

House Engrossed

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 76
HOUSE BILL 2663

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 15-241. School 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
31 Arizona instrument to measure standards test, as prescribed by the state
32 board of education. The superintendent of public instruction and the
33 department may calculate academic gain on the Arizona instrument to measure
34 standards test according to each of the school classifications prescribed in
35 subsection G of this section on a statewide basis, for each school district
36 in this state and for each school by determining the average scale scores for
37 students in the current academic year as compared to the average scale scores
38 for the previous academic year for the same students.

39 3. The results of English language learners tests administered
40 pursuant to section 15-756, subsection B, section 15-756.05 and section
41 15-756.06.

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

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

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

12 3. The annual dropout rate.

13 4. The annual graduation rate.

14 5. The results of English language learners tests administered
15 pursuant to section 15-756, subsection B, section 15-756.05 and section
16 15-756.06.

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

22 G. Subject to final adoption by the state board of education, the
23 department shall determine the criteria for each school and school district
24 classification using a research based methodology. The methodology shall
25 include the performance of pupils at all achievement levels, account for
26 pupil mobility, account for the distribution of pupil achievement at each
27 school and school district and include longitudinal indicators of academic
28 performance. Fifty per cent of the school and school district classification
29 determination shall consist of academic performance measurements. Fifty per
30 cent of the academic performance measurement shall consist of a measurement
31 of academic gain for all pupils enrolled at the school or school district and
32 fifty per cent of the academic performance measurements shall consist of a
33 measurement of the twenty-five per cent of pupils with the lowest academic
34 performance measurement enrolled at the school or school district. For the
35 purposes of this subsection, "research based methodology" means the
36 systematic and objective application of statistical and quantitative research
37 principles to determine a standard measurement of acceptable academic
38 progress for each school and school district.

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

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

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

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

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

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

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

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

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

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

44 M. If a charter school is assigned a letter grade of D, within thirty
45 days the school shall notify the parents of the students attending the school
46 of the classification. The notice shall explain the improvement plan process

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

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

19 O. If a school is assigned a letter grade of D for a third consecutive
20 year, the department of education shall visit the school site to confirm the
21 classification data and to review the implementation of the school's
22 improvement plan. The school shall be assigned a letter grade of F unless an
23 alternate letter grade is assigned after an appeal pursuant to subsection N
24 of this section. A SCHOOL THAT IS ASSIGNED A LETTER GRADE OF D FOR LESS THAN
25 THREE CONSECUTIVE YEARS MAY ALSO BE ASSIGNED A LETTER GRADE OF F IF THE STATE
26 BOARD OF EDUCATION DETERMINES THAT THERE IS NO REASONABLE LIKELIHOOD THAT THE
27 SCHOOL WILL ACHIEVE AN AVERAGE LEVEL OF PERFORMANCE WITHIN THE NEXT TWO
28 YEARS.

29 P. The school district governing board, within thirty days of
30 receiving notice of the school being assigned a letter grade of F, shall
31 provide written notification of the classification to each residence in the
32 attendance area of the school. The notice shall explain the improvement plan
33 process and provide information regarding the public meeting required by
34 subsection S of this section.

35 Q. The superintendent of public instruction in collaboration with the
36 county educational service agency, based on need, shall assign a solutions
37 team to a school assigned a letter grade of D, a school assigned a letter
38 grade of F or any other school pursuant to a mutual agreement between the
39 department of education and the school comprised of master teachers, fiscal
40 analysts and curriculum assessment experts who are certified by the state
41 board of education as Arizona academic standards technicians. The department
42 of education or the county educational service agency may hire or contract
43 with administrators, principals and teachers who have demonstrated experience
44 with the characteristics and situations in a school assigned a letter grade
45 of D or F and may use these personnel as part of the solutions team. The
46 department of education shall work with staff at the school to assist in

1 curricula alignment and shall instruct teachers on how to increase pupil
2 academic progress, considering the school's achievement profile. The
3 solutions team shall consider the existing improvement plan to assess the
4 need for changes to curriculum, professional development and resource
5 allocation and shall present a statement of its findings to the school
6 administrator and district superintendent. Within forty-five days after the
7 presentation of the solutions team's statement of findings, the school
8 district governing board, in cooperation with each school within the school
9 district that is assigned a letter grade of D and its assigned solutions team
10 representative, shall develop and submit to the department of education and
11 the county educational service agency an action plan that details the manner
12 in which the school district will assist the school as the school
13 incorporates the findings of the solutions team into the improvement plan.
14 The department of education shall review the action plan and shall either
15 accept the action plan or return the action plan to the school district for
16 modification. If the school district does not submit an approved action plan
17 within forty-five days, the state board of education may direct the
18 superintendent of public instruction to withhold up to ten per cent of state
19 monies that the school district would otherwise be entitled to receive each
20 month until the plan is submitted to the department of education and the
21 county educational service agency, at which time those monies shall be
22 returned to the school district.

23 R. The parent or the guardian of the pupil may apply to the department
24 of education, in a manner determined by the department of education, for a
25 certificate of supplemental instruction from the failing schools tutoring
26 fund established by this section. Pupils attending a school assigned a
27 letter grade of D or F or a pupil who has failed to pass one or more portions
28 of the Arizona instrument to measure standards test in grades eight through
29 twelve in order to graduate from high school may select an alternative
30 tutoring program in academic standards from a provider that is certified by
31 the state board of education. To qualify, the provider must state in writing
32 a level of academic improvement for the pupil that includes a timeline for
33 improvement that is agreed to by the parent or guardian of the pupil. The
34 state board of education shall annually review academic performance levels
35 for providers certified pursuant to this subsection and may remove a provider
36 at a public hearing from an approved list of providers if that provider fails
37 to meet its stated level of academic improvement. The state board of
38 education shall determine the application guidelines and the maximum value
39 for each certificate of supplemental instruction. The state board of
40 education shall annually complete a market survey in order to determine the
41 maximum value for each certificate of supplemental instruction. ~~Nothing in~~
42 This subsection shall NOT be construed to require the state to provide
43 additional monies beyond the monies provided pursuant to section 42-5029,
44 subsection E, paragraph 7.

45 S. Within sixty days of receiving notification of a school being
46 assigned a letter grade of F, the school district governing board shall

1 evaluate needed changes to the existing improvement plan for the school,
2 consider recommendations from the solutions team, submit a copy of the plan
3 to the superintendent of public instruction and the county educational
4 service agency and supervise the implementation of the plan. Within thirty
5 days after submitting the improvement plan to the superintendent of public
6 instruction, the governing board shall hold a public meeting in each school
7 that has been assigned a letter grade of F and shall present the respective
8 improvement plans that have been developed for each school.

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

17 U. If a charter school is assigned a letter grade of F, the department
18 of education shall immediately notify the charter school's sponsor. The
19 charter school's sponsor shall either take action to restore the charter
20 school to acceptable performance or revoke the charter school's charter.
21 Within thirty days the school shall notify the parents of the students
22 attending the school of the classification and of any pending public meetings
23 to review the issue.

24 V. A school that has been assigned a letter grade of F shall be
25 evaluated by the department of education to determine if the school failed to
26 properly implement its school improvement plan, align the curriculum with
27 academic standards, provide teacher training, prioritize the budget or
28 implement other proven strategies to improve academic performance. After
29 visiting the school site pursuant to subsection O of this section, the
30 department of education shall submit to the state board of education a
31 recommendation to proceed pursuant to subsections Q, R and S of this section
32 or that the school be subject to a public hearing to determine if the school
33 failed to properly implement its improvement plan and the reasons for the
34 department's recommendation.

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

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

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

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

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

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

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

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

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

32 AA. If there are more than two schools in a district and more than
33 one-half, or in any case more than five, of the schools in the district are
34 assigned a letter grade of F for more than two consecutive years, in the next
35 election of members of the governing board the election ballot shall contain
36 the following statement immediately above the listing of governing board
37 candidates:

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

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

45 CC. The failing schools tutoring fund is established consisting of
46 monies collected pursuant to section 42-5029, subsection E as designated for

1 this purpose. The department of education shall administer the fund. The
2 department of education may use monies from the fund to purchase materials
3 designed to assist students to meet the Arizona academic standards and to
4 achieve a passing score on the Arizona instrument to measure standards test
5 in order to graduate from high school.

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

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

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

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

APPROVED BY THE GOVERNOR MARCH 21, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2012.