

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

**CHAPTER 211**  
**HOUSE BILL 2500**

AN ACT

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

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

31 Q. The superintendent of public instruction in collaboration with the  
32 county educational service agency, based on need, shall assign a solutions  
33 team to a school assigned a letter grade of D, a school assigned a letter  
34 grade of F or any other school pursuant to a mutual agreement between the  
35 department of education and the school comprised of master teachers, fiscal  
36 analysts and curriculum assessment experts who are certified by the state  
37 board of education as Arizona academic standards technicians. The department  
38 of education or the county educational service agency may hire or contract  
39 with administrators, principals and teachers who have demonstrated experience  
40 with the characteristics and situations in a school assigned a letter grade  
41 of D or F and may use these personnel as part of the solutions team. The  
42 department of education shall work with staff at the school to assist in  
43 curricula alignment and shall instruct teachers on how to increase pupil  
44 academic progress, considering the school's achievement profile. The  
45 solutions team shall consider the existing improvement plan to assess the  
46 need for changes to curriculum, professional development and resource

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

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

41 S. Within sixty days of receiving notification of a school being  
42 assigned a letter grade of F, the school district governing board shall  
43 evaluate needed changes to the existing improvement plan for the school,  
44 consider recommendations from the solutions team, submit a copy of the plan  
45 to the superintendent of public instruction and the county educational  
46 service agency and supervise the implementation of the plan. Within thirty

1 days after submitting the improvement plan to the superintendent of public  
2 instruction, the governing board shall hold a public meeting in each school  
3 that has been assigned a letter grade of F and shall present the respective  
4 improvement plans that have been developed for each school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 1. Measures of academic progress.

9 2. Pupil assessment data.

10 3. The attendance rates and graduation rates of pupils who are  
11 educated in that charter school operator's charter schools or in that school  
12 district's schools.

13 4. The percentage of the parents of pupils enrolled in that charter  
14 school operator's charter schools or in that school district's schools that  
15 categorizes the quality of their child's education as excellent on a parental  
16 rating of school quality.

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

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

25 GG. IN ADDITION TO ANY OTHER CORRECTIVE PROCEDURES PRESCRIBED IN THIS  
26 SECTION AND SECTION 15-241.01, A SCHOOL THAT HAS BEEN ASSIGNED A LETTER GRADE  
27 OF D OR F FOR TWO CONSECUTIVE YEARS SHALL IMPLEMENT A SCIENCE, TECHNOLOGY,  
28 ENGINEERING AND MATHEMATICS INTERVENTION STRATEGY UNDER THE SUPERVISION OF  
29 THE STATE BOARD OF EDUCATION.

APPROVED BY THE GOVERNOR APRIL 5, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2012.