

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1040

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT
OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. 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.

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

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

E. The achievement profile for schools that offer instruction in grades nine through twelve, or any combination of those 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 AT EACH SCHOOL.

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

~~2.~~ 3. The annual dropout rate.

~~3.~~ 4. The annual graduation rate.

~~4.~~ 5. The results of English language learners tests administered pursuant to section 15-756, subsection B, section 15-756.05 and section 15-756.06.

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

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

H. 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

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

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

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

38 N. The department of education shall establish an appeals process, to
39 be approved by the state board of education, for a school to appeal data used
40 to determine the achievement profile of the school. The criteria established
41 shall be based on mitigating factors and may include a visit to the school
42 site by the department of education.

43 O. If a school remains classified as an underperforming school for a
44 third consecutive year, the department of education shall visit the school
45 site to confirm the classification data and to review the implementation of
46 the school's improvement plan. The school shall be classified as failing to

1 meet academic standards unless an alternate classification is made after an
2 appeal pursuant to subsection N of this section.

3 P. The school district governing board, within thirty days of
4 receiving notice of the school failing to meet academic standards
5 classification, shall provide written notification of the classification to
6 each residence in the attendance area of the school. The notice shall
7 explain the improvement plan process and provide information regarding the
8 public meeting required by subsection S of this section.

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

41 R. The parent or the guardian of the pupil may apply to the department
42 of education, in a manner determined by the department of education, for a
43 certificate of supplemental instruction from the failing schools tutoring
44 fund established by this section. Pupils attending a school designated as an
45 underperforming school or a school failing to meet academic standards or a
46 pupil who has failed to pass one or more portions of the Arizona instrument

1 to measure standards test in grades eight through twelve in order to graduate
2 from high school may select an alternative tutoring program in academic
3 standards from a provider that is certified by the state board of education.
4 To qualify, the provider must state in writing a level of academic
5 improvement for the pupil that includes a timeline for improvement that is
6 agreed to by the parent or guardian of the pupil. The state board of
7 education shall annually review academic performance levels for providers
8 certified pursuant to this subsection and may remove a provider at a public
9 hearing from an approved list of providers if that provider fails to meet its
10 stated level of academic improvement. The state board of education shall
11 determine the application guidelines and the maximum value for each
12 certificate of supplemental instruction. The state board of education shall
13 annually complete a market survey in order to determine the maximum value for
14 each certificate of supplemental instruction. Nothing in this subsection
15 shall be construed to require the state to provide additional monies beyond
16 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

17 S. Within sixty days of receiving notification of designation as a
18 school failing to meet academic standards, the school district governing
19 board shall evaluate needed changes to the existing improvement plan for the
20 school, consider recommendations from the solutions team, submit a copy of
21 the plan to the superintendent of public instruction and supervise the
22 implementation of the plan. Within thirty days after submitting the
23 improvement plan to the superintendent of public instruction, the governing
24 board shall hold a public meeting in each school that has been designated as
25 a school failing to meet academic standards and shall present the respective
26 improvement plans that have been developed for each school.

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

35 U. If a charter school is designated as a school failing to meet
36 academic standards, the department of education shall immediately notify the
37 charter school's sponsor. The charter school's sponsor shall either take
38 action to restore the charter school to acceptable performance or revoke the
39 charter school's charter. Within thirty days the school shall notify the
40 parents of the students attending the school of the classification and of any
41 pending public meetings to review the issue.

42 V. A school that has been designated as a school failing to meet
43 academic standards shall be evaluated by the department of education to
44 determine if the school failed to properly implement its school improvement
45 plan, align the curriculum with academic standards, provide teacher training,
46 prioritize the budget or implement other proven strategies to improve

1 academic performance. After visiting the school site pursuant to subsection
2 0 of this section, the department of education shall submit to the state
3 board of education a recommendation to proceed pursuant to subsections Q, R
4 and S of this section or that the school be subject to a public hearing to
5 determine if the school failed to properly implement its improvement plan and
6 the reasons for the department's recommendation.

7 W. If the department does recommend a public hearing, the state board
8 of education shall meet and may provide by a majority vote at the public
9 hearing for the continued operation of the school as allowed by this
10 subsection. The state board of education shall determine whether
11 governmental, nonprofit and private organizations may submit applications to
12 the state board to fully or partially manage the school. The state board's
13 determination shall include:

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

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

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

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

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

22 X. The state board shall periodically review the status of a school
23 that is operated by an organization other than the school district governing
24 board to determine whether the operation of the school should be returned to
25 the school district governing board. Before the state board makes a
26 determination, the state board or its designee shall meet with the school
27 district governing board or its designee to determine the time frame,
28 operational considerations and the appropriate continuation of existing
29 improvements that are necessary to assure a smooth transition of authority
30 from the other organization back to the school district governing board.

31 Y. If an alternative operation plan is provided pursuant to subsection
32 W of this section, the state board of education shall pay for the operation
33 of the school and shall adjust the school district's student count pursuant
34 to section 15-902, soft capital allocation pursuant to section 15-962,
35 capital outlay revenue limit pursuant to section 15-961, base support level
36 pursuant to section 15-943, monies distributed from the classroom site fund
37 established by section 15-977 and transportation support level pursuant to
38 section 15-945 to accurately reflect any reduction in district services that
39 are no longer provided to that school by the district. The state board of
40 education may modify the school district's revenue control limit, the
41 district support level and the general budget limit calculated pursuant to
42 section 15-947 by an amount that corresponds to this reduction in
43 services. The state board of education shall retain the portion of state aid
44 that would otherwise be due the school district for the school and shall
45 distribute that portion of state aid directly to the organization that
46 contracts with the state board of education to operate the school.

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

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

10 Within the last five years, (number of schools) schools in the
11 _____ school district have been designated as "schools
12 failing to meet academic standards" by the superintendent of
13 public instruction.

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

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

24 DD. The department of education may develop a classification label for
25 school districts and charter school operators. If the department of
26 education develops a classification label for school districts and charter
27 school operators, the classification label may be developed from the
28 following components:

29 1. Measures of academic progress.

30 2. Pupil assessment data.

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

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