

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1445

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 act of
21 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:

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

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

14 3. The annual dropout rate.

15 4. The annual graduation rate.

16 5. The results of English language learners tests administered
17 pursuant to section 15-756, subsection B, section 15-756.05 and section
18 15-756.06.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 O. If a school is assigned a letter grade of D for a third consecutive
23 year, the department of education shall visit the school site to confirm the
24 classification data and to review the implementation of the school's
25 improvement plan. The school shall be assigned a letter grade of F unless an
26 alternate letter grade is assigned after an appeal pursuant to subsection N
27 of this section. A school that is assigned a letter grade of D for less than
28 three consecutive years may also be assigned a letter grade of F if the state
29 board of education determines that there is no reasonable likelihood that the
30 school will achieve an average level of performance within the next two
31 years.

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

38 Q. The superintendent of public instruction in collaboration with the
39 county educational service agency, based on need, shall assign a solutions
40 team to a school assigned a letter grade of D, a school assigned a letter
41 grade of F or any other school pursuant to a mutual agreement between the
42 department of education and the school ~~comprised~~ COMPOSED of master teachers,
43 fiscal analysts and curriculum assessment experts who are certified by the
44 state board of education as Arizona academic standards technicians. The
45 department of education or the county educational service agency may hire or

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

27 R. The parent or the guardian of the pupil may apply to the department
28 of education, in a manner determined by the department of education, for a
29 certificate of supplemental instruction from the failing schools tutoring
30 fund established by this section. Pupils attending a school assigned a
31 letter grade of D or F or a pupil who has failed to pass one or more portions
32 of the Arizona instrument to measure standards test in grades eight through
33 twelve in order to graduate from high school may select an alternative
34 tutoring program in academic standards from a provider that is certified by
35 the state board of education. To qualify, the provider must state in writing
36 a level of academic improvement for the pupil that includes a timeline for
37 improvement that is agreed to by the parent or guardian of the pupil. The
38 state board of education shall annually review academic performance levels
39 for providers certified pursuant to this subsection and may remove a provider
40 at a public hearing from an approved list of providers if that provider fails
41 to meet its stated level of academic improvement. The state board of
42 education shall determine the application guidelines and the maximum value
43 for each certificate of supplemental instruction. The state board of
44 education shall annually complete a market survey in order to determine the
45 maximum value for each certificate of supplemental instruction. This

1 subsection shall not be construed to require the state to provide additional
2 monies beyond the monies provided pursuant to section 42-5029, subsection E,
3 paragraph 7.

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

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

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

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

40 W. If the department does recommend a public hearing, the state board
41 of education shall meet and may provide by a majority vote at the public
42 hearing for the continued operation of the school as allowed by this
43 subsection. The state board of education shall determine whether
44 governmental, nonprofit and private organizations may submit applications to

1 the state board to fully or partially manage the school. The state board's
2 determination shall include:

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

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

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

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

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

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

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

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

39 AA. If there are more than two schools in a district and more than
40 one-half, or in any case more than five, of the schools in the district are
41 assigned a letter grade of F for more than two consecutive years, in the next
42 election of members of the governing board the election ballot shall contain
43 the following statement immediately above the listing of governing board
44 candidates:

1 Within the last five years, (number of schools) schools in the
2 _____ school district have been assigned a letter grade of F
3 or designated as "schools failing to meet academic standards" by
4 the superintendent of public instruction.

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

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

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

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

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

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

37 GG. In addition to any other corrective procedures prescribed in this
38 section and section 15-241.01, a school that has been assigned a letter grade
39 of D or F for two consecutive years shall implement a science, technology,
40 engineering and mathematics intervention strategy under the supervision of
41 the state board of education.

42 HH. In addition to any other corrective procedures prescribed in this
43 section a school district that has been assigned a letter grade of D or F for
44 two consecutive years shall implement a parent involvement strategy. The
45 parent involvement strategy shall be included in the school improvement plans

1 PLAN for each applicable school within the district, as prescribed in
2 subsection K of this section.

3 II. THE DEPARTMENT OF EDUCATION SHALL PUBLISH CRITERIA FOR A SCHOOL OR
4 SCHOOL DISTRICT'S EXIT STATUS FROM A PREVIOUS ASSIGNMENT OF A LETTER GRADE OF
5 F IN ACCORDANCE WITH THIS SECTION. THE CRITERIA SHALL PRESCRIBE THE ACTIONS
6 AND RESULTS NECESSARY TO BE DEEMED TO HAVE COMPLIED WITH THIS SECTION
7 REGARDING SCHOOL IMPROVEMENT, INCLUDING THE PROPER IMPLEMENTATION OF A SCHOOL
8 IMPROVEMENT PLAN PURSUANT TO SUBSECTION V OF THIS SECTION. THESE CRITERIA
9 SHALL BE PROVIDED TO A SCHOOL OR SCHOOL DISTRICT IF IT IS ASSIGNED A LETTER
10 GRADE OF F PURSUANT TO THIS SECTION.