

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2706

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-241, Arizona Revised Statutes, as amended by
3 Laws 2010, chapter 333, section 3, is amended to read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund;
6 classification label for school districts and charter
7 school operators

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

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

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

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

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

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.

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

10 H. Except as provided in subsection EE of this section, the
11 achievement profile shall be used to determine a school classification that
12 designates each school as one of the following:

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

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

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

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

1 residence within the attendance area of the school. The notice shall explain
2 the improvement plan process and provide information regarding the public
3 meeting required by this subsection.

4 L. A school that has not submitted an improvement plan pursuant to
5 subsection K of this section 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 state board of education shall require the superintendent of the
10 school district to testify before the board and explain the reasons that an
11 improvement plan for that school has not been submitted.

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

28 N. The department of education shall establish an appeals process, to
29 be approved by the state board of education, for a school to appeal data used
30 to determine the achievement profile of the school. The criteria established
31 shall be based on mitigating factors and may include a visit to the school
32 site by the department of education.

33 O. If a school remains classified as an underperforming school for a
34 third consecutive year, the department of education shall visit the school
35 site to confirm the classification data and to review the implementation of
36 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

1 otherwise be entitled to receive each month until the plan is submitted to
2 the department of education, at which time those monies shall be returned to
3 the school district.

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

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

36 T. A school that has not submitted an improvement plan pursuant to
37 subsection S of this section is not eligible to receive monies from the

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

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

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

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

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

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

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

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

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

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

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

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

33 AA. If there are more than two schools in a district and more than
34 one-half, or in any case more than five, of the schools in the district are
35 designated as schools failing to meet academic standards for more than two
36 consecutive years, in the next election of members of the governing board the

1 election ballot shall contain the following statement immediately above the
2 listing of governing board candidates:

3 Within the last five years, (number of schools) schools in the
4 _____ school district have been designated as "schools failing
5 to meet academic standards" by the superintendent of public
6 instruction.

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

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

17 DD. The department of education may develop a classification label for
18 school districts and charter school operators. If the department of
19 education develops a classification label for school districts and charter
20 school operators, the classification label may be developed from the
21 following components:

22 1. Measures of academic progress.

23 2. Pupil assessment data.

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

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

31 EE. The state board of education shall determine appropriate
32 modifications to the criteria used to calculate achievement profiles for
33 schools that participate in the board examination system prescribed in
34 chapter 7, article 6 of this title.

35 FF. THE STATE BOARD OF EDUCATION SHALL ADOPT GUIDELINES TO INCLUDE
36 SUPPLEMENTARY TRAINING IN READING INSTRUCTION FOR TEACHERS WHO PROVIDE

1 INSTRUCTION TO PUPILS IN A KINDERGARTEN PROGRAM OR GRADE ONE, TWO OR THREE IN
2 AN IMPROVEMENT PLAN PURSUANT TO SUBSECTION K OF THIS SECTION.

3 Sec. 2. Repeal

4 Section 15-241, Arizona Revised Statutes, as amended by Laws 2010,
5 chapter 318, section 4, is repealed.

6 Sec. 3. Section 15-241, Arizona Revised Statutes, as amended by
7 section 1 of this act, is amended to read:

8 15-241. School and school district accountability; failing
9 schools tutoring fund; classification label for school
10 districts and charter school operators

11 A. The department of education shall compile an annual achievement
12 profile for each public school AND SCHOOL DISTRICT.

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

18 C. The department shall establish a baseline achievement profile for
19 each school AND SCHOOL DISTRICT. The baseline achievement profile shall be
20 used to determine a standard measurement of acceptable academic progress for
21 each school AND SCHOOL DISTRICT and a school AND SCHOOL DISTRICT
22 classification pursuant to subsection H of this section. Any disclosure of
23 educational records compiled by the department of education pursuant to this
24 section shall comply with the family educational and privacy rights act of
25 1974 (20 United States Code section 1232g).

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

30 1. The Arizona measure of academic progress. The department shall
31 compute the extent of academic progress made by the pupils in each school AND
32 SCHOOL DISTRICT during the course of each year.

33 2. The Arizona instrument to measure standards test. The department
34 shall compute the percentage of pupils who meet or exceed the standard on the
35 Arizona instrument to measure standards test, as prescribed by the state
36 board of education. The superintendent of public instruction and the
37 department may calculate academic gain on the Arizona instrument to measure

1 standards test according to each of the school classifications prescribed in
2 subsection G of this section on a statewide basis, for each school district
3 in this state and for each school by determining the average scale scores for
4 students in the current academic year as compared to the average scale scores
5 for the previous academic year for the same students.

6 3. The results of English language learners tests administered
7 pursuant to section 15-756, subsection B, section 15-756.05 and section
8 15-756.06.

9 E. The achievement profile for schools AND SCHOOL DISTRICTS that offer
10 instruction in grades nine through twelve, or any combination of those
11 grades, shall include the following school academic performance indicators:

12 1. THE ARIZONA MEASURE OF ACADEMIC PROGRESS. THE DEPARTMENT SHALL
13 COMPUTE THE EXTENT OF ACADEMIC PROGRESS MADE BY THE PUPILS AT EACH SCHOOL.

14 ~~1.~~ 2. The Arizona instrument to measure standards test. The
15 department shall compute the percentage of pupils pursuant to subsection G of
16 this section who meet or exceed the standard on the Arizona instrument to
17 measure standards test, as prescribed by the state board of education. The
18 superintendent of public instruction and the department may calculate
19 academic gain on the Arizona instrument to measure standards test according
20 to each of the school classifications prescribed in subsection G of this
21 section on a statewide basis, for each school district in this state and for
22 each school by determining the average scale scores for students in the
23 current academic year as compared to the average scale scores for the
24 previous academic year for the same students.

25 ~~2.~~ 3. The annual dropout rate.

26 ~~3.~~ 4. The annual graduation rate.

27 ~~4.~~ 5. The results of English language learners tests administered
28 pursuant to section 15-756, subsection B, section 15-756.05 and section
29 15-756.06.

30 F. Schools AND SCHOOL DISTRICTS that offer instruction in all or a
31 combination of the grades specified in subsections D and E of this section
32 shall include a single achievement profile for that school AND SCHOOL
33 DISTRICT that includes the school academic performance indicators specified
34 in subsections D and E of this section.

35 G. Subject to final adoption by the state board of education, the
36 department shall determine the criteria for each school AND SCHOOL DISTRICT
37 classification using a research based methodology. The methodology shall

1 include the performance of pupils at all achievement levels, account for
2 pupil mobility, account for the distribution of pupil achievement at each
3 school AND SCHOOL DISTRICT and include longitudinal indicators of academic
4 performance. FIFTY PER CENT OF THE SCHOOL AND SCHOOL DISTRICT CLASSIFICATION
5 DETERMINATION SHALL CONSIST OF ACADEMIC PERFORMANCE MEASUREMENTS. FIFTY PER
6 CENT OF THE ACADEMIC PERFORMANCE MEASUREMENT SHALL CONSIST OF A MEASUREMENT
7 OF ACADEMIC GAIN FOR ALL PUPILS ENROLLED AT THE SCHOOL OR SCHOOL DISTRICT AND
8 FIFTY PER CENT OF THE ACADEMIC PERFORMANCE MEASUREMENTS SHALL CONSIST OF A
9 MEASUREMENT OF THE TWENTY-FIVE PER CENT OF PUPILS WITH THE LOWEST ACADEMIC
10 PERFORMANCE MEASUREMENT ENROLLED AT THE SCHOOL OR SCHOOL DISTRICT. For the
11 purposes of this subsection, "research based methodology" means the
12 systematic and objective application of statistical and quantitative research
13 principles to determine a standard measurement of acceptable academic
14 progress for each school AND SCHOOL DISTRICT.

15 H. Except as provided in subsection EE of this section, the
16 achievement profile shall be used to determine a school AND SCHOOL DISTRICT
17 classification that ~~designates each school as one of the following~~ USES A
18 LETTER GRADE SYSTEM AS FOLLOWS:

- 19 ~~1. An excelling school.~~
- 20 ~~2. A highly performing school.~~
- 21 ~~3. A performing school.~~
- 22 ~~4. An underperforming school.~~
- 23 ~~5. A school failing to meet academic standards.~~

24 1. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF A SHALL
25 DEMONSTRATE AN EXCELLENT LEVEL OF PERFORMANCE.

26 2. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF B SHALL
27 DEMONSTRATE AN ABOVE AVERAGE LEVEL OF PERFORMANCE.

28 3. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF C SHALL
29 DEMONSTRATE AN AVERAGE LEVEL OF PERFORMANCE.

30 4. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF D SHALL
31 DEMONSTRATE A BELOW AVERAGE LEVEL OF PERFORMANCE.

32 5. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF F SHALL
33 DEMONSTRATE A FAILING LEVEL OF PERFORMANCE.

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

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

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

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

31 M. If a charter school is ~~designated as an underperforming school~~
32 ASSIGNED A LETTER GRADE OF D, within thirty days the school shall notify the
33 parents of the students attending the school of the classification. The
34 notice shall explain the improvement plan process and provide information
35 regarding the public meeting required by this subsection. Within ninety days
36 of receiving the classification, the charter holder shall present an
37 improvement plan to the charter sponsor at a public meeting and submit a copy

1 of the plan to the superintendent of public instruction. The improvement
2 plan shall include necessary components as identified by the state board of
3 education. For every day that an improvement plan is not received by the
4 superintendent of public instruction ~~AND THE COUNTY EDUCATIONAL SERVICE~~
5 ~~AGENCY~~, the school is not eligible to receive monies from the classroom site
6 fund established by section 15-977 for every day that a plan has not been
7 received by the superintendent of public instruction within the time
8 specified in subsection K of this section plus an additional ninety days.
9 The charter holder shall appear before the sponsoring board and explain why
10 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~~ IS
17 ASSIGNED A LETTER GRADE OF D for a third consecutive year, the department of
18 education shall visit the school site to confirm the classification data and
19 to review the implementation of the school's improvement plan. The school
20 shall be ~~classified as failing to meet academic standards~~ ASSIGNED A LETTER
21 GRADE OF F unless an alternate ~~classification~~ LETTER GRADE is ~~made~~ ASSIGNED
22 after an appeal pursuant to subsection N of this section.

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

30 Q. The superintendent of public instruction ~~IN COLLABORATION WITH THE~~
31 ~~COUNTY EDUCATIONAL SERVICE AGENCY~~, based on need, shall assign a solutions
32 team to ~~an underperforming school~~ A SCHOOL ASSIGNED A LETTER GRADE OF D, a
33 school ~~failing to meet academic standards~~ ASSIGNED A LETTER GRADE OF F or any
34 other school pursuant to a mutual agreement between the department of
35 education and the school comprised of master teachers, fiscal analysts and
36 curriculum assessment experts who are certified by the state board of
37 education as Arizona academic standards technicians. The department of

1 education OR THE COUNTY EDUCATIONAL SERVICE AGENCY may hire or contract with
2 administrators, principals and teachers who have demonstrated experience with
3 the characteristics and situations in ~~an underperforming school or a school~~
4 ~~failing to meet academic standards~~ A SCHOOL ASSIGNED A LETTER GRADE OF D OR F
5 and may use these personnel as part of the solutions team. The department of
6 education shall work with staff at the school to assist in curricula
7 alignment and shall instruct teachers on how to increase pupil academic
8 progress, considering the school's achievement profile. The solutions team
9 shall consider the existing improvement plan to assess the need for changes
10 to curriculum, professional development and resource allocation and shall
11 present a statement of its findings to the school administrator and district
12 superintendent. Within forty-five days after the presentation of the
13 solutions team's statement of findings, the school district governing board,
14 in cooperation with each school within the school district that is ~~designated~~
15 ~~an underperforming school~~ ASSIGNED A LETTER GRADE OF D and its assigned
16 solutions team representative, shall develop and submit to the department of
17 education AND THE COUNTY EDUCATIONAL SERVICE AGENCY an action plan that
18 details the manner in which the school district will assist the school as the
19 school incorporates the findings of the solutions team into the improvement
20 plan. The department of education shall review the action plan and shall
21 either accept the action plan or return the action plan to the school
22 district for modification. If the school district does not submit an
23 approved action plan within forty-five days, the state board of education may
24 direct the superintendent of public instruction to withhold up to ten per
25 cent of state monies that the school district would otherwise be entitled to
26 receive each month until the plan is submitted to the department of education
27 AND THE COUNTY EDUCATIONAL SERVICE AGENCY, at which time those monies shall
28 be returned to the school district.

29 R. The parent or the guardian of the pupil may apply to the department
30 of education, in a manner determined by the department of education, for a
31 certificate of supplemental instruction from the failing schools tutoring
32 fund established by this section. Pupils attending a school ~~designated as an~~
33 ~~underperforming school or a school failing to meet academic standards~~
34 ASSIGNED A LETTER GRADE OF D OR F or a pupil who has failed to pass one or
35 more portions of the Arizona instrument to measure standards test in grades
36 eight through twelve in order to graduate from high school may select an
37 alternative tutoring program in academic standards from a provider that is

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

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

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

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

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

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

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

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

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

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

35 X. The state board shall periodically review the status of a school
36 that is operated by an organization other than the school district governing
37 board to determine whether the operation of the school should be returned to

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

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

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

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

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

1 BB. At least twice each year the department of education shall publish
2 in a newspaper of general circulation in each county of this state a list of
3 schools that are ~~designated as schools failing to meet academic standards~~
4 ASSIGNED A LETTER GRADE OF F.

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

12 DD. The department of education may develop a classification label for
13 school districts and charter school operators. If the department of
14 education develops a classification label for school districts and charter
15 school operators, the classification label may be developed from the
16 following components:

- 17 1. Measures of academic progress.
- 18 2. Pupil assessment data.
- 19 3. The attendance rates and graduation rates of pupils who are
20 educated in that charter school operator's charter schools or in that school
21 district's schools.
- 22 4. The percentage of the parents of pupils enrolled in that charter
23 school operator's charter schools or in that school district's schools that
24 categorizes the quality of their child's education as excellent on a parental
25 rating of school quality.

26 EE. The state board of education shall determine appropriate
27 modifications to the criteria used to calculate achievement profiles for
28 schools that participate in the board examination system prescribed in
29 chapter 7, article 6 of this title.

30 FF. The state board of education shall adopt guidelines to include
31 supplementary training in reading instruction for teachers who provide
32 instruction to pupils in a kindergarten program or grade one, two or three in
33 an improvement plan pursuant to subsection K of this section.

34 Sec. 4. Repeal

35 Section 15-241, Arizona Revised Statutes, as amended by Laws 2010,
36 chapter 247, section 1, is repealed.

1 Sec. 5. Effective date
2 Section 15-241, Arizona Revised Statutes, as amended by section 3 of
3 this act, is effective from and after August 31, 2011."
4 Amend title to conform

RICH CRANDALL

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