

REFERENCE TITLE: school letter classification; science scores

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1288

Introduced by
Senators Yee, Bradley; Begay, Farnsworth D, Melvin, Ward

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. **FOR THE PURPOSES OF**
39 **THIS PARAGRAPH, THE DEPARTMENT SHALL SEPARATELY COMPUTE THE PERCENTAGE OF**
40 **PUPILS WHO MEET OR EXCEED THE STANDARD ON THE SCIENCE PORTION OF THE ARIZONA**
41 **INSTRUMENT TO MEASURE STANDARDS TEST AND MAY ADD A PLUS SYMBOL TO THE LETTER**
42 **GRADE ASSIGNED PURSUANT TO SUBSECTION H OF THIS SECTION IF SUFFICIENT NUMBERS**
43 **OF THE PUPILS MEET OR EXCEED THE STANDARD ON THE SCIENCE PORTION.**

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

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

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

9 2. The Arizona instrument to measure standards test. The department
10 shall compute the percentage of pupils pursuant to subsection G of this
11 section who meet or exceed the standard on the Arizona instrument to measure
12 standards test, as prescribed by the state board of education. The
13 superintendent of public instruction and the department may calculate
14 academic gain on the Arizona instrument to measure standards test according
15 to each of the school classifications prescribed in subsection G of this
16 section on a statewide basis, for each school district in this state and for
17 each school by determining the average scale scores for students in the
18 current academic year as compared to the average scale scores for the
19 previous academic year for the same students. **FOR THE PURPOSES OF THIS
20 PARAGRAPH, THE DEPARTMENT SHALL SEPARATELY COMPUTE THE PERCENTAGE OF PUPILS
21 WHO MEET OR EXCEED THE STANDARD ON THE SCIENCE PORTION OF THE ARIZONA
22 INSTRUMENT TO MEASURE STANDARDS TEST AND MAY ADD A PLUS SYMBOL TO THE LETTER
23 GRADE ASSIGNED PURSUANT TO SUBSECTION H OF THIS SECTION IF SUFFICIENT NUMBERS
24 OF THE PUPILS MEET OR EXCEED THE STANDARD ON THE SCIENCE PORTION.**

25 3. The annual dropout rate.

26 4. The annual graduation rate.

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

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

35 G. Subject to final adoption by the state board of education, the
36 department shall determine the criteria for each school and school district
37 classification using a research based methodology. The methodology shall
38 include the performance of pupils at all achievement levels, account for
39 pupil mobility, account for the distribution of pupil achievement at each
40 school and school district and include longitudinal indicators of academic
41 performance. Fifty per cent of the school and school district classification
42 determination shall consist of academic performance measurements. Fifty per
43 cent of the academic performance measurement shall consist of a measurement
44 of academic gain for all pupils enrolled at the school or school district and
45 fifty per cent of the academic performance measurements shall consist of a

1 measurement of the twenty-five per cent of pupils with the lowest academic
2 performance measurement enrolled at the school or school district. For the
3 purposes of this subsection, "research based methodology" means the
4 systematic and objective application of statistical and quantitative research
5 principles to determine a standard measurement of acceptable academic
6 progress for each school and school district.

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

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

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

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

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

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

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

28 J. Subject to final adoption by the state board of education, the
29 department of education shall develop a parallel achievement profile for
30 accommodation schools, alternative schools as defined by the state board of
31 education and extremely small schools as defined by the state board of
32 education for the purposes of this section.

33 K. If a school is assigned a letter grade of D, within ninety days
34 after receiving notice of the designation, the governing board shall develop
35 an improvement plan for the school, submit a copy of the plan to the
36 superintendent of public instruction and the county educational service
37 agency and supervise the implementation of the plan. The plan shall include
38 necessary components as identified by the state board of education. Within
39 thirty days after submitting the improvement plan to the superintendent of
40 public instruction and the county educational service agency, the governing
41 board shall hold a special public meeting in each school that has been
42 assigned a letter grade of D and shall present the respective improvement
43 plans that have been developed for each school. The school district
44 governing board, within thirty days of receiving notice of the designation,
45 shall provide written notification of the classification to each residence

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

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

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

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

33 O. If a school is assigned a letter grade of D for a third consecutive
34 year, the department of education shall visit the school site to confirm the
35 classification data and to review the implementation of the school's
36 improvement plan. The school shall be assigned a letter grade of F unless an
37 alternate letter grade is assigned after an appeal pursuant to subsection N
38 of this section. A school that is assigned a letter grade of D for less than
39 three consecutive years may also be assigned a letter grade of F if the state
40 board of education determines that there is no reasonable likelihood that the
41 school will achieve an average level of performance within the next two
42 years.

43 P. The school district governing board, within thirty days of
44 receiving notice of the school being assigned a letter grade of F, shall
45 provide written notification of the classification to each residence in the

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

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

38 R. The parent or the guardian of the pupil may apply to the department
39 of education, in a manner determined by the department of education, for a
40 certificate of supplemental instruction from the failing schools tutoring
41 fund established by this section. Pupils attending a school assigned a
42 letter grade of D or F or a pupil who has failed to pass one or more portions
43 of the Arizona instrument to measure standards test in grades eight through
44 twelve in order to graduate from high school may select an alternative
45 tutoring program in academic standards from a provider that is certified by

1 the state board of education. To qualify, the provider must state in writing
2 a level of academic improvement for the pupil that includes a timeline for
3 improvement that is agreed to by the parent or guardian of the pupil. The
4 state board of education shall annually review academic performance levels
5 for providers certified pursuant to this subsection and may remove a provider
6 at a public hearing from an approved list of providers if that provider fails
7 to meet its stated level of academic improvement. The state board of
8 education shall determine the application guidelines and the maximum value
9 for each certificate of supplemental instruction. The state board of
10 education shall annually complete a market survey in order to determine the
11 maximum value for each certificate of supplemental instruction. This
12 subsection shall not be construed to require the state to provide additional
13 monies beyond the monies provided pursuant to section 42-5029, subsection E,
14 paragraph 7.

15 S. Within sixty days of receiving notification of a school being
16 assigned a letter grade of F, the school district governing board shall
17 evaluate needed changes to the existing improvement plan for the school,
18 consider recommendations from the solutions team, submit a copy of the plan
19 to the superintendent of public instruction and the county educational
20 service agency and supervise the implementation of the plan. Within thirty
21 days after submitting the improvement plan to the superintendent of public
22 instruction, the governing board shall hold a public meeting in each school
23 that has been assigned a letter grade of F and shall present the respective
24 improvement plans that have been developed for each school.

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

33 U. If a charter school is assigned a letter grade of F, the department
34 of education shall immediately notify the charter school's sponsor. The
35 charter school's sponsor shall either take action to restore the charter
36 school to acceptable performance or revoke the charter school's charter.
37 Within thirty days the school shall notify the parents of the students
38 attending the school of the classification and of any pending public meetings
39 to review the issue.

40 V. A school that has been assigned a letter grade of F shall be
41 evaluated by the department of education to determine if the school failed to
42 properly implement its school improvement plan, align the curriculum with
43 academic standards, provide teacher training, prioritize the budget or
44 implement other proven strategies to improve academic performance. After
45 visiting the school site pursuant to subsection O of this section, the

1 department of education shall submit to the state board of education a
2 recommendation to proceed pursuant to subsections Q, R and S of this section
3 or that the school be subject to a public hearing to determine if the school
4 failed to properly implement its improvement plan and the reasons for the
5 department's recommendation.

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

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

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

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

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

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

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

30 Y. If an alternative operation plan is provided pursuant to subsection
31 W of this section, the state board of education shall pay for the operation
32 of the school and shall adjust the school district's district additional
33 assistance pursuant to section 15-961, base support level pursuant to section
34 15-943, monies distributed from the classroom site fund established by
35 section 15-977 and transportation support level pursuant to section 15-945 to
36 accurately reflect any reduction in district services that are no longer
37 provided to that school by the district. The state board of education may
38 modify the school district's revenue control limit, the district support
39 level and the general budget limit calculated pursuant to section 15-947 by
40 an amount that corresponds to this reduction in services. The state board of
41 education shall retain the portion of state aid that would otherwise be due
42 the school district for the school and shall distribute that portion of state
43 aid directly to the organization that contracts with the state board of
44 education to operate the school.

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

4 AA. If there are more than two schools in a district and more than
5 one-half, or in any case more than five, of the schools in the district are
6 assigned a letter grade of F for more than two consecutive years, in the next
7 election of members of the governing board the election ballot shall contain
8 the following statement immediately above the listing of governing board
9 candidates:

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

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

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

24 DD. The department of education may develop a classification label for
25 school districts and charter school operators. If the department of
26 education develops a classification label for school districts and charter
27 school operators, the classification label may be developed from the
28 following components:

29 1. Measures of academic progress.

30 2. Pupil assessment data.

31 3. The attendance rates and graduation rates of pupils who are
32 educated in that charter school operator's charter schools or in that school
33 district's schools.

34 4. The percentage of the parents of pupils enrolled in that charter
35 school operator's charter schools or in that school district's schools that
36 categorizes the quality of their child's education as excellent on a parental
37 rating of school quality.

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

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

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

6 HH. In addition to any other corrective procedures prescribed in this
7 section a school district that has been assigned a letter grade of D or F for
8 two consecutive years shall implement a parent involvement strategy. The
9 parent involvement strategy shall be included in the school improvement plan
10 for each applicable school within the district, as prescribed in subsection K
11 of this section.

12 II. The department of education shall publish criteria for a school or
13 school district's exit status from a previous assignment of a letter grade of
14 F in accordance with this section. The criteria shall prescribe the actions
15 and results necessary to be deemed to have complied with this section
16 regarding school improvement, including the proper implementation of a school
17 improvement plan pursuant to subsection V of this section. These criteria
18 shall be provided to a school or school district if it is assigned a letter
19 grade of F pursuant to this section.