14 operator of the charter school or sent by certified mail, return receipt
15 requested, to the address of the charter school. The notice shall
16 incorporate a statement of reasons for the proposed revocation of the
17 charter. The sponsor shall allow the charter school at least ninety days to
18 correct the problems associated with the reasons for the proposed revocation
19 of the charter. The final determination of whether to revoke the charter
20 shall be made at a public hearing called for such purpose.

21 J. The charter may be renewed for successive periods of twenty years
22 if the sponsor deems that the school is in compliance with its own charter
23 and this article.

24 K. A charter school that is sponsored by the state board of education
25 or the state board for charter schools may not be located on the property of
26 a school district unless the district governing board grants this authority.

27 L. A governing board or a school district employee who has control
28 over personnel actions shall not take unlawful reprisal against another
29 employee of the school district because the employee is directly or
30 indirectly involved in an application to establish a charter school. A
31 governing board or a school district employee shall not take unlawful
32 reprisal against an educational program of the school or the school district
33 because an application to establish a charter school proposes the conversion
34 of all or a portion of the educational program to a charter school. For the
35 purposes of this subsection, "unlawful reprisal" means an action that is
36 taken by a governing board or a school district employee as a direct result
37 of a lawful application to establish a charter school and that is adverse to
38 another employee or an education program and:

39 1. With respect to a school district employee, results in one or more
40 of the following:

- 41 (a) Disciplinary or corrective action.
- 42 (b) Detail, transfer or reassignment.
- 43 (c) Suspension, demotion or dismissal.
- 44 (d) An unfavorable performance evaluation.
- 45 (e) A reduction in pay, benefits or awards.

1 (f) Elimination of the employee's position without a reduction in
2 force by reason of lack of monies or work.

3 (g) Other significant changes in duties or responsibilities that are
4 inconsistent with the employee's salary or employment classification.

5 2. With respect to an educational program, results in one or more of
6 the following:

7 (a) Suspension or termination of the program.

8 (b) Transfer or reassignment of the program to a less favorable
9 department.

10 (c) Relocation of the program to a less favorable site within the
11 school or school district.

12 (d) Significant reduction or termination of funding for the program.

13 M. Charter schools shall secure insurance for liability and property
14 loss. The governing body of a charter school that is sponsored by the state
15 board of education or the state board for charter schools may enter into an
16 intergovernmental agreement or otherwise contract to participate in an
17 insurance program offered by a risk retention pool established pursuant to
18 section 11-952.01 or 41-621.01 or the charter school may secure its own
19 insurance coverage. The pool may charge the requesting charter school
20 reasonable fees for any services it performs in connection with the insurance
21 program.

22 N. Charter schools do not have the authority to acquire property by
23 eminent domain.

24 O. A sponsor, including members, officers and employees of the
25 sponsor, is immune from personal liability for all acts done and actions
26 taken in good faith within the scope of its authority.

27 P. Charter school sponsors and this state are not liable for the debts
28 or financial obligations of a charter school or persons who operate charter
29 schools.

30 Q. The sponsor of a charter school shall establish procedures to
31 conduct administrative hearings on determination by the sponsor that grounds
32 exist to revoke a charter. Procedures for administrative hearings shall be
33 similar to procedures prescribed for adjudicative proceedings in title 41,
34 chapter 6, article 10. Except as provided in section 41-1092.08, subsection
35 H, final decisions of the state board of education and the state board for
36 charter schools from hearings conducted pursuant to this subsection are
37 subject to judicial review pursuant to title 12, chapter 7, article 6.

38 R. The sponsoring entity of a charter school shall have oversight and
39 administrative responsibility for the charter schools that it sponsors.

40 S. Charter schools may pledge, assign or encumber their assets to be
41 used as collateral for loans or extensions of credit.

42 T. All property accumulated by a charter school shall remain the
43 property of the charter school.

44 U. Charter schools may not locate a school on property that is less
45 than one-fourth mile from agricultural land regulated pursuant to section

3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the charter school may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the charter school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

V. A transfer of a charter to another sponsor, a transfer of a charter school site to another sponsor or a transfer of a charter school site to a different charter shall be completed before the beginning of the fiscal year that the transfer is scheduled to become effective. An entity that sponsors charter schools may accept a transferring school after the beginning of the fiscal year if the transfer is approved by the superintendent of public instruction. The superintendent of public instruction shall have the discretion to consider each transfer during the fiscal year on a case by case basis. If a charter school is sponsored by a school district that is determined to be out of compliance with this title, the uniform system of financial records or any other state or federal law, the charter school may transfer to another sponsoring entity at any time during the fiscal year.

W. The sponsoring entity may not charge any fees to a charter school that it sponsors unless the sponsor has provided services to the charter school and the fees represent the full value of those services provided by the sponsor. On request, the value of the services provided by the sponsor to the charter school shall be demonstrated to the department of education.

X. Charter schools may enter into an intergovernmental agreement with a presiding judge of the juvenile court to implement a law related education program as defined in section 15-154. The presiding judge of the juvenile court may assign juvenile probation officers to participate in a law related education program in any charter school in the county. The cost of juvenile probation officers who participate in the program implemented pursuant to this ~~paragraph~~ SUBSECTION shall be funded by the charter school.

Y. IF A CHARTER SCHOOL DECIDES NOT TO PARTICIPATE IN THE BOARD EXAMINATION SYSTEM PRESCRIBED IN CHAPTER 7, ARTICLE 6 OF THIS TITLE, PUPILS ENROLLED AT THAT CHARTER SCHOOL MAY EARN A GRAND CANYON DIPLOMA BY OBTAINING A PASSING SCORE ON THE SAME BOARD EXAMINATIONS. THE STATE BOARD FOR CHARTER SCHOOLS SHALL ASSIST THE CHARTER SCHOOL TO IDENTIFY A LOCATION FOR THE ADMINISTRATION OF THE EXAMINATIONS.

Sec. 3. Section 15-185, Arizona Revised Statutes, is amended to read:

15-185. Charter schools; financing; civil penalty; transportation; definitions

A. Financial provisions for a charter school that is sponsored by a school district governing board are as follows:

1 1. The charter school shall be included in the district's budget and
2 financial assistance calculations pursuant to paragraph 3 of this subsection
3 and chapter 9 of this title, except for chapter 9, article 4 of this title.
4 The charter of the charter school shall include a description of the methods
5 of funding the charter school by the school district. The school district
6 shall send a copy of the charter and application, including a description of
7 how the school district plans to fund the school, to the state board of
8 education before the start of the first fiscal year of operation of the
9 charter school. The charter or application shall include an estimate of the
10 student count for the charter school for its first fiscal year of operation.
11 This estimate shall be computed pursuant to the requirements of paragraph 3
12 of this subsection.

13 2. A school district is not financially responsible for any charter
14 school that is sponsored by the state board of education or the state board
15 for charter schools.

16 3. A school district that sponsors a charter school may:

17 (a) Increase its student count as provided in subsection B, paragraph
18 2 of this section during the first year of the charter school's operation to
19 include those charter school pupils who were not previously enrolled in the
20 school district. A charter school sponsored by a school district governing
21 board is eligible for the assistance prescribed in subsection B, paragraph 4
22 of this section. The soft capital allocation as provided in section 15-962
23 for the school district sponsoring the charter school shall be increased by
24 the amount of the additional assistance. The school district shall include
25 the full amount of the additional assistance in the funding provided to the
26 charter school.

27 (b) Compute separate weighted student counts pursuant to section
28 15-943, paragraph 2, subdivision (a) for its noncharter school versus charter
29 school pupils in order to maintain eligibility for small school district
30 support level weights authorized in section 15-943, paragraph 1 for its
31 noncharter school pupils only. The portion of a district's student count
32 that is attributable to charter school pupils is not eligible for small
33 school district support level weights.

34 4. If a school district uses the provisions of paragraph 3 of this
35 subsection, the school district is not eligible to include those pupils in
36 its student count for the purposes of computing an increase in its revenue
37 control limit and district support level as provided in section 15-948.

38 5. A school district that sponsors a charter school is not eligible to
39 include the charter school pupils in its student count for the purpose of
40 computing an increase in its capital outlay revenue limit as provided in
41 section 15-961, subsection C, except that if the charter school was
42 previously a school in the district, the district may include in its student
43 count any charter school pupils who were enrolled in the school district in
44 the prior year.

1 6. A school district that sponsors a charter school is not eligible to
2 include the charter school pupils in its student count for the purpose of
3 computing the revenue control limit which is used to determine the maximum
4 budget increase as provided in chapter 4, article 4 of this title unless the
5 charter school is located within the boundaries of the school district.

6 7. If a school district converts one or more of its district public
7 schools to a charter school and receives assistance as prescribed in
8 subsection B, paragraph 4 of this section, and subsequently converts the
9 charter school back to a district public school, the school district shall
10 repay the state the total additional assistance received for the charter
11 school for all years that the charter school was in operation. The repayment
12 shall be in one lump sum and shall be reduced from the school district's
13 current year equalization assistance. The school district's general budget
14 limit shall be reduced by the same lump sum amount in the current year.

15 B. Financial provisions for a charter school that is sponsored by the
16 state board of education or the state board for charter schools are as
17 follows:

18 1. The charter school shall calculate a base support level as
19 prescribed in section 15-943, except that sections 15-941 and 15-942 do not
20 apply to these charter schools.

21 2. Notwithstanding paragraph 1 of this subsection, the student count
22 shall be determined initially using an estimated student count based on
23 actual registration of pupils before the beginning of the school year. After
24 the first one hundred days or two hundred days in session, as applicable, the
25 charter school shall revise the student count to be equal to the actual
26 average daily membership, as defined in section 15-901, or the adjusted
27 average daily membership, as prescribed in section 15-902, of the charter
28 school. A charter school that provides two hundred days of instruction may
29 use section 15-902.02 for the purposes of this section. Before the one
30 hundredth day or two hundredth day in session, as applicable, the state board
31 of education or the state board for charter schools may require a charter
32 school to report periodically regarding pupil enrollment and attendance, and
33 the department of education may revise its computation of equalization
34 assistance based on the report. A charter school shall revise its student
35 count, base support level and additional assistance before May 15. A charter
36 school that overestimated its student count shall revise its budget before
37 May 15. A charter school that underestimated its student count may revise
38 its budget before May 15.

39 3. A charter school may utilize section 15-855 for the purposes of
40 this section. The charter school and the department of education shall
41 prescribe procedures for determining average daily attendance and average
42 daily membership.

43 4. Equalization assistance for the charter school shall be determined
44 by adding the amount of the base support level and additional assistance.
45 The amount of the additional assistance is one thousand five hundred

1 eighty-eight dollars forty-four cents per student count in kindergarten
2 programs and grades one through eight and one thousand eight hundred
3 fifty-one dollars thirty cents per student count in grades nine through
4 twelve.

5 5. The state board of education shall apportion state aid from the
6 appropriations made for such purposes to the state treasurer for disbursement
7 to the charter schools in each county in an amount as determined by this
8 paragraph. The apportionments shall be made as prescribed in section 15-973,
9 subsection B.

10 6. The charter school shall not charge tuition for pupils who reside
11 in this state, levy taxes or issue bonds. A charter school may admit pupils
12 who are not residents of this state and shall charge tuition for those pupils
13 in the same manner prescribed in section 15-823.

14 7. Not later than noon on the day preceding each apportionment date
15 established by paragraph 5 of this subsection, the superintendent of public
16 instruction shall furnish to the state treasurer an abstract of the
17 apportionment and shall certify the apportionment to the department of
18 administration, which shall draw its warrant in favor of the charter schools
19 for the amount apportioned.

20 C. If a pupil is enrolled in both a charter school and a public school
21 that is not a charter school, the sum of the daily membership, which includes
22 enrollment as prescribed in section 15-901, subsection A, paragraph 2,
23 subdivisions (a) and (b) and daily attendance as prescribed in section
24 15-901, subsection A, paragraph 6, for that pupil in the school district and
25 the charter school shall not exceed 1.0, except that if the pupil is enrolled
26 in both a charter school and a joint technological education district and
27 resides within the boundaries of a school district participating in the joint
28 technological education district, the sum of the average daily membership for
29 that pupil in the charter school and the joint technological education
30 district shall not exceed 1.25. If a pupil is enrolled in both a charter
31 school and a public school that is not a charter school, the department of
32 education shall direct the average daily membership to the school with the
33 most recent enrollment date. Upon validation of actual enrollment in both a
34 charter school and a public school that is not a charter school and if the
35 sum of the daily membership or daily attendance for that pupil is greater
36 than 1.0, the sum shall be reduced to 1.0 and shall be apportioned between
37 the public school and the charter school based on the percentage of total
38 time that the pupil is enrolled or in attendance in the public school and the
39 charter school, except that if the pupil is enrolled in both a charter school
40 and a joint technological education district and resides within the
41 boundaries of a school district participating in the joint technological
42 education district, the sum of the average daily membership for that pupil in
43 the charter school and the joint technological education district shall be
44 reduced to 1.25 and shall be apportioned between the charter school and the
45 joint technological education district based on the percentage of total time

1 that the pupil is enrolled or in attendance in the charter school and the
2 joint technological education district. The uniform system of financial
3 records shall include guidelines for the apportionment of the pupil
4 enrollment and attendance as provided in this section.

5 D. Charter schools are allowed to accept grants and gifts to
6 supplement their state funding, but it is not the intent of the charter
7 school law to require taxpayers to pay twice to educate the same pupils. The
8 base support level for a charter school or for a school district sponsoring a
9 charter school shall be reduced by an amount equal to the total amount of
10 monies received by a charter school from a federal or state agency if the
11 federal or state monies are intended for the basic maintenance and operations
12 of the school. The superintendent of public instruction shall estimate the
13 amount of the reduction for the budget year and shall revise the reduction to
14 reflect the actual amount before May 15 of the current year. If the
15 reduction results in a negative amount, the negative amount shall be used in
16 computing all budget limits and equalization assistance, except that:

17 1. Equalization assistance shall not be less than zero.

18 2. For a charter school sponsored by the state board of education or
19 the state board for charter schools, the total of the base support level and
20 the additional assistance shall not be less than zero.

21 3. For a charter school sponsored by a school district, the base
22 support level for the school district shall not be reduced by more than the
23 amount that the charter school increased the district's base support level,
24 capital outlay revenue limit and soft capital allocation.

25 E. If a charter school was a district public school in the prior year
26 and is now being operated for or by the same school district and sponsored by
27 the state board of education, the state board for charter schools or a school
28 district governing board, the reduction in subsection D of this section
29 applies. The reduction to the base support level of the charter school or
30 the sponsoring district of the charter school shall equal the sum of the base
31 support level and the additional assistance received in the current year for
32 those pupils who were enrolled in the traditional public school in the prior
33 year and are now enrolled in the charter school in the current year.

34 F. Equalization assistance for charter schools shall be provided as a
35 single amount based on average daily membership without categorical
36 distinctions between maintenance and operations or capital.

37 G. At the request of a charter school, the county school
38 superintendent of the county where the charter school is located may provide
39 the same educational services to the charter school as prescribed in section
40 15-308, subsection A. The county school superintendent may charge a fee to
41 recover costs for providing educational services to charter schools.

42 H. If the sponsor of the charter school determines at a public meeting
43 that the charter school is not in compliance with federal law, with the laws
44 of this state or with its charter, the sponsor of a charter school may submit
45 a request to the department of education to withhold up to ten per cent of

1 the monthly apportionment of state aid that would otherwise be due the
2 charter school. The department of education shall adjust the charter
3 school's apportionment accordingly. The sponsor shall provide written notice
4 to the charter school at least seventy-two hours before the meeting and shall
5 allow the charter school to respond to the allegations of noncompliance at
6 the meeting before the sponsor makes a final determination to notify the
7 department of education of noncompliance. The charter school shall submit a
8 corrective action plan to the sponsor on a date specified by the sponsor at
9 the meeting. The corrective action plan shall be designed to correct
10 deficiencies at the charter school and to ensure that the charter school
11 promptly returns to compliance. When the sponsor determines that the charter
12 school is in compliance, the department of education shall restore the full
13 amount of state aid payments to the charter school.

14 I. In addition to the withholding of state aid payments pursuant to
15 subsection H of this section, the sponsor of a charter school may impose a
16 civil penalty of one thousand dollars per occurrence if a charter school
17 fails to comply with the fingerprinting requirements prescribed in section
18 15-183, subsection C or section 15-512. The sponsor of a charter school
19 shall not impose a civil penalty if it is the first time that a charter
20 school is out of compliance with the fingerprinting requirements and if the
21 charter school provides proof within forty-eight hours of written
22 notification that an application for the appropriate fingerprint check has
23 been received by the department of public safety. The sponsor of the charter
24 school shall obtain proof that the charter school has been notified, and the
25 notification shall identify the date of the deadline and shall be signed by
26 both parties. The sponsor of a charter school shall automatically impose a
27 civil penalty of one thousand dollars per occurrence if the sponsor
28 determines that the charter school subsequently violates the fingerprinting
29 requirements. Civil penalties pursuant to this subsection shall be assessed
30 by requesting the department of education to reduce the amount of state aid
31 that the charter school would otherwise receive by an amount equal to the
32 civil penalty. The amount of state aid withheld shall revert to the state
33 general fund at the end of the fiscal year.

34 J. A charter school may receive and spend monies distributed by the
35 department of education pursuant to section 42-5029, subsection E and section
36 37-521, subsection B.

37 K. If a school district transports or contracts to transport pupils to
38 the Arizona state schools for the deaf and the blind during any fiscal year,
39 the school district may transport or contract with a charter school to
40 transport sensory impaired pupils during that same fiscal year to a charter
41 school if requested by the parent of the pupil and if the distance from the
42 pupil's place of actual residence within the school district to the charter
43 school is less than the distance from the pupil's place of actual residence
44 within the school district to the campus of the Arizona state schools for the
45 deaf and the blind.

L. THE GOVERNING BODY OF A CHARTER SCHOOL MAY CONTRACT WITH THE PRIVATE ORGANIZATION THAT IS APPROVED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-792.02 TO PROVIDE APPROVED BOARD EXAMINATION SYSTEMS FOR THE CHARTER SCHOOL. THE CONTRACT PRESCRIBED IN THIS SUBSECTION IS EXEMPT FROM PUBLIC BIDDING REQUIREMENTS.

~~L.~~ M. For the purposes of this section:

1. "Monies intended for the basic maintenance and operations of the school" means monies intended to provide support for the educational program of the school, except that it does not include supplemental assistance for a specific purpose or title VIII of the elementary and secondary education act of 1965 monies. The auditor general shall determine which federal or state monies meet the definition in this paragraph.

2. "Operated for or by the same school district" means the charter school is either governed by the same district governing board or operated by the district in the same manner as other traditional schools in the district or is operated by an independent party that has a contract with the school district. The auditor general and the department of education shall determine which charter schools meet the definition in this subsection.

Sec. 4. Section 15-241, Arizona Revised Statutes, is amended to read:

15-241. School accountability; schools failing to meet academic standards; failing schools tutoring fund; classification label for school districts and charter school operators

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

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

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

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

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

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

11 3. The results of English language learners tests administered
12 pursuant to section 15-756, subsection B, section 15-756.05 and section
13 15-756.06.

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

17 1. The Arizona instrument to measure standards test. The department
18 shall compute the percentage of pupils pursuant to subsection G of this
19 section who meet or exceed the standard on the Arizona instrument to measure
20 standards test, as prescribed by the state board of education. The
21 superintendent of public instruction and the department may calculate
22 academic gain on the Arizona instrument to measure standards test according
23 to each of the school classifications prescribed in subsection G of this
24 section on a statewide basis, for each school district in this state and for
25 each school by determining the average scale scores for students in the
26 current academic year as compared to the average scale scores for the
27 previous academic year for the same students.

28 2. The annual dropout rate.

29 3. The annual graduation rate.

30 4. The results of English language learners tests administered
31 pursuant to section 15-756, subsection B, section 15-756.05 and section
32 15-756.06.

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

37 G. Subject to final adoption by the state board of education, the
38 department shall determine the criteria for each school classification using
39 a research based methodology. The methodology shall include the performance
40 of pupils at all achievement levels, account for pupil mobility, account for
41 the distribution of pupil achievement at each school and include longitudinal
42 indicators of academic performance. For the purposes of this subsection,
43 "research based methodology" means the systematic and objective application
44 of statistical and quantitative research principles to determine a standard
45 measurement of acceptable academic progress for each school.

H. EXCEPT AS PROVIDED IN SUBSECTION EE OF THIS SECTION, the achievement profile shall be used to determine a school classification that designates each school as one of the following:

1. An excelling school.
2. A highly performing school.
3. A performing school.
4. An underperforming school.
5. A school failing to meet academic standards.

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

J. Subject to final adoption by the state board of education, the department of education shall develop a parallel achievement profile for accommodation schools, alternative schools as defined by the state board of education and extremely small schools as defined by the state board of education for the purposes of this section.

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

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

M. If a charter school is designated as an underperforming school, within thirty days the school shall notify the parents of the students attending the school of the classification. The notice shall explain the improvement plan process and provide information regarding the public meeting required by this subsection. Within ninety days of receiving the classification, the charter holder shall present an improvement plan to the

1 charter sponsor at a public meeting and submit a copy of the plan to the
2 superintendent of public instruction. The improvement plan shall include
3 necessary components as identified by the state board of education. For
4 every day that an improvement plan is not received by the superintendent of
5 public instruction, the school is not eligible to receive monies from the
6 classroom site fund established by section 15-977 for every day that a plan
7 has not been received by the superintendent of public instruction within the
8 time specified in subsection K of this section plus an additional ninety
9 days. The charter holder shall appear before the sponsoring board and
10 explain why the improvement plan has not been submitted.

11 N. The department of education shall establish an appeals process, to
12 be approved by the state board of education, for a school to appeal data used
13 to determine the achievement profile of the school. The criteria established
14 shall be based on mitigating factors and may include a visit to the school
15 site by the department of education.

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

22 P. The school district governing board, within thirty days of
23 receiving notice of the school failing to meet academic standards
24 classification, shall provide written notification of the classification to
25 each residence in the attendance area of the school. The notice shall
26 explain the improvement plan process and provide information regarding the
27 public meeting required by subsection S of this section.

28 Q. The superintendent of public instruction, based on need, shall
29 assign a solutions team to an underperforming school, a school failing to
30 meet academic standards or any other school pursuant to a mutual agreement
31 between the department of education and the school comprised of master
32 teachers, fiscal analysts and curriculum assessment experts who are certified
33 by the state board of education as Arizona academic standards technicians.
34 The department of education may hire or contract with administrators,
35 principals and teachers who have demonstrated experience with the
36 characteristics and situations in an underperforming school or a school
37 failing to meet academic standards and may use these personnel as part of the
38 solutions team. The department of education shall work with staff at the
39 school to assist in curricula alignment and shall instruct teachers on how to
40 increase pupil academic progress, considering the school's achievement
41 profile. The solutions team shall consider the existing improvement plan to
42 assess the need for changes to curriculum, professional development and
43 resource allocation and shall present a statement of its findings to the
44 school administrator and district superintendent. Within forty-five days
45 after the presentation of the solutions team's statement of findings, the

1 school district governing board, in cooperation with each school within the
2 school district that is designated an underperforming school and its assigned
3 solutions team representative, shall develop and submit to the department of
4 education an action plan that details the manner in which the school district
5 will assist the school as the school incorporates the findings of the
6 solutions team into the improvement plan. The department of education shall
7 review the action plan and shall either accept the action plan or return the
8 action plan to the school district for modification. If the school district
9 does not submit an approved action plan within forty-five days, the state
10 board of education may direct the superintendent of public instruction to
11 withhold up to ten per cent of state monies that the school district would
12 otherwise be entitled to receive each month until the plan is submitted to
13 the department of education, at which time those monies shall be returned to
14 the school district.

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

37 S. Within sixty days of receiving notification of designation as a
38 school failing to meet academic standards, the school district governing
39 board shall evaluate needed changes to the existing improvement plan for the
40 school, consider recommendations from the solutions team, submit a copy of
41 the plan to the superintendent of public instruction and supervise the
42 implementation of the plan. Within thirty days after submitting the
43 improvement plan to the superintendent of public instruction, the governing
44 board shall hold a public meeting in each school that has been designated as

1 a school failing to meet academic standards and shall present the respective
2 improvement plans that have been developed for each school.

3 T. A school that has not submitted an improvement plan pursuant to
4 subsection S of this section is not eligible to receive monies from the
5 classroom site fund established by section 15-977 for every day that a plan
6 has not been received by the superintendent of public instruction within the
7 time specified in subsection S of this section plus an additional ninety
8 days. The state board of education shall require the superintendent of the
9 school district to testify before the board and explain the reasons that an
10 improvement plan for that school has not been submitted.

11 U. If a charter school is designated as a school failing to meet
12 academic standards, the department of education shall immediately notify the
13 charter school's sponsor. The charter school's sponsor shall either take
14 action to restore the charter school to acceptable performance or revoke the
15 charter school's charter. Within thirty days the school shall notify the
16 parents of the students attending the school of the classification and of any
17 pending public meetings to review the issue.

18 V. A school that has been designated as a school failing to meet
19 academic standards shall be evaluated by the department of education to
20 determine if the school failed to properly implement its school improvement
21 plan, align the curriculum with academic standards, provide teacher training,
22 prioritize the budget or implement other proven strategies to improve
23 academic performance. After visiting the school site pursuant to subsection
24 O of this section, the department of education shall submit to the state
25 board of education a recommendation to proceed pursuant to subsections Q, R
26 and S of this section or that the school be subject to a public hearing to
27 determine if the school failed to properly implement its improvement plan and
28 the reasons for the department's recommendation.

29 W. If the department does recommend a public hearing, the state board
30 of education shall meet and may provide by a majority vote at the public
31 hearing for the continued operation of the school as allowed by this
32 subsection. The state board of education shall determine whether
33 governmental, nonprofit and private organizations may submit applications to
34 the state board to fully or partially manage the school. The state board's
35 determination shall include:

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

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

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

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

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

44 X. The state board shall periodically review the status of a school
45 that is operated by an organization other than the school district governing

1 board to determine whether the operation of the school should be returned to
2 the school district governing board. Before the state board makes a
3 determination, the state board or its designee shall meet with the school
4 district governing board or its designee to determine the time frame,
5 operational considerations and the appropriate continuation of existing
6 improvements that are necessary to assure a smooth transition of authority
7 from the other organization back to the school district governing board.

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

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

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

33 Within the last five years, (number of schools) schools in the
34 _____ school district have been designated as "schools
35 failing to meet academic standards" by the superintendent of
36 public instruction.

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

40 CC. The failing schools tutoring fund is established consisting of
41 monies collected pursuant to section 42-5029, subsection E as designated for
42 this purpose. The department of education shall administer the fund. The
43 department of education may use monies from the fund to purchase materials
44 designed to assist students to meet the Arizona academic standards and to

1 achieve a passing score on the Arizona instrument to measure standards test
2 in order to graduate from high school.

3 DD. The department of education may develop a classification label for
4 school districts and charter school operators. If the department of
5 education develops a classification label for school districts and charter
6 school operators, the classification label may be developed from the
7 following components:

- 8 1. Measures of academic progress.
- 9 2. Pupil assessment data.
- 10 3. The attendance rates and graduation rates of pupils who are
11 educated in that charter school operator's charter schools or in that school
12 district's schools.
- 13 4. The percentage of the parents of pupils enrolled in that charter
14 school operator's charter schools or in that school district's schools that
15 categorizes the quality of their child's education as excellent on a parental
16 rating of school quality.

17 EE. IN ACCORDANCE WITH FEDERAL LAW, THE DEPARTMENT OF EDUCATION SHALL
18 DEVELOP SEPARATE SCHOOL CLASSIFICATIONS FOR HIGH SCHOOLS THAT PARTICIPATE IN
19 THE BOARD EXAMINATION SYSTEM PRESCRIBED IN CHAPTER 7, ARTICLE 6 OF THIS
20 TITLE.

21 Sec. 5. Title 15, chapter 3, article 3, Arizona Revised Statutes, is
22 amended by adding section 15-342.01, to read:

23 15-342.01. Other discretionary powers

24 A. THE GOVERNING BOARD MAY CONTRACT WITH THE PRIVATE ORGANIZATION THAT
25 IS APPROVED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-792.02 TO
26 PROVIDE APPROVED BOARD EXAMINATION SYSTEMS FOR THE SCHOOLS IN THE SCHOOL
27 DISTRICT. THE CONTRACT PRESCRIBED IN THIS SECTION IS EXEMPT FROM PUBLIC
28 BIDDING REQUIREMENTS.

29 B. IF A SCHOOL DISTRICT DECIDES NOT TO PARTICIPATE IN THE BOARD
30 EXAMINATION SYSTEM PRESCRIBED IN CHAPTER 7, ARTICLE 6 OF THIS TITLE, PUPILS
31 ENROLLED IN THAT SCHOOL DISTRICT MAY EARN A GRAND CANYON DIPLOMA BY OBTAINING
32 A PASSING SCORE ON THE SAME BOARD EXAMINATIONS. THE STATE BOARD OF EDUCATION
33 SHALL ASSIST THE SCHOOL DISTRICT TO IDENTIFY A LOCATION FOR THE
34 ADMINISTRATION OF THE EXAMINATIONS.

35 Sec. 6. Section 15-701.01, Arizona Revised Statutes, is amended to
36 read:

37 15-701.01. High school; graduation; requirements; community
38 college or university courses; transfer from
39 private schools; academic credit

40 A. The state board of education shall:

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

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

4 3. Develop and adopt competency tests pursuant to section 15-741 for
5 the graduation of pupils from high school in at least the areas of reading,
6 writing and mathematics and shall establish passing scores for each such
7 test. For the purposes of satisfying the graduation requirements of this
8 paragraph, a minimum score as determined by the state board of education on
9 one or more nationally recognized college entrance examinations selected by
10 the state board of education, if examination information may be accessed at
11 no cost to this state, may be substituted for passing scores on the Arizona
12 instrument to measure standards test if a pupil who is in grade twelve has
13 previously taken the Arizona instrument to measure standards test at each
14 administration of the test. **FOR THE PURPOSES OF SATISFYING THE GRADUATION**
15 **REQUIREMENTS OF THIS PARAGRAPH, A SCORE AS DETERMINED BY THE STATE BOARD OF**
16 **EDUCATION, IN CONSULTATION WITH THE PRIVATE ORGANIZATION SELECTED PURSUANT TO**
17 **SECTION 15-792.02, ON A BOARD EXAMINATION PRESCRIBED IN ARTICLE 6 OF THIS**
18 **CHAPTER MAY BE SUBSTITUTED FOR PASSING SCORES ON THE ARIZONA INSTRUMENT TO**
19 **MEASURE STANDARDS TEST IF A PUPIL WHO IS IN GRADE TWELVE HAS PREVIOUSLY TAKEN**
20 **THE BOARD EXAMINATION AND HAS NOT ACHIEVED THE MINIMUM SCORE REQUIRED TO EARN**
21 **A GRAND CANYON DIPLOMA.** A pupil shall not be required to pass the competency
22 test required in this paragraph 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. If the state board of education adopts a competency test as a
27 graduation requirement for a child with a disability as defined in section
28 15-761 or a child who receives special education pursuant to section 15-763,
29 pupils with individualized education programs shall not be required to
30 achieve passing scores on competency tests in order to graduate from high
31 school unless the pupil is learning at a level appropriate for the pupil's
32 grade level in a specific academic area and unless passing scores on a
33 competency test are specifically required in a specific academic area by the
34 pupil's individualized education program as mutually agreed on by the pupil's
35 parents and the pupil's individualized education program team or the pupil,
36 if the pupil is at least eighteen years of age. These competency tests shall
37 be administered to pupils in a manner prescribed in the pupil's
38 individualized education program, and school districts and charter schools
39 shall make specific and appropriate accommodations for pupils with
40 individualized education programs. Pupils with section 504 plans as defined
41 in section 15-731 shall not be required to achieve passing scores on
42 competency tests in order to graduate from high school unless the pupil is
43 learning at a level appropriate for the pupil's grade level in a specific
44 academic area and unless passing scores on a competency test are specifically
45 required in a specific academic area by the pupil's section 504 plan that is

1 developed in consultation with the pupil's parents. These competency tests
2 shall be administered to pupils in a manner prescribed in the pupil's section
3 504 plan, and school districts and charter schools shall make specific and
4 appropriate accommodations for pupils with a section 504 plan. A pupil with
5 an individualized education program or a section 504 plan who graduates from
6 high school but who is not required to achieve a passing score on a
7 competency test in order to graduate from high school shall receive the
8 standard diploma issued by the school district or charter school.

9 C. The governing board of a school district shall:

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

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

17 D. The governing board may prescribe the course of study and
18 competency requirements for the graduation of pupils from high school that
19 are in addition to or higher than the course of study and competency
20 requirements which the state board prescribes.

21 E. The governing board may prescribe competency requirements for the
22 passage of pupils in courses that are required for graduation from high
23 school.

24 F. A teacher shall determine whether to pass or fail a pupil in a
25 course in high school as provided in section 15-521, paragraph 3 on the basis
26 of the competency requirements, if any have been prescribed. The governing
27 board, if it reviews the decision of a teacher to pass or fail a pupil in a
28 course in high school as provided in section 15-342, paragraph 11, shall base
29 its decision on the competency requirements, if any have been prescribed.

30 G. Graduation requirements established by the governing board may be
31 met by a pupil who passes courses in the required or elective subjects at a
32 community college or university, if the course is at a higher level than the
33 course taught in the high school attended by the pupil or, if the course is
34 not taught in the high school, the level of the course is equal to or higher
35 than the level of a high school course. The governing board shall determine
36 if the subject matter of the community college or university course is
37 appropriate to the specific requirement the pupil intends it to fulfill and
38 if the level of the community college or university course is less than,
39 equal to or higher than a high school course, and the governing board shall
40 award one-half of a carnegie unit for each three semester hours of credit the
41 pupil earns in an appropriate community college or university course. If a
42 pupil is not satisfied with the decision of the governing board regarding the
43 amount of credit granted or the subjects for which credit is granted, the
44 pupil may request that the state board of education review the decision of
45 the governing board, and the state board shall make the final determination

1 of the amount of credit to be given the pupil and for which subjects. The
2 governing board shall not limit the number of credits that is required for
3 high school graduation and that may be met by taking community college or
4 university courses. For the purposes of this subsection:

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

9 2. "University" means a university under the jurisdiction of the
10 Arizona board of regents.

11 H. A pupil who transfers from a private school shall be provided with
12 a list that indicates those credits that have been accepted and denied by the
13 school district. A pupil may request to take an examination in each
14 particular course in which credit has been denied. The school district shall
15 accept the credit for each particular course in which the pupil takes an
16 examination and receives a passing score on a test designed and evaluated by
17 a teacher in the school district who teaches the subject matter on which the
18 examination is based. In addition to the above requirements, the governing
19 board of a school district may prescribe requirements for the acceptance of
20 the credits of pupils who transfer from a private school.

21 I. If a pupil who was previously enrolled in a charter school or
22 school district enrolls in a school district in this state, the school
23 district shall accept credits earned by the pupil in courses or instructional
24 programs at the charter school or school district. The governing board of a
25 school district may adopt a policy concerning the application of transfer
26 credits for the purpose of determining whether a credit earned by a pupil who
27 was previously enrolled in a school district or charter school will be
28 assigned as an elective or core credit.

29 J. A pupil who transfers from a charter school or school district
30 shall be provided with a list that indicates which credits have been accepted
31 as an elective credit and which credits have been accepted as a core credit
32 by the school district. Within ten school days after receiving the list, a
33 pupil may request to take an examination in each particular course in which
34 core credit has been denied. The school district shall accept the credit as
35 a core credit for each particular course in which the pupil takes an
36 examination and receives a passing score on a test designed and evaluated by
37 a teacher in the school district who teaches the subject matter on which the
38 examination is based.

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

43 L. PUPILS WHO EARN A GRAND CANYON DIPLOMA PURSUANT TO ARTICLE 6 OF
44 THIS CHAPTER ARE EXEMPT FROM THE GRADUATION REQUIREMENTS PRESCRIBED IN THIS
45 SECTION, INCLUDING THE REQUIREMENT THAT A PUPIL OBTAIN PASSING SCORES ON THE

ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST IN ORDER TO GRADUATE FROM HIGH SCHOOL. PUPILS WHO EARN A GRAND CANYON DIPLOMA ARE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF PERSONS WHO GRADUATE WITH A HIGH SCHOOL DIPLOMA ISSUED PURSUANT TO THIS SECTION, INCLUDING ACCESS TO POSTSECONDARY SCHOLARSHIPS AND OTHER FORMS OF STUDENT FINANCIAL AID AND ACCESS TO ALL FORMS OF POSTSECONDARY EDUCATION. A PUPIL WHO EARN A GRAND CANYON DIPLOMA MAY ELECT TO REMAIN IN HIGH SCHOOL THROUGH GRADE TWELVE. A PUPIL WHO EARN A GRAND CANYON DIPLOMA AND WHO ELECTS NOT TO PURSUE ONE OF THE OPTIONS PRESCRIBED IN SECTION 15-792.03 MAY ONLY BE READMITTED TO THAT HIGH SCHOOL OR ANOTHER HIGH SCHOOL IN THIS STATE PURSUANT TO POLICIES ADOPTED BY THE SCHOOL DISTRICT OF READMISSION.

Sec. 7. Title 15, chapter 7, Arizona Revised Statutes, is amended by adding article 6, to read:

ARTICLE 6. BOARD EXAMINATION SYSTEM

15-792. Declaration of purpose and policy

THE LEGISLATURE DECLARES AND FINDS THAT:

1. IT IS IN THE INTEREST OF THIS STATE TO GREATLY INCREASE THE PROPORTION OF STUDENTS WHO ENTER HIGH SCHOOL AND WHO SUBSEQUENTLY LEAVE THOSE HIGH SCHOOLS WITH THE SKILLS NEEDED TO COMPETE EFFECTIVELY IN A GLOBAL ECONOMY THAT PROVIDES WORLD CLASS WAGES ONLY TO WORKERS WITH WORLD CLASS SKILLS.

2. IT IS IN THE INTEREST OF STUDENTS IN THIS STATE, THEIR FAMILIES AND SCHOOLS TO PROVIDE A COLLEGE AND WORK READINESS ASSESSMENT TO STUDENTS.

3. THE PURPOSE OF THIS ARTICLE IS TO GREATLY INCREASE THE PROPORTION OF STUDENTS IN THIS STATE WHO LEAVE HIGH SCHOOL WITH THE SKILLS AND KNOWLEDGE NEEDED TO SUCCEED IN COLLEGE IN A WAY THAT DOES NOT SIGNIFICANTLY INCREASE THE COST OF HIGH SCHOOL.

15-792.01. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "APPROVED BOARD EXAMINATION SYSTEM" MEANS A BOARD EXAMINATION SYSTEM THAT HAS BEEN APPROVED BY AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS.

2. "BOARD EXAMINATION SYSTEM" MEANS A COMPLETE INSTRUCTIONAL SYSTEM THAT INCLUDES ALL OF THE FOLLOWING COMPONENTS:

(a) A COHERENT GROUP OF COURSES THAT COLLECTIVELY CONSTITUTES A CORE CURRICULUM AT THE HIGH SCHOOL LEVEL.

(b) A COMPREHENSIVE SYLLABUS FOR EACH COURSE.

(c) APPROPRIATE INSTRUCTIONAL AND TEACHING MATERIALS FOR EACH COURSE.

(d) HIGH QUALITY EXAMINATIONS THAT ARE CLOSELY ALIGNED WITH THE COURSE SYLLABUS.

(e) PROFESSIONAL SCORING OF EXAMINATIONS.

(f) TEACHER EDUCATION THAT IS DESIGNED TO TRAIN TEACHERS TO PROPERLY TEACH THOSE COURSES.

3. "COLLEGE READINESS" MEANS THAT A STUDENT HAS THE ENGLISH AND MATHEMATICS SKILLS AND KNOWLEDGE NEEDED TO SUCCEED IN COLLEGE LEVEL COURSES

1 THAT COUNT TOWARD A DEGREE OR CERTIFICATE WITHOUT TAKING REMEDIAL OR
2 DEVELOPMENTAL COURSEWORK.

3 4. "GRAND CANYON DIPLOMA" MEANS A HIGH SCHOOL DIPLOMA THAT IS OFFERED
4 TO ANY STUDENT WHO DEMONSTRATES COLLEGE READINESS ACCORDING TO STANDARDS
5 PRESCRIBED BY AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS AND WHO HAS
6 PASSING GRADES ON A SET OF REQUIRED CORE COURSES.

7 15-792.02. Board examination system; private contractor; duties

8 A. THE STATE BOARD OF EDUCATION SHALL SELECT AND ENTER INTO A
9 FIVE-YEAR AGREEMENT WITH A PRIVATE ORGANIZATION THAT IS DEDICATED TO HELPING
10 SHAPE AND DEFINE THE FUTURE OF THIS STATE THROUGH AN ACTION-ORIENTED AGENDA
11 THAT IS FOCUSED ON ISSUES AND TOPICS CRITICAL TO THIS STATE TO OPERATE AND
12 ADMINISTER THE BOARD EXAMINATION SYSTEM PRESCRIBED IN THIS ARTICLE.

13 B. THE PRIVATE ORGANIZATION SELECTED BY THE STATE BOARD OF EDUCATION
14 SHALL:

15 1. IDENTIFY, SELECT AND CONTRACT WITH A NATIONAL ORGANIZATION THAT IS
16 DEVOTED TO ISSUES CONCERNING EDUCATION AND THE ECONOMY AND THAT IS SELECTED
17 BY THE STATE BOARD OF EDUCATION TO PROVIDE TECHNICAL SERVICES TO DEVELOP AND
18 MAINTAIN AN INTERSTATE SYSTEM OF APPROVED BOARD EXAMINATION SYSTEMS. THE
19 CONTRACT PRESCRIBED IN THIS PARAGRAPH IS EXEMPT FROM PUBLIC BIDDING
20 REQUIREMENTS.

21 2. PROVIDE DATA AND OTHER INFORMATION TO A NATIONAL ORGANIZATION THAT
22 IS DEVOTED TO ISSUES CONCERNING EDUCATION AND THE ECONOMY AND THAT IS
23 SELECTED BY THE STATE BOARD OF EDUCATION TO PROVIDE TECHNICAL SERVICES THE
24 NATIONAL ORGANIZATION DEEMS NECESSARY TO SET APPROPRIATE PERFORMANCE
25 STANDARDS FOR THE STUDENTS IN THIS STATE. THE DEPARTMENT OF EDUCATION SHALL
26 PROVIDE DATA AND OTHER INFORMATION TO THE PRIVATE ORGANIZATION.

27 3. CONDUCT TECHNICAL STUDIES REQUIRED BY THE STATE BOARD OF EDUCATION
28 TO COMPARE THE SCORES ON APPROVED BOARD EXAMINATIONS BY THE STUDENTS IN THIS
29 STATE TO SCORES ON THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST AND OTHER
30 MEASURES DEEMED NECESSARY TO ENSURE THE EFFICACY OF THE APPROVED BOARD
31 EXAMINATIONS. THE PRIVATE ORGANIZATION MAY CONTRACT WITH OTHER ENTITIES FOR
32 THE PURPOSE OF CONDUCTING TECHNICAL STUDIES.

33 4. IN COOPERATION WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND
34 THE STATE BOARD OF EDUCATION, ACTIVELY SOLICIT MONIES FROM ALL LAWFUL PRIVATE
35 AND PUBLIC SOURCES, INCLUDING FEDERAL MONIES, TO OFFSET THE COSTS OF
36 INSTRUCTION PROVIDED TO STUDENTS UNDER THIS ARTICLE.

37 5. EXERCISE GENERAL SUPERVISION OVER THE IMPLEMENTATION OF THE
38 APPROVED BOARD EXAMINATION SYSTEMS IN THIS STATE FOR THE DURATION OF THE
39 FIVE-YEAR CONTRACT. THESE EXAMINATION SYSTEMS SHALL MEET THE FOLLOWING
40 CRITERIA:

41 (a) APPEAR ON A LIST OF APPROVED BOARD EXAMINATION SYSTEMS SELECTED BY
42 THE INTERSTATE COMPACT.

43 (b) BE PERIODICALLY MODIFIED TO REFLECT CORE STANDARDS SELECTED BY AN
44 INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS.

(c) HAVE COMMON PASSING SCORES THAT ARE PRESCRIBED BY AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS AND THAT ARE SET TO THE LEVEL OF LITERACY REQUIRED TO SUCCEED IN COLLEGE-LEVEL COURSES OFFERED BY COMMUNITY COLLEGES IN THIS STATE THAT COUNT TOWARD A DEGREE OR CERTIFICATE WITHOUT TAKING REMEDIAL OR DEVELOPMENTAL COURSEWORK. THE PRIVATE ORGANIZATION, IN CONSULTATION WITH THE STATE BOARD OF EDUCATION AND WITH REPRESENTATIVES FROM SCHOOL DISTRICTS, CHARTER SCHOOLS, COMMUNITY COLLEGES AND UNIVERSITIES IN THIS STATE, SHALL DESIGNATE TWO INDIVIDUALS TO REPRESENT THIS STATE IN AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS TO PRESCRIBE THE COMMON PASSING SCORES PRESCRIBED IN THIS SUBDIVISION.

6. SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE AND THE GOVERNOR ON THE PROGRESS MADE TOWARD THE GOALS ESTABLISHED IN THIS ARTICLE AND PROVIDE COPIES TO THE SECRETARY OF STATE. PARTICIPATING SCHOOLS AND THE DEPARTMENT OF EDUCATION SHALL PROVIDE DATA TO THE PRIVATE ORGANIZATION AS NEEDED IN ORDER TO COMPLETE THE ANNUAL REPORT.

7. IDENTIFY, SELECT AND REPRESENT THIS STATE ON THE NATIONAL GOVERNING BODY OF AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS TO ENABLE STATES TO COLLABORATE IN THE FOLLOWING AREAS:

(a) THE SELECTION OF WORLD CLASS BOARD EXAMINATION SYSTEMS FOR USE IN THOSE STATES.

(b) PROVIDING TECHNICAL ASSISTANCE REQUIRED TO IMPLEMENT THE BOARD EXAMINATION SYSTEMS EFFECTIVELY IN THOSE STATES FOR THE USE OF THOSE EXAMINATIONS.

(c) ENTERING INTO CONTRACTS WITH BOARD EXAMINATION SYSTEM PROVIDERS OR WITH A NATIONAL ORGANIZATION THAT IS DEVOTED TO ISSUES CONCERNING EDUCATION AND THE ECONOMY TO DEVELOP NEW OR IMPROVED BOARD EXAMINATION SYSTEMS.

8. SELECT THIS STATE'S REPRESENTATIVES IN AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS IN ACCORDANCE WITH POLICIES PRESCRIBED BY THAT INTERSTATE COMPACT.

C. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO CARRY OUT THE PURPOSES OF THIS SECTION AND SHALL IDENTIFY COLLEGE AND CAREER READY EXAMINATIONS THAT ARE AVAILABLE TO PUPILS IN GRADE EIGHT, INCLUDING THOSE PUPILS WHO INTEND TO PARTICIPATE IN THE BOARD EXAMINATIONS SYSTEM IN HIGH SCHOOL. THE EXAMINATIONS SHALL BE SELECTED TO PROVIDE DATA TO PUPILS, THEIR FAMILIES AND SCHOOLS REGARDING THE PUPIL'S LEVEL OF PREPARATION FOR ENTRY INTO A COLLEGE AND CAREER READY PATHWAY IN HIGH SCHOOL.

D. PURSUANT TO RULES ADOPTED BY THE STATE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION SHALL DEVELOP A SYSTEM TO TRACK THE ACADEMIC PROGRESS OF PUPILS WHO PARTICIPATE IN THE BOARD EXAMINATION SYSTEM.

15-792.03. Grand Canyon diploma

A. THE PRIVATE ORGANIZATION SELECTED PURSUANT TO SECTION 15-792.02 SHALL DEVELOP THE GRAND CANYON DIPLOMA AS AN ALTERNATIVE TO A HIGH SCHOOL DIPLOMA AS APPROVED AND ADOPTED BY THE STATE BOARD OF EDUCATION. SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE MAY CHOOSE TO OFFER A GRAND CANYON DIPLOMA BEGINNING IN THE 2012-2013 SCHOOL YEAR. A HIGH SCHOOL STUDENT

WHO IS ENROLLED IN A SCHOOL DISTRICT OR CHARTER SCHOOL THAT OFFERS A GRAND CANYON DIPLOMA MAY CHOOSE TO PURSUE A GRAND CANYON DIPLOMA.

B. THE GRAND CANYON DIPLOMA MAY BE AWARDED AT THE END OF GRADE TEN OR DURING OR AT THE END OF GRADE ELEVEN OR TWELVE TO STUDENTS WHO DEMONSTRATE MASTERY OF ACADEMIC MATERIAL AT A COLLEGE READINESS LEVEL. STUDENTS WHO ELECT TO PURSUE A GRAND CANYON DIPLOMA SHALL PARTICIPATE IN A BOARD EXAMINATION SYSTEM THAT CONSISTS OF INTERNATIONALLY BENCHMARKED INSTRUCTIONAL PROGRAMS OF STUDY CHOSEN BY AN INTERSTATE COMPACT ON BOARD EXAMINATION SYSTEMS.

C. STUDENTS WHO EARN A GRAND CANYON DIPLOMA SHALL HAVE MULTIPLE PATHWAYS AVAILABLE TO THEM AND MAY:

1. ENROLL THE FOLLOWING FALL SEMESTER IN A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN THIS STATE. COMMUNITY COLLEGES UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN THIS STATE SHALL ADMIT STUDENTS WHO OBTAIN A GRAND CANYON DIPLOMA AND WHO OTHERWISE MEET THE QUALIFICATIONS FOR ADMISSION WITHOUT REQUIRING THOSE STUDENTS TO ENROLL IN REMEDIAL COURSES. THE SCHOOL DISTRICT OR CHARTER SCHOOL FROM WHICH THE STUDENT EARNED THE GRAND CANYON DIPLOMA SHALL INCLUDE THAT STUDENT IN THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S STUDENT COUNT AND SHALL CONTINUE TO RECEIVE PER PUPIL FUNDING FOR A STUDENT WHO EARNS A GRAND CANYON DIPLOMA UNTIL THAT STUDENT WOULD OTHERWISE HAVE GRADUATED AT THE END OF GRADE TWELVE, AS LONG AS THAT STUDENT IS ENROLLED IN APPROVED POSTSECONDARY STUDIES. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL USE ____ PER CENT OF THESE MONIES TO PAY TUITION THAT IS EQUIVALENT TO THE FULL-TIME EQUIVALENT COUNT FOR THAT STUDENT TO THE COMMUNITY COLLEGE FOR EACH STUDENT WHO IS AWARDED A GRAND CANYON DIPLOMA AND WHO ENROLLS IN THAT COMMUNITY COLLEGE. THE REMAINING BALANCE OF THE PER PUPIL FUNDING FOR TEACHER AND PUPIL INCENTIVES, INCLUDING SCHOLARSHIP PROGRAMS, SHALL BE USED TO OFFSET THE COSTS OF BOARD EXAMINATIONS AND TO PROVIDE CUSTOMIZED PROGRAMS OF ASSISTANCE FOR STUDENTS WHO DO NOT PASS THE BOARD EXAMINATIONS. A STUDENT WHO EARNS A GRAND CANYON DIPLOMA MAY ENROLL IN COMMUNITY COLLEGE COURSES OFFERED ON A COMMUNITY COLLEGE CAMPUS OR A HIGH SCHOOL CAMPUS, OR BOTH. NOTWITHSTANDING ANY OTHER LAW, COMMUNITY COLLEGE DISTRICTS SHALL CLASSIFY STUDENTS WHO REMAIN IN HIGH SCHOOL PURSUANT TO THIS PARAGRAPH AS A FULL-TIME EQUIVALENT STUDENT. STUDENTS WHO TAKE COURSES ON HIGH SCHOOL CAMPUSES PURSUANT TO THIS PARAGRAPH SHALL BE ELIGIBLE TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES, INCLUDING INTERSCHOLASTIC SPORTS, THROUGH THE END OF GRADE TWELVE.

2. REMAIN IN HIGH SCHOOL AND ENROLL IN ADDITIONAL ADVANCED PREPARATION BOARD EXAMINATION PROGRAMS THAT ARE DESIGNED TO PREPARE THOSE STUDENTS FOR ADMISSION TO HIGH QUALITY POSTSECONDARY INSTITUTIONS THAT OFFER FOUR-YEAR DEGREE PROGRAMS. THESE BOARD EXAMINATION PROGRAMS SHALL BE SELECTED FROM A LIST APPROVED BY A NATIONAL STATE COMPACT FOR BOARD EXAMINATION SYSTEMS.

3. ENROLL IN A FULL-TIME CAREER AND TECHNICAL EDUCATION PROGRAM OFFERED ON A COMMUNITY COLLEGE CAMPUS, A HIGH SCHOOL CAMPUS OR A JOINT TECHNOLOGICAL EDUCATION DISTRICT CAMPUS, OR ANY COMBINATION OF THESE

1 CAMPUSES. STUDENTS WHO ELECT TO REMAIN IN HIGH SCHOOL PURSUANT TO THIS
2 PARAGRAPH SHALL BE ELIGIBLE TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES,
3 INCLUDING INTERSCHOLASTIC SPORTS, THROUGH THE END OF GRADE TWELVE.
4 NOTWITHSTANDING ANY OTHER LAW, IF THE INSTRUCTION PROVIDED UNDER THIS
5 PARAGRAPH IS PROVIDED BY A JOINT TECHNOLOGICAL EDUCATION DISTRICT, THE
6 AVERAGE DAILY MEMBERSHIP FOR THAT PUPIL SHALL BE 1.25.

7 4. RETURN TO A TRADITIONAL ACADEMIC PROGRAM WITHOUT COMPLETING THE
8 NEXT LEVEL OF BOARD EXAMINATION SYSTEMS CURRICULUM.

9 D. STUDENTS WHO PURSUE BUT DO NOT EARN A GRAND CANYON DIPLOMA AT THE
10 END OF GRADE TEN OR ELEVEN SHALL RECEIVE A CUSTOMIZED PROGRAM OF ASSISTANCE
11 DURING THE NEXT SCHOOL YEAR THAT ADDRESSES AREAS IN WHICH THE STUDENT
12 DEMONSTRATED DEFICIENCIES IN THE APPROVED BOARD EXAMINATIONS. THESE STUDENTS
13 MAY RETAKE THE BOARD EXAMINATIONS AT THE NEXT AVAILABLE EXAMINATION
14 ADMINISTRATION. STUDENTS MAY CHOOSE TO RETURN TO A TRADITIONAL ACADEMIC
15 PROGRAM WITHOUT COMPLETING THE BOARD EXAMINATION SYSTEM CURRICULUM.

16 E. THE PRIVATE ORGANIZATION SELECTED PURSUANT TO SECTION 15-792.02
17 SHALL DETERMINE DETAILED REQUIREMENTS FOR STUDENTS TO EARN THE GRAND CANYON
18 DIPLOMA, AS APPROVED AND ADOPTED BY THE STATE BOARD OF EDUCATION, THAT
19 INCLUDE AT LEAST THE FOLLOWING:

20 1. DEMONSTRATED SKILLS AND KNOWLEDGE IN ENGLISH AND MATHEMATICAL
21 LITERACY TO BE SUCCESSFUL IN COLLEGE LEVEL COURSES OFFERED BY THE COMMUNITY
22 COLLEGES IN THIS STATE THAT COUNT TOWARD A DEGREE OR CERTIFICATE WITHOUT
23 TAKING REMEDIAL OR DEVELOPMENTAL COURSEWORK AS DETERMINED BY AN INTERSTATE
24 COMPACT ON BOARD EXAMINATION SYSTEMS.

25 2. SATISFACTORY GRADES ON APPROVED BOARD EXAMINATIONS IN SUBJECTS
26 DETERMINED TO BE NECESSARY TO PREPARE A STUDENT TO ENTER COMMUNITY COLLEGE
27 WITHOUT REMEDIAL OR DEVELOPMENTAL COURSEWORK AND THAT DO NOT INCLUDE
28 COURSEWORK REQUIRED EXCLUSIVELY FOR ENTRY INTO AN INSTITUTION THAT AWARDS
29 BACCALAUREATE DEGREES.