

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

CHAPTER 116
SENATE BILL 1288

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. ACADEMIC PERFORMANCE AND ACADEMIC GAIN ON THE SCIENCE PORTION OF
40 THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST.

41 ~~3-~~ 4. The results of English language learners tests administered
42 pursuant to section 15-756, subsection B, section 15-756.05 and section
43 15-756.06.

44 E. The achievement profile for schools and school districts that offer
45 instruction in grades nine through twelve, or any combination of those
46 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. ACADEMIC PERFORMANCE AND ACADEMIC GAIN ON THE SCIENCE PORTION OF
15 THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST.

16 ~~3.~~ 4. The annual dropout rate.

17 ~~4.~~ 5. The annual graduation rate.

18 ~~5.~~ 6. The results of English language learners tests administered
19 pursuant to section 15-756, subsection B, section 15-756.05 and section
20 15-756.06.

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

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

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

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

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

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

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

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

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

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

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

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

1 school district to testify before the board and explain the reasons that an
2 improvement plan for that school has not been submitted.

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

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

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

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

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

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

28 R. The parent or the guardian of the pupil may apply to the department
29 of education, in a manner determined by the department of education, for a
30 certificate of supplemental instruction from the failing schools tutoring
31 fund established by this section. Pupils attending a school assigned a
32 letter grade of D or F or a pupil who has failed to pass one or more portions
33 of the Arizona instrument to measure standards test in grades eight through
34 twelve in order to graduate from high school may select an alternative
35 tutoring program in academic standards from a provider that is certified by
36 the state board of education. To qualify, the provider must state in writing
37 a level of academic improvement for the pupil that includes a timeline for
38 improvement that is agreed to by the parent or guardian of the pupil. The
39 state board of education shall annually review academic performance levels
40 for providers certified pursuant to this subsection and may remove a provider
41 at a public hearing from an approved list of providers if that provider fails
42 to meet its stated level of academic improvement. The state board of
43 education shall determine the application guidelines and the maximum value
44 for each certificate of supplemental instruction. The state board of
45 education shall annually complete a market survey in order to determine the
46 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
45 the state board to fully or partially manage the school. The state board's
46 determination shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 II. The department of education shall publish criteria for a school or
45 school district's exit status from a previous assignment of a letter grade of
46 F in accordance with this section. The criteria shall prescribe the actions

1 and results necessary to be deemed to have complied with this section
2 regarding school improvement, including the proper implementation of a school
3 improvement plan pursuant to subsection V of this section. These criteria
4 shall be provided to a school or school district if it is assigned a letter
5 grade of F pursuant to this section.

APPROVED BY THE GOVERNOR APRIL 22, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2014.