

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2598

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School and school district accountability; failing
5 schools tutoring fund; classification label for
6 school districts and charter school operators

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

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

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

22 D. The achievement profile for schools and school districts that offer
23 instruction in kindergarten programs and grades one through eight, or any
24 combination of those programs or grades, shall include the following school
25 academic 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 and
28 school district during the course of each year.

29 2. The Arizona instrument to measure standards test. The department
30 shall compute the percentage of pupils who meet or exceed the standard on the

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

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

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

15 1. The Arizona measure of academic progress. The department shall
16 compute the extent of academic progress made by the pupils at each school.

17 2. 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 3. The annual dropout rate.

29 4. The annual graduation rate.

30 5. 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.

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

6 G. Subject to final adoption by the state board of education, the
7 department shall determine the criteria for each school and school district
8 classification using a research based methodology. The methodology shall
9 include the performance of pupils at all achievement levels, account for
10 pupil mobility, account for the distribution of pupil achievement at each
11 school and school district and include longitudinal indicators of academic
12 performance. Fifty per cent of the school and school district classification
13 determination shall consist of academic performance measurements. Fifty per
14 cent of the academic performance measurement shall consist of a measurement
15 of academic gain for all pupils enrolled at the school or school district and
16 fifty per cent of the academic performance measurements shall consist of a
17 measurement of the twenty-five per cent of pupils with the lowest academic
18 performance measurement enrolled at the school or school district. For the
19 purposes of this subsection, "research based methodology" means the
20 systematic and objective application of statistical and quantitative research
21 principles to determine a standard measurement of acceptable academic
22 progress for each school and school district.

23 H. Except as provided in subsection EE of this section, the
24 achievement profile shall be used to determine a school and school district
25 classification that uses a letter grade system as follows:

26 1. A school or school district assigned a letter grade of A shall
27 demonstrate an excellent level of performance.

28 2. A school or school district assigned a letter grade of B shall
29 demonstrate an above average level of performance.

30 3. A school or school district assigned a letter grade of C shall
31 demonstrate an average level of performance.

1 4. A school or school district assigned a letter grade of D shall
2 demonstrate a below average level of performance.

3 5. A school or school district assigned a letter grade of F shall
4 demonstrate a failing level of performance. The state board of education may
5 also assign a school a letter grade of F if the state board of education
6 determines that the school is among the "persistently lowest-achieving
7 schools" in the state under the federal school accountability requirements
8 pursuant to section 1003(g) of the elementary and secondary education act (20
9 United States Code section 6303).

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

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

18 K. If a school is assigned a letter grade of D, within ninety days
19 after receiving notice of the designation, the governing board shall develop
20 an improvement plan for the school, submit a copy of the plan to the
21 superintendent of public instruction and the county educational service
22 agency and supervise the implementation of the plan. The plan shall include
23 necessary components as identified by the state board of education. Within
24 thirty days after submitting the improvement plan to the superintendent of
25 public instruction and the county educational service agency, the governing
26 board shall hold a special public meeting in each school that has been
27 assigned a letter grade of D and shall present the respective improvement
28 plans that have been developed for each school. The school district
29 governing board, within thirty days of receiving notice of the designation,
30 shall provide written notification of the classification to each residence
31 within the attendance area of the school. The notice shall explain the

1 improvement plan process and provide information regarding the public meeting
2 required by this subsection.

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

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

1 O. If a school is assigned a letter grade of D for a third consecutive
2 year, the department of education shall visit the school site to confirm the
3 classification data and to review the implementation of the school's
4 improvement plan. The school shall be assigned a letter grade of F unless an
5 alternate letter grade is assigned after an appeal pursuant to subsection N
6 of this section.

7 P. The school district governing board, within thirty days of
8 receiving notice of the school being assigned a letter grade of F, shall
9 provide written notification of the classification to each residence in the
10 attendance area of the school. The notice shall explain the improvement plan
11 process and provide information regarding the public meeting required by
12 subsection S of this section.

13 Q. The superintendent of public instruction in collaboration with the
14 county educational service agency, based on need, shall assign a solutions
15 team to a school assigned a letter grade of D, a school assigned a letter
16 grade of F or any other school pursuant to a mutual agreement between the
17 department of education and the school comprised of master teachers, fiscal
18 analysts and curriculum assessment experts who are certified by the state
19 board of education as Arizona academic standards technicians. The department
20 of education or the county educational service agency may hire or contract
21 with administrators, principals and teachers who have demonstrated experience
22 with the characteristics and situations in a school assigned a letter grade
23 of D or F and may use these personnel as part of the solutions team. The
24 department of education shall work with staff at the school to assist in
25 curricula alignment and shall instruct teachers on how to increase pupil
26 academic progress, considering the school's achievement profile. The
27 solutions team shall consider the existing improvement plan to assess the
28 need for changes to curriculum, professional development and resource
29 allocation and shall present a statement of its findings to the school
30 administrator and district superintendent. Within forty-five days after the
31 presentation of the solutions team's statement of findings, the school
32 district governing board, in cooperation with each school within the school

1 district that is assigned a letter grade of D and its assigned solutions team
2 representative, shall develop and submit to the department of education and
3 the county educational service agency an action plan that details the manner
4 in which the school district will assist the school as the school
5 incorporates the findings of the solutions team into the improvement plan.
6 The department of education shall review the action plan and shall either
7 accept the action plan or return the action plan to the school district for
8 modification. If the school district does not submit an approved action plan
9 within forty-five days, the state board of education may direct the
10 superintendent of public instruction to withhold up to ten per cent of state
11 monies that the school district would otherwise be entitled to receive each
12 month until the plan is submitted to the department of education and the
13 county educational service agency, at which time those monies shall be
14 returned to 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 assigned a
19 letter grade of D or F or a pupil who has failed to pass one or more portions
20 of the Arizona instrument to measure standards test in grades eight through
21 twelve in order to graduate from high school may select an alternative
22 tutoring program in academic standards from a provider that is certified by
23 the state board of education. To qualify, the provider must state in writing
24 a level of academic improvement for the pupil that includes a timeline for
25 improvement that is agreed to by the parent or guardian of the pupil. The
26 state board of education shall annually review academic performance levels
27 for providers certified pursuant to this subsection and may remove a provider
28 at a public hearing from an approved list of providers if that provider fails
29 to meet its stated level of academic improvement. The state board of
30 education shall determine the application guidelines and the maximum value
31 for each certificate of supplemental instruction. The state board of
32 education shall annually complete a market survey in order to determine the

1 maximum value for each certificate of supplemental instruction. Nothing in
2 this subsection shall be construed to require the state to provide additional
3 monies beyond the monies provided pursuant to section 42-5029, subsection E,
4 paragraph 7.

5 S. Within sixty days of receiving notification of a school being
6 assigned a letter grade of F, the school district governing board shall
7 evaluate needed changes to the existing improvement plan for the school,
8 consider recommendations from the solutions team, submit a copy of the plan
9 to the superintendent of public instruction and the county educational
10 service agency and supervise the implementation of the plan. Within thirty
11 days after submitting the improvement plan to the superintendent of public
12 instruction, the governing board shall hold a public meeting in each school
13 that has been assigned a letter grade of F and shall present the respective
14 improvement plans that have been developed for each school.

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

23 U. If a charter school is assigned a letter grade of F, the department
24 of education shall immediately notify the charter school's sponsor. The
25 charter school's sponsor shall either take action to restore the charter
26 school to acceptable performance or revoke the charter school's
27 charter. Within thirty days the school shall notify the parents of the
28 students attending the school of the classification and of any pending public
29 meetings to review the issue.

30 V. A school that has been assigned a letter grade of F shall be
31 evaluated by the department of education to determine if the school failed to
32 properly implement its school improvement plan, align the curriculum with

1 academic standards, provide teacher training, prioritize the budget or
2 implement other proven strategies to improve academic performance. After
3 visiting the school site pursuant to subsection O of this section, the
4 department of education shall submit to the state board of education a
5 recommendation to proceed pursuant to subsections Q, R and S of this section
6 or that the school be subject to a public hearing to determine if the school
7 failed to properly implement its improvement plan and the reasons for the
8 department's recommendation.

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

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

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

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

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

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

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

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

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

20 AA. If there are more than two schools in a district and more than
21 one-half, or in any case more than five, of the schools in the district are
22 assigned a letter grade of F for more than two consecutive years, in the next
23 election of members of the governing board the election ballot shall contain
24 the following statement immediately above the listing of governing board
25 candidates:

26 Within the last five years, (number of schools) schools in the
27 _____ school district have been ASSIGNED A LETTER GRADE OF F
28 OR designated as "schools failing to meet academic standards" by
29 the superintendent of public instruction.

30 BB. At least twice each year the department of education shall publish
31 in a newspaper of general circulation in each county of this state a list of
32 schools that are assigned a letter grade of F.

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

8 DD. The department of education may develop a classification label for
9 school districts and charter school operators. If the department of
10 education develops a classification label for school districts and charter
11 school operators, the classification label may be developed from the
12 following components:

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

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

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

30 GG. IN ADDITION TO ANY OTHER CORRECTIVE PROCEDURES PRESCRIBED IN THIS
31 SECTION A SCHOOL DISTRICT THAT HAS BEEN ASSIGNED A LETTER GRADE OF D OR F FOR
32 TWO CONSECUTIVE YEARS SHALL IMPLEMENT A PARENT INVOLVEMENT STRATEGY. THE

1 PARENT INVOLVEMENT STRATEGY SHALL BE INCLUDED IN THE SCHOOL IMPROVEMENT PLANS
2 FOR EACH APPLICABLE SCHOOL WITHIN THE DISTRICT, AS PRESCRIBED IN SUBSECTION K
3 OF THIS SECTION."

4 Amend title to conform

DORIS GOODALE

2598-se-goodale

2/9/12

7:44 AM

H:ac