

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 214
HOUSE BILL 2637

AN ACT

AMENDING SECTION 15-154, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-237.01; AMENDING SECTIONS 15-241 AND 15-701, ARIZONA REVISED STATUTES; AMENDING LAWS 2014, CHAPTER 16, SECTION 6; 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 15-154, Arizona Revised Statutes, is amended to
3 read:
4 15-154. Public school safety program proposal; requirements;
5 purpose; definitions
6 A. A public school district OR CHARTER SCHOOL may apply to participate
7 in the school safety program as provided in this section for up to three
8 fiscal years by submitting by April 15 a program proposal to the school
9 safety program oversight committee. The program proposal shall contain:
10 1. A detailed description of the school safety needs of the public
11 school or school district.
12 2. A plan for implementing a law-related education program or a plan
13 that demonstrates the existence of a law-related education program as a
14 school safety prevention strategy.
15 3. A plan to use trained school resource officers or juvenile
16 probation officers in the schools, or both.
17 B. The state board of education shall administer the program in
18 cooperation with the courts, law enforcement agencies and law-related
19 education providers. Representatives from the state board of education shall
20 use relevant crime statistics and shall visit schools located in school
21 districts that submit program proposals in order to verify the information
22 contained in the program proposals.
23 C. The department of education, at the direction of the state board of
24 education, shall distribute monies to the school districts AND CHARTER
25 SCHOOLS that are in compliance with program requirements and whose plans have
26 been approved by the school safety program oversight committee.
27 D. Any appropriations that are made to the department of education for
28 the school safety program are exempt from the provisions of section 35-190
29 relating to the lapsing of appropriations. All monies that are not used for
30 an approved school safety plan during the fiscal year for which the monies
31 were appropriated revert to the department of education for distribution to
32 the program in the following fiscal year.
33 E. Monies received by a school district OR CHARTER SCHOOL under the
34 program shall be spent to implement the approved plans.
35 F. For the purposes of this section:
36 1. "Law-related education" means interactive education to equip
37 children and youth with knowledge and skills pertaining to the law, school
38 safety and effective citizenship.
39 2. "Law-related education program" means a program designed to provide
40 children and youth with knowledge, skills and activities pertaining to the
41 law and legal process and to promote law-abiding behavior with the purpose of
42 preventing children and youth from engaging in delinquency or violence and
43 enabling them to become productive citizens.

1 Sec. 2. Title 15, chapter 2, article 2, Arizona Revised Statutes, is
2 amended by adding section 15-237.01, to read:

3 15-237.01. Department of education professional development
4 revolving fund; exemption

5 A. THE DEPARTMENT OF EDUCATION MAY MAKE AVAILABLE TO EDUCATORS AT A
6 REASONABLE COST PROFESSIONAL DEVELOPMENT CONTENT THROUGH THE DEPARTMENT.
7 MONIES OBTAINED FROM TUITION FOR PROFESSIONAL DEVELOPMENT SHALL BE DEPOSITED
8 IN THE DEPARTMENT'S PROFESSIONAL DEVELOPMENT REVOLVING FUND TO BE USED TO
9 OFFSET THE COST OF PROVIDING PROFESSIONAL DEVELOPMENT CONTENT.

10 B. THE DEPARTMENT OF EDUCATION PROFESSIONAL DEVELOPMENT REVOLVING FUND
11 IS ESTABLISHED AS A SEPARATE ACCOUNT ON THE BOOKS OF THE DEPARTMENT FOR USE
12 FOR EXPENSES INCURRED FOR PRODUCING AND DELIVERING PROFESSIONAL DEVELOPMENT
13 COURSES AND CONTENT.

14 C. MONIES IN THE DEPARTMENT OF EDUCATION PROFESSIONAL DEVELOPMENT
15 REVOLVING FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND ARE EXEMPT FROM
16 THE PROVISIONS OF SECTION 35-190, RELATING TO THE LAPSING OF APPROPRIATIONS.

17 Sec. 3. Section 15-241, Arizona Revised Statutes, is amended to read:

18 15-241. School and school district accountability; failing
19 schools tutoring fund; classification label for
20 school districts and charter school operators

21 A. The department of education shall compile an annual achievement
22 profile for each public school and school district.

23 B. Each school and school district shall submit to the department any
24 data that is required and requested and that is necessary to compile the
25 achievement profile. A school or school district that fails to submit the
26 information that is necessary is not eligible to receive monies from the
27 classroom site fund established by section 15-977.

28 C. The department shall establish a baseline achievement profile for
29 each school and school district. The baseline achievement profile shall be
30 used to determine a standard measurement of acceptable academic progress for
31 each school and school district and a school and school district
32 classification pursuant to subsection H of this section. Any disclosure of
33 educational records compiled by the department of education pursuant to this
34 section shall comply with the family educational rights and privacy act of
35 1974 (20 United States Code section 1232g).

36 D. The achievement profile for schools and school districts that offer
37 instruction in kindergarten programs and grades one through eight, or any
38 combination of those programs or grades, shall include the following school
39 academic performance indicators:

40 1. The Arizona measure of academic progress. The department shall
41 compute the extent of academic progress made by the pupils in each school and
42 school district during the course of each year.

43 2. The Arizona instrument to measure standards test. The department
44 shall compute the percentage of pupils who meet or exceed the standard on the
45 Arizona instrument to measure standards test, as prescribed by the state
46 board of education. The superintendent of public instruction and the

1 department may calculate academic gain on the Arizona instrument to measure
2 standards test according to each of the school classifications prescribed in
3 subsection G of this section on a statewide basis, for each school district
4 in this state and for each school by determining the average scale scores for
5 students in the current academic year as compared to the average scale scores
6 for the previous academic year for the same students.

7 3. The results of English language learners tests administered
8 pursuant to section 15-756, subsection B, section 15-756.05 and section
9 15-756.06.

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

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

15 2. The Arizona instrument to measure standards test. The department
16 shall compute the percentage of pupils pursuant to subsection G of this
17 section who meet or exceed the standard on the Arizona instrument to measure
18 standards test, as prescribed by the state board of education. The
19 superintendent of public instruction and the department may calculate
20 academic gain on the Arizona instrument to measure standards test according
21 to each of the school classifications prescribed in subsection G of this
22 section on a statewide basis, for each school district in this state and for
23 each school by determining the average scale scores for students in the
24 current academic year as compared to the average scale scores for the
25 previous academic year for the same students.

26 3. The annual dropout rate.

27 4. The annual graduation rate.

28 5. The results of English language learners tests administered
29 pursuant to section 15-756, subsection B, section 15-756.05 and section
30 15-756.06.

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

36 G. Subject to final adoption by the state board of education, the
37 department shall determine the criteria for each school and school district
38 classification using a research based methodology. The methodology shall
39 include the performance of pupils at all achievement levels, account for
40 pupil mobility, account for the distribution of pupil achievement at each
41 school and school district and include longitudinal indicators of academic
42 performance. **THE METHODOLOGY MAY INCLUDE A MEASURE OF THE PERCEPTION OF**
43 **EDUCATIONAL QUALITY AT THE SCHOOL OR SCHOOL DISTRICT BY PARENTS, PUPILS,**
44 **STAFF AND COMMUNITY STAKEHOLDERS.** Fifty per cent of the school and school
45 district classification determination shall consist of academic performance
46 measurements. Fifty per cent of the academic performance measurement shall

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

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

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

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

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

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

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

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

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

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

1 governing board, within thirty days of receiving notice of the designation,
2 shall provide written notification of the classification to each residence
3 within the attendance area of the school. The notice shall explain the
4 improvement plan process and provide information regarding the public meeting
5 required by this subsection.

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

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

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

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

45 P. The school district governing board, within thirty days of
46 receiving notice of the school being assigned a letter grade of F, shall

1 provide written notification of the classification to each residence in the
2 attendance area of the school. The notice shall explain the improvement plan
3 process and provide information regarding the public meeting required by
4 subsection S of this section.

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

39 R. The parent or the guardian of the pupil may apply to the department
40 of education, in a manner determined by the department of education, for a
41 certificate of supplemental instruction from the failing schools tutoring
42 fund established by this section. Pupils attending a school assigned a
43 letter grade of D or F or a pupil who has failed to pass one or more portions
44 of the Arizona instrument to measure standards test in grades eight through
45 twelve in order to graduate from high school may select an alternative
46 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
46 department of education shall submit to the state board of education a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 1. Measures of academic progress.
27 2. Pupil assessment data.
28 3. The attendance rates and graduation rates of pupils who are
29 educated in that charter school operator's charter schools or in that school
30 district's schools.

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

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

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

43 GG. In addition to any other corrective procedures prescribed in this
44 section and section 15-241.01, a school that has been assigned a letter grade
45 of D or F for two consecutive years shall implement a science, technology,

1 engineering and mathematics intervention strategy under the supervision of
2 the state board of education.

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

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

17 Sec. 4. Section 15-701, Arizona Revised Statutes, is amended to read:

18 15-701. Common school; promotions; requirements; certificate;
19 supervision of eighth grades by superintendent of
20 high school district; high school admissions;
21 academic credit

22 A. The state board of education shall:

23 1. Prescribe a minimum course of study, as defined in section 15-101
24 and incorporating the academic standards adopted by the state board of
25 education, to be taught in the common schools.

26 2. Prescribe competency requirements for the promotion of pupils from
27 the eighth grade and competency requirements for the promotion of pupils from
28 the third grade incorporating the academic standards in at least the areas of
29 reading, writing, mathematics, science and social studies. Notwithstanding
30 section 15-521, paragraph ~~3-4~~, the competency requirements for the promotion
31 of pupils from the third grade shall include the following:

32 (a) A requirement that a pupil not be promoted from the third grade if
33 the pupil obtains a score on the reading portion of the Arizona instrument to
34 measure standards test, or a successor test, that demonstrates that the
35 pupil's reading falls far below the third grade level **OR THE EQUIVALENT AS**
36 **ESTABLISHED BY THE BOARD. A PUPIL MAY NOT BE RETAINED IF DATA REGARDING THE**
37 **PUPIL'S PERFORMANCE ON THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST, OR A**
38 **SUCCESSOR TEST, IS NOT AVAILABLE BEFORE THE START OF THE FOLLOWING ACADEMIC**
39 **YEAR. A PUPIL WHO IS NOT RETAINED DUE TO THE UNAVAILABILITY OF TEST DATA**
40 **MUST RECEIVE INTERVENTION AND REMEDIAL STRATEGIES PURSUANT TO SUBDIVISION (c)**
41 **OF THIS PARAGRAPH IF THE THIRD GRADE ASSESSMENT DATA SUBSEQUENTLY**
42 **DEMONSTRATES THAT THE PUPIL'S READING ABILITY FALLS FAR BELOW THE THIRD GRADE**
43 **LEVEL OR THE EQUIVALENT.**

44 (b) A mechanism to allow a school district governing board or the
45 governing body of a charter school to promote a pupil from the third grade
46 who obtains a score on the reading portion of the Arizona instrument to

1 measure standards test, or a successor test, that demonstrates that the
2 pupil's reading falls far below the third grade level for any of the
3 following:

4 (i) A good cause exemption if the pupil is an English learner or a
5 limited English proficient student as defined in section 15-751 and has had
6 fewer than two years of English language instruction.

7 (ii) ~~A PUPIL WHO IS~~ a child with a disability as defined in section
8 15-761 if the pupil's individualized education program team and the pupil's
9 parent or guardian ~~agrees~~ **AGREE** that promotion is appropriate based on the
10 pupil's individualized education program.

11 (c) Intervention and remedial strategies developed by the state board
12 of education for pupils who are not promoted from the third grade. A school
13 district governing board or the governing body of a charter school shall
14 offer at least one of the intervention and remedial strategies developed by
15 the state board of education. The parent or guardian of a pupil who is not
16 promoted from the third grade and the pupil's teacher and principal may
17 choose the most appropriate intervention and remedial strategies that will be
18 provided to that pupil. The intervention and remedial strategies developed
19 by the state board of education shall include:

20 (i) A requirement that the pupil be assigned to a different teacher
21 for reading instruction.

22 (ii) Summer school reading instruction.

23 (iii) In the next academic year, intensive reading instruction that
24 occurs before, during or after the regular school day, or any combination of
25 before, during and after the regular school day.

26 (iv) Online reading instruction.

27 3. Provide for universal screening of pupils in preschool programs,
28 kindergarten programs and grades one through three that is designed to
29 identify pupils who have reading deficiencies pursuant to section 15-704.

30 4. Develop intervention and remedial strategies pursuant to paragraph
31 2, subdivision (c) of this subsection for pupils in kindergarten programs and
32 grades one through three who are identified as having reading deficiencies
33 pursuant to section 15-704.

34 5. Distribute guidelines for the school districts to follow in
35 prescribing criteria for the promotion of pupils from grade to grade in the
36 common schools. These guidelines shall include recommended procedures for
37 ensuring that the cultural background of a pupil is taken into consideration
38 when criteria for promotion are being applied.

39 B. Beginning in the 2010-2011 school year, school districts and
40 charter schools shall provide annual written notification to parents of
41 pupils in kindergarten programs and first, second and third grades that a
42 pupil who obtains a score on the reading portion of the Arizona instrument to
43 measure standards test, or a successor test, that demonstrates the pupil is
44 reading far below the third grade level will not be promoted from the third
45 grade. If the school has determined that the pupil is substantially
46 deficient in reading before the end of grade three, the school district or

1 charter school shall provide to the parent of that pupil a separate written
2 notification of the reading deficiency that includes the following
3 information:

4 1. A description of the current reading services provided to the
5 pupil.

6 2. A description of the available supplemental instructional services
7 and supporting programs that are designed to remediate reading
8 deficiencies. Each school district or charter school shall offer at least
9 one intervention strategy and at least one remedial strategy for pupils with
10 reading deficiencies. The notification shall list the intervention and
11 remedial strategies offered and shall instruct the parent or guardian to
12 choose the strategy that will be implemented for that child.

13 3. Parental strategies to assist the pupil to attain reading
14 proficiency.

15 4. A statement that the pupil will not be promoted from the third
16 grade if the pupil obtains a score on the reading portion of the Arizona
17 instrument to measure standards test, or a successor test, that demonstrates
18 the pupil is reading far below the third grade level, unless the pupil is
19 exempt from mandatory retention in grade three or the pupil qualifies for an
20 exemption pursuant to subsection A of this section.

21 5. A description of the school district or charter school policies on
22 midyear promotion to a higher grade.

23 C. Pursuant to the guidelines that the state board of education
24 distributes, the governing board of a school district shall:

25 1. Prescribe curricula that include the academic standards in the
26 required subject areas pursuant to subsection A, paragraph 1 of this section.

27 2. Prescribe criteria for the promotion of pupils from grade to grade
28 in the common schools in the school district. These criteria shall include
29 accomplishment of the academic standards in at least reading, writing,
30 mathematics, science and social studies, as determined by district
31 assessment. Other criteria may include additional measures of academic
32 achievement and attendance.

33 D. The governing board may prescribe the course of study and
34 competency requirements for promotion that are in addition to or higher than
35 the course of study and competency requirements the state board prescribes.

36 E. A teacher shall determine whether to promote or retain a pupil in
37 grade in a common school as provided in section 15-521, paragraph ~~3~~ 4 on the
38 basis of the prescribed criteria. The governing board, if it reviews the
39 decision of a teacher to promote or retain a pupil in grade in a common
40 school as provided in section 15-342, paragraph 11, shall base its decision
41 on the prescribed criteria.

42 F. A governing board may provide and issue certificates of promotion
43 to pupils whom it promotes from the eighth grade of a common school. Such
44 certificates shall be signed by the principal or superintendent of schools.
45 Where there is no principal or superintendent of schools, the certificates

1 shall be signed by the teacher of an eighth grade. The certificates shall
2 admit the holders to any high school in the state.

3 G. A governing board may request certificates of promotion from the
4 county school superintendent. If a governing board requests these
5 certificates from the county school superintendent, the county school
6 superintendent shall furnish and sign the certificates.

7 H. Within any high school district or union high school district, the
8 superintendent of the high school district shall supervise the work of the
9 eighth grade of all schools employing no superintendent or principal.

10 I. A school district shall not deny a pupil who is between the ages of
11 sixteen and twenty-one years admission to a high school because the pupil
12 does not hold an eighth grade certificate. Governing boards shall establish
13 procedures for determining the admissibility of pupils who are under sixteen
14 years of age and who do not hold eighth grade certificates.

15 J. The state board of education shall adopt rules to allow common
16 school pupils who can demonstrate competency in a particular academic course
17 or subject to obtain academic credit for the course or subject without
18 enrolling in the course or subject.

19 Sec. 5. Laws 2014, chapter 16, section 6 is amended to read:

20 Sec. 6. School district charter schools; average daily
21 membership cap

22 Notwithstanding any other law, beginning in fiscal year 2014-2015 the
23 average daily membership of students in school district charter schools in a
24 school district **THAT SPONSORED SCHOOL DISTRICT CHARTER SCHOOLS THAT BECAME**
25 **OPERATIONAL PRIOR TO FISCAL YEAR 2013-2014 OR HAD CHARTER SCHOOLS OPERATED**
26 **FOR OR BY THE SAME SCHOOL DISTRICT PRIOR TO FISCAL YEAR 2013-2014** may not
27 exceed by more than twenty per cent the average daily membership for all
28 students who attended school district charter schools in the school district
29 in fiscal year 2012-2013.

30 Sec. 6. Retroactivity

31 Section 15-154, Arizona Revised Statutes, as amended by this act,
32 section 15-237.01, Arizona Revised Statutes, as added by this act, section
33 15-241, Arizona Revised Statutes, as amended by this act and section 15-701,
34 Arizona Revised Statutes, as amended by this act apply retroactively to from
35 and after June 30, 2014.

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.