

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 330
HOUSE BILL 2088

AN ACT

AMENDING SECTION 15-101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-117; AMENDING SECTIONS 15-249 AND 15-741, ARIZONA REVISED STATUTES; RELATING TO PUPIL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to
3 read:
4 15-101. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Accommodation school" means either:
7 (a) A school that is operated through the county board of supervisors
8 and the county school superintendent and that the county school
9 superintendent administers to serve a military reservation or territory that
10 is not included within the boundaries of a school district.
11 (b) A school that provides educational services to homeless children
12 or alternative education programs as provided in section 15-308,
13 subsection B.
14 (c) A school that is established to serve a military reservation, the
15 boundaries of which are coterminous with the boundaries of the military
16 reservation on which the school is located.
17 2. "Assessed valuation" means the valuation derived by applying the
18 applicable percentage as provided in title 42, chapter 15, article 1 to the
19 full cash value or limited property value, whichever is applicable, of the
20 property.
21 3. "Charter holder" means a person that enters into a charter with the
22 state board for charter schools. For the purposes of this paragraph,
23 "person" means an individual, partnership, corporation, association or public
24 or private organization of any kind.
25 4. "Charter school" means a public school established by contract with
26 a district governing board, the state board of education, the state board for
27 charter schools, a university under the jurisdiction of the Arizona board of
28 regents, a community college district with enrollment of more than fifteen
29 thousand full-time equivalent students or a group of community college
30 districts with a combined enrollment of more than fifteen thousand full-time
31 equivalent students pursuant to article 8 of this chapter to provide learning
32 that will improve pupil achievement.
33 5. "Child with a disability" means a child with a disability as
34 defined in section 15-761.
35 6. "Class A bonds" means general obligation bonds approved by a vote
36 of the qualified electors of a school district at an election held on or
37 before December 31, 1998.
38 7. "Class B bonds" means general obligation bonds approved by a vote
39 of the qualified electors of a school district at an election held from and
40 after December 31, 1998.
41 8. "Competency" means a demonstrated ability in a skill at a specified
42 performance level.
43 9. "Course" means organized subject matter in which instruction is
44 offered within a given period of time and for which credit toward promotion,
45 graduation or certification is usually given. A course consists of knowledge
46 selected from a subject for instructional purposes in the schools.

- 1 10. "Course of study" means a list of required and optional subjects
2 to be taught in the schools.
- 3 11. "Dual enrollment course" means a ~~college-level~~ COLLEGE-LEVEL
4 course that is conducted on the campus of a high school or on the campus of a
5 joint technical education district, that is applicable to an established
6 community college academic degree or certificate program and that is
7 transferable to a university under the jurisdiction of the Arizona board of
8 regents. A dual enrollment course that is applicable to a community college
9 occupational degree or certificate program may be transferable to a
10 university under the jurisdiction of the Arizona board of regents.
- 11 12. "Elementary grades" means kindergarten programs and grades one
12 through eight.
- 13 13. "Fiscal year" means the year beginning July 1 and ending June 30.
- 14 14. "Governing board" means a body organized for the government and
15 management of the schools within a school district or a county school
16 superintendent in the conduct of an accommodation school.
- 17 15. "Lease" means an agreement for conveyance and possession of real
18 or personal property.
- 19 16. "Limited property value" means the value determined pursuant to
20 title 42, chapter 13, article 7. Limited property value shall be used as the
21 basis for assessing, fixing, determining and levying primary property taxes.
- 22 17. "NONTEST" MEANS NOT RELATING TO KNOWLEDGE OR SKILLS IN READING,
23 WRITING, MATHEMATICS, SOCIAL STUDIES, SCIENCE OR ANY OTHER COURSE.
- 24 ~~17-~~ 18. "Parent" means the natural or adoptive parent of a child or a
25 person who has custody of a child.
- 26 ~~18-~~ 19. "Person who has custody" means a parent or legal guardian of
27 a child, a person to whom custody of the child has been given by order of a
28 court or a person who stands in loco parentis to the child.
- 29 ~~19-~~ 20. "Primary property taxes" means all ad valorem taxes except
30 for secondary property taxes.
- 31 ~~20-~~ 21. "Private school" means a nonpublic institution where
32 instruction is imparted.
- 33 ~~21-~~ 22. "School" or "public school" means any public institution
34 established for the purposes of offering instruction to pupils in programs
35 for preschool children with disabilities, kindergarten programs or any
36 combination of elementary grades or secondary grades one through twelve.
- 37 ~~22-~~ 23. "School district" means a political subdivision of this state
38 with geographic boundaries organized for the purpose of the administration,
39 support and maintenance of the public schools or an accommodation school.
- 40 ~~23-~~ 24. "Secondary grades" means grades nine through twelve.
- 41 ~~24-~~ 25. "Secondary property taxes" means ad valorem taxes used to pay
42 the principal of and the interest and redemption charges on any bonded
43 indebtedness or other lawful long-term obligation issued or incurred for a
44 specific purpose by a school district or a community college district and
45 amounts levied pursuant to an election to exceed a budget, expenditure or tax
46 limitation.

1 ~~25.~~ 26. "Subject" means a division or field of organized knowledge,
2 such as English or mathematics, or a selection from an organized body of
3 knowledge for a course or teaching unit, such as the English novel or
4 elementary algebra.

5 Sec. 2. Title 15, chapter 1, article 1, Arizona Revised Statutes, is
6 amended by adding section 15-117, to read:

7 15-117. Surveys; pupil information; parental permission and
8 informed consent; exceptions; penalties; definitions

9 A. NOTWITHSTANDING ANY OTHER LAW, EACH SCHOOL DISTRICT AND CHARTER
10 SCHOOL SHALL OBTAIN WRITTEN INFORMED CONSENT FROM THE PARENT OF A PUPIL
11 BEFORE ADMINISTERING ANY SURVEY THAT IS RETAINED BY A SCHOOL DISTRICT, A
12 CHARTER SCHOOL OR THE DEPARTMENT OF EDUCATION FOR LONGER THAN ONE YEAR AND
13 THAT SOLICITS PERSONAL INFORMATION ABOUT THE PUPIL REGARDING ANY OF THE
14 FOLLOWING:

- 15 1. CRITICAL APPRAISALS OF ANOTHER PERSON WITH WHOM A PUPIL HAS A CLOSE
16 RELATIONSHIP.
- 17 2. GUN OR AMMUNITION OWNERSHIP.
- 18 3. ILLEGAL, ANTI SOCIAL OR SELF-INCRIMINATING BEHAVIOR.
- 19 4. INCOME OR OTHER FINANCIAL INFORMATION.
- 20 5. LEGALLY RECOGNIZED PRIVILEGED OR ANALOGOUS RELATIONSHIPS, SUCH AS
21 RELATIONSHIPS WITH A LAWYER, PHYSICIAN OR MEMBER OF THE CLERGY.
- 22 6. MEDICAL HISTORY OR MEDICAL INFORMATION.
- 23 7. MENTAL HEALTH HISTORY OR MENTAL HEALTH INFORMATION.
- 24 8. POLITICAL AFFILIATIONS, OPINIONS OR BELIEFS.
- 25 9. PUPIL BIOMETRIC INFORMATION.
- 26 10. THE QUALITY OF HOME INTERPERSONAL RELATIONSHIPS.
- 27 11. RELIGIOUS PRACTICES, AFFILIATIONS OR BELIEFS.
- 28 12. SELF-SUFFICIENCY AS IT PERTAINS TO EMERGENCY, DISASTER AND
29 ESSENTIAL SERVICES INTERRUPTION PLANNING.
- 30 13. SEXUAL BEHAVIOR OR ATTITUDES.
- 31 14. VOTING HISTORY.

32 B. AT THE BEGINNING OF EVERY SCHOOL YEAR, EVERY SCHOOL DISTRICT AND
33 CHARTER SCHOOL SHALL OBTAIN WRITTEN INFORMED CONSENT FROM THE PARENT OF A
34 PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION
35 FOR THE ENTIRE YEAR. A PARENT OF A PUPIL MAY AT ANY TIME REVOKE CONSENT FOR
36 THE PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS
37 SECTION. FOR ANY PUPIL WHO IS AT LEAST EIGHTEEN YEARS OF AGE, THE PERMISSION
38 OR CONSENT THAT WOULD OTHERWISE BE REQUIRED FROM THE PUPIL'S PARENT PURSUANT
39 TO THIS SECTION IS REQUIRED ONLY FROM THE PUPIL. ALL SURVEYS CONDUCTED
40 PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE APPROVED AND AUTHORIZED BY
41 THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE SCHOOL DISTRICT OR CHARTER SCHOOL
42 IS SUBJECT TO THE PENALTIES PRESCRIBED IN SUBSECTION L OF THIS SECTION. A
43 TEACHER OR OTHER SCHOOL EMPLOYEE MAY NOT ADMINISTER ANY SURVEY PURSUANT TO
44 SUBSECTION A OF THIS SECTION WITHOUT WRITTEN AUTHORIZATION FROM THE SCHOOL
45 DISTRICT OR CHARTER SCHOOL.

- 1 C. THIS SECTION APPLIES TO ALL SURVEYS CONDUCTED PURSUANT TO
2 SUBSECTION A OF THIS SECTION:
- 3 1. REGARDLESS OF THE STATED PURPOSE OF THE SURVEY.
 - 4 2. REGARDLESS OF THE QUANTITY OR PERCENTAGE OF QUESTIONS THAT SOLICIT
5 DATA PURSUANT TO SUBSECTION A OF THIS SECTION.
 - 6 3. INCLUDING WRITTEN OR DIGITAL SURVEYS.
- 7 D. THIS SECTION DOES NOT APPLY TO:
- 8 1. MENTAL HEALTH SCREENING PURSUANT TO SECTION 15-104 OR THE
9 IDENTIFICATION OF OR PROGRAMMING FOR CHILDREN WITH DISABILITIES OR GIFTED
10 PUPILS PURSUANT TO CHAPTER 7, ARTICLES 4 AND 4.1 OF THIS TITLE.
 - 11 2. CLASS INSTRUCTION, DISCUSSION OR ASSIGNMENTS ON SUBJECTS WITHIN THE
12 PURVIEW OF THE COURSE.
 - 13 3. PRIVATE SCHOOLS.
 - 14 4. ANY NATIONALLY RECOGNIZED COLLEGE ENTRANCE EXAM THAT A STUDENT
15 CHOOSES TO TAKE REGARDLESS IF THE ADMINISTRATION OF THE EXAM TAKES PLACE ON
16 PUBLIC SCHOOL PROPERTY.
 - 17 5. ANY SURVEY CONDUCTED THAT CONTAINS QUESTIONS SOLICITING INFORMATION
18 PURSUANT TO SUBSECTION A OF THIS SECTION IF THE SURVEY DOES NOT REQUIRE A
19 STUDENT'S NAME OR ANY OTHER PERSONALLY IDENTIFIABLE INFORMATION.
 - 20 6. ANY SURVEY CONDUCTED OR IMPLEMENTED BY THE ARIZONA CRIMINAL JUSTICE
21 COMMISSION.
 - 22 7. ANY METHOD OF SURVEYING A STUDENT THAT IS CONDUCTED BECAUSE A
23 PERSON HAS A REASONABLE BELIEF THAT A MINOR IS OR HAS BEEN A VICTIM OF ABUSE
24 PURSUANT TO SECTION 13-3620.
- 25 E. A PENALTY MAY NOT BE IMPOSED ON A PUPIL OR THE PARENT OF A PUPIL
26 WHO DOES NOT PARTICIPATE IN ANY SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF
27 THIS SECTION. PARTICIPATION IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS
28 SECTION IS NOT REQUIRED:
- 29 1. TO DEMONSTRATE THAT A PUPIL HAS MET COMPETENCY REQUIREMENTS FOR ANY
30 GRADE LEVEL, COURSE OR SUBJECT.
 - 31 2. FOR A PUPIL TO QUALIFY FOR PLACEMENT INTO ANY GRADE LEVEL, COURSE
32 OR SUBJECT.
 - 33 3. FOR A PUPIL TO BE PROMOTED TO THE NEXT GRADE.
 - 34 4. FOR A PUPIL TO RECEIVE CREDIT FOR ANY COURSE OR AS PART OF A LETTER
35 GRADE FOR ANY COURSE.
 - 36 5. FOR A PUPIL TO GRADUATE FROM HIGH SCHOOL.
 - 37 6. FOR A PUPIL TO OBTAIN A HIGH SCHOOL EQUIVALENCY DIPLOMA.
- 38 F. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PROVIDE AN ALTERNATIVE
39 EDUCATIONAL ACTIVITY FOR ANY PUPIL WHOSE PARENT DOES NOT CONSENT FOR THAT
40 PUPIL TO PARTICIPATE IN A SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF THIS
41 SECTION.
- 42 G. ANY PUPIL WHOSE PARENT DOES NOT GIVE WRITTEN INFORMED CONSENT FOR
43 THAT PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS
44 SECTION AND WHO ATTENDS THE ALTERNATIVE EDUCATIONAL ACTIVITY PURSUANT TO THIS
45 SECTION SHALL BE COUNTED TOWARD DAILY ATTENDANCE AND AVERAGE DAILY MEMBERSHIP

1 FOR THE SCHOOL PURSUANT TO SECTION 15-901 AND MAY NOT BE COUNTED ABSENT FROM
2 SCHOOL.

3 H. RESPONSES TO ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION
4 MAY NOT BE INCLUDED:

5 1. AS PART OF A SCHOOL ACADEMIC PERFORMANCE INDICATOR PURSUANT TO
6 SECTION 15-241, OR AS PART OF ANY OTHER SIMILAR SCHOOL RATING SYSTEM.

7 2. IN THE EDUCATION LEARNING AND ACCOUNTABILITY SYSTEM PURSUANT TO
8 SECTION 15-249, OR IN ANY OTHER SIMILAR SYSTEM.

9 3. IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM PURSUANT TO
10 SECTION 15-756.10 OR 15-1041, OR IN ANY OTHER SIMILAR SYSTEM.

11 4. IN ANY SCHOOL, ADMINISTRATOR OR TEACHER RATING SYSTEM.

12 I. A PENALTY MAY NOT BE IMPOSED ON AND A REWARD MAY NOT BE GRANTED TO
13 A TEACHER, ADMINISTRATOR, OTHER SCHOOL EMPLOYEE, SCHOOL DISTRICT, SCHOOL OR
14 CHARTER SCHOOL BASED ON THE PUPIL PARTICIPATION RATE IN ANY SURVEY CONDUCTED
15 PURSUANT TO SUBSECTION A OF THIS SECTION.

16 J. ON REQUEST, A CHARTER SCHOOL OR SCHOOL DISTRICT SHALL PROVIDE ANY
17 AVAILABLE INFORMATION IN A TIMELY MANNER TO THE PARENT OF A PUPIL REGARDING A
18 SURVEY ADMINISTERED PURSUANT TO SUBSECTION A OF THIS SECTION INCLUDING:

19 1. THE NAME OF THE SURVEY.

20 2. THE DATE OR DATES ON WHICH THE SURVEY WILL BE ADMINISTERED.

21 3. THE METHOD OR METHODS OF ADMINISTERING THE SURVEY.

22 4. THE AMOUNT OF TIME REQUIRED TO ADMINISTER THE SURVEY.

23 5. THE TYPE OF INFORMATION COLLECTED BY THE SURVEY.

24 6. THE REASONS FOR ADMINISTERING THE SURVEY.

25 K. A PARENT OF A PUPIL THAT HAS A REASONABLE BELIEF THAT A SCHOOL
26 DISTRICT OR CHARTER SCHOOL HAS VIOLATED THIS SECTION MAY FILE A COMPLAINT
27 WITH THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN
28 ALLEGED VIOLATION OF THIS SECTION OCCURRED. THE ATTORNEY GENERAL OR THE
29 COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION
30 OCCURRED MAY INITIATE A SUIT IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE
31 SCHOOL DISTRICT OR CHARTER SCHOOL IS LOCATED FOR THE PURPOSE OF COMPLYING
32 WITH THIS SECTION. AFTER RECEIVING WRITTEN NOTICE OF AN ALLEGED FAILURE TO
33 COMPLY WITH THIS SECTION, A SCHOOL DISTRICT OR CHARTER SCHOOL THAT DETERMINES
34 THAT A VIOLATION HAS OCCURRED IS NOT SUBJECT TO A PENALTY OR CAUSE OF ACTION
35 UNDER THIS SECTION IF THE SCHOOL DISTRICT OR CHARTER SCHOOL CURES THE
36 VIOLATION. FOR THE PURPOSES OF THIS SUBSECTION, "CURE" MEANS TO DESTROY ANY
37 INFORMATION GATHERED IN VIOLATION OF THIS SECTION AND TO PROVIDE WRITTEN
38 INSTRUCTION TO THE INDIVIDUAL CIRCULATING THE SURVEY, TO BE KEPT ON FILE FOR
39 ONE YEAR AFTER RECEIPT OF THE WRITTEN NOTICE OF THE ALLEGED FAILURE TO
40 COMPLY.

41 L. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
42 PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS. THE SCHOOL DISTRICT OR CHARTER
43 SCHOOL DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION SHALL BE
44 RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES.

1 M. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A LEGAL
2 OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER THE PUBLIC
3 SCHOOL WOULD VIOLATE THIS SECTION.

4 N. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN
5 SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE
6 ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
7 PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT
8 INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY
9 TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
10 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

11 O. FOR THE PURPOSES OF THIS SECTION:

12 1. "PARENT" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-101, EXCEPT
13 THAT PARENT DOES NOT MEAN THIS STATE IF THE PUPIL IS A WARD OF THE STATE.

14 2. "SURVEY" MEANS:

15 (a) WHEN USED AS A NOUN, AN INSTRUMENT THAT INVESTIGATES THE
16 ATTITUDES, BEHAVIORS, BELIEFS, EXPERIENCES, OPINIONS OR THOUGHTS OF A PUPIL
17 OR GROUP OF PUPILS.

18 (b) WHEN USED AS A VERB, TO USE AN INSTRUMENT TO INVESTIGATE THE
19 ATTITUDES, BEHAVIORS, BELIEFS, EXPERIENCES, OPINIONS OR THOUGHTS OF A PUPIL
20 OR GROUP OF PUPILS.

21 Sec. 3. Section 15-249, Arizona Revised Statutes, is amended to read:

22 15-249. Department of education; education learning and
23 accountability system; reports; reviews

24 A. Subject to ~~THE~~ appropriation of state monies, or ~~THE~~ receipt of
25 federal monies, private donations or grants from any lawful public or private
26 source for this purpose, the department of education, in coordination with
27 the data governance commission established by section 15-249.01, shall
28 develop and implement the education learning and accountability system to
29 collect, compile, maintain and report student level data for students
30 attending public educational institutions that provide instruction to pupils
31 in preschool programs, kindergarten programs, grades one through twelve and
32 postsecondary educational programs in this state.

33 B. The education learning and accountability system shall:

34 1. Maintain longitudinal, student level data, including student
35 demographic, grade level, assessment, teacher assignment and other data
36 required to meet state and federal reporting requirements.

37 2. Incorporate the student accountability information system
38 prescribed in chapter 9, article 8 of this title.

39 3. Be accessible through commonly used internet web browsers to carry
40 out the data collection, compilation and reporting duties prescribed in this
41 title.

42 C. STUDENT LEVEL NONTEST DATA IS PROHIBITED FROM INCLUSION IN
43 LONGITUDINAL, STUDENT LEVEL DATA UNLESS APPROVED IN A PUBLIC MEETING OF THE
44 STATE BOARD OF EDUCATION AND LINKED ON THE STATE BOARD'S HOME PAGE PURSUANT
45 TO SECTION 15-741, SUBSECTION A, PARAGRAPH 7.

1 ~~C~~. D. The department of education may contract with a third party to
2 carry out the purposes of this section.

3 ~~D~~. E. The department of education, in coordination with the data
4 governance commission, shall develop a detailed plan to develop and implement
5 the education learning and accountability system.

6 ~~E~~. F. The department of education shall present the plan developed
7 pursuant to subsection ~~D~~ E of this section to the state board of education
8 for review and approval. The department of education shall continue to
9 provide quarterly reports to the state board of education, or on request, for
10 review and approval of the state board of education, on the development and
11 implementation of the education learning and accountability system. All
12 reports provided shall include progress and expenditures to date, timelines
13 and cost estimates for completion.

14 ~~F~~. G. Any contract awarded pursuant to subsection ~~C~~ D of this
15 section shall allow the superintendent of public instruction to renew the
16 contracts for two subsequent periods of not more than three years each and
17 shall prescribe the circumstances under which the superintendent of public
18 instruction may terminate the contracts. The contracts shall allow this
19 state to cancel any contract at any time after the first year of operation,
20 without penalty to this state, on ninety days' written notice and shall
21 require the contractor to be in compliance at all times with state and
22 federal law.

23 ~~G~~. H. Any contract awarded pursuant to subsection ~~C~~ D of this
24 section may provide for annual contract price or cost adjustments, except
25 that any adjustments may be made only once each year effective on the
26 anniversary of the contract's effective date. Any adjustment made pursuant
27 to the terms of the contract must be applied to the total payments made to
28 the contractor for the previous contract year and shall not exceed the
29 percentage change in the average consumer price index as published by the
30 United States department of labor, bureau of labor statistics between that
31 figure for the latest calendar year and the next previous calendar year. Any
32 price or cost adjustments that are different than those authorized in this
33 subsection may be made only if the legislature specifically authorizes the
34 adjustments and appropriates monies for that purpose, if required.

35 ~~H~~. I. The superintendent of public instruction shall not award a
36 contract pursuant to this section unless:

37 1. The superintendent of public instruction receives an acceptable
38 proposal pursuant to any request for proposals. For the purposes of this
39 paragraph, "acceptable proposal" means a proposal that substantially meets
40 all of the requirements or conditions prescribed in this section and in the
41 request for proposals.

42 2. The proposal offers a level and quality of services that equal or
43 exceed the services that would be provided by this state.

44 3. The contractor provides audited financial statements for the
45 previous five years, or for each year that the contractor has been in

1 operation if fewer than five years, and provides other financial information
2 as requested.

3 ~~I~~ J. The sovereign immunity of this state does not apply to any
4 contractor who is a party to any contract pursuant to this section. The
5 contractor or any agent of the contractor may not plead the defense of
6 sovereign immunity in any action arising out of the performance of the
7 contract.

8 ~~J~~ K. The terms of any contract pursuant to this section are subject
9 to review by the joint legislative budget committee before placement of any
10 advertisement that solicits a response to a request for proposals. Any
11 proposed modification or amendment to the contract is subject to prior review
12 by the joint legislative budget committee.

13 ~~K~~ L. During the first year of operation under a contract executed
14 pursuant to this section, the contracting entity shall submit monthly reports
15 to the department of education as prescribed by the department. After the
16 first year of operation under the contract, the contracting entity shall
17 submit quarterly reports to the department as prescribed by the department.

18 ~~L~~ M. At the end of the second year of a contract executed pursuant
19 to this section, an independent evaluator selected by the superintendent of
20 public instruction shall conduct and complete a performance review to
21 determine if the contracting entity has met the goals specified in the
22 contract. The independent evaluator shall submit a report of the independent
23 evaluator's findings to the governor, the president of the senate and the
24 speaker of the house of representatives on or before May 1, and shall provide
25 a copy of this report to the secretary of state.

26 Sec. 4. Section 15-741, Arizona Revised Statutes, is amended to read:

27 15-741. Assessment of pupils

28 A. The state board of education shall:

29 1. Adopt rules for purposes of this article pursuant to title 41,
30 chapter 6.

31 2. Adopt and implement an Arizona instrument to measure standards test
32 to measure pupil achievement of the state board adopted academic standards in
33 reading, writing and mathematics in at least four grades designated by the
34 board. The board shall determine the manner of implementation. The board
35 may administer assessments of the academic standards in social studies and
36 science, except that a pupil shall not be required to meet or exceed the
37 social studies or science standards measured by the Arizona instrument to
38 measure standards test.

39 3. Ensure that the tests prescribed in this section are uniform
40 throughout the state.

41 4. Ensure that the tests prescribed in this section are able to be
42 scored in an objective manner and that the tests are not intended to advocate
43 any sectarian, partisan or denominational viewpoint.

44 5. ENSURE THAT THE TESTS PRESCRIBED IN THIS ARTICLE COLLECT ONLY TYPES
45 OF PUPIL NONTEST DATA THAT ARE APPROVED BY THE STATE BOARD OF EDUCATION AT A

1 PUBLIC MEETING AND PUBLISHED ON THE WEBSITE OF THE STATE BOARD OF EDUCATION
2 PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION.

3 ~~5-~~ 6. Include within its budget all costs pertaining to the tests
4 prescribed in this article. If sufficient monies are appropriated, the state
5 board may provide achievement test services to school districts that request
6 assistance in testing pupils in grades additional to those required by this
7 section.

8 ~~6-~~ 7. Survey teachers, principals and superintendents on achievement
9 related nontest indicators, including information on graduation rates by
10 ethnicity and dropout rates by ethnicity for each grade level. Before the
11 survey, the state board of education shall approve at a public meeting the
12 nontest indicators on which data will be collected AND SHALL POST IN A
13 PROMINENT POSITION ON THE HOME PAGE OF THE STATE BOARD'S WEBSITE A LINK TO
14 THE NONTEST INDICATORS ENTITLED "WHAT NONTEST DATA DOES THE STATE OF ARIZONA
15 COLLECT ABOUT ARIZONA PUPILS?". THE LINKED WEB PAGE SHALL STATE THE TYPES OF
16 DATA COLLECTED, THE REASONS FOR THE COLLECTION OF THE DATA AND THE ENTITIES
17 WITH WHICH THE DATA IS SHARED. In conducting the survey and collecting data,
18 the state board of education shall not violate the provisions of the family
19 educational rights and privacy act (P.L. 93-380), as amended, nor disclose
20 personally identifiable information.

21 ~~7-~~ 8. Establish a fair and consistent method and standard by which
22 test scores from schools in a district may be evaluated taking into
23 consideration demographic data. The board shall establish intervention
24 strategies to assist schools with scores below the acceptable standard. The
25 board shall annually review district and school scores and shall offer
26 assistance to school districts in analyzing data and implementing
27 intervention strategies. The board shall use the adopted test and methods of
28 data evaluation for a period of at least ten years.

29 ~~8-~~ 9. Participate in other assessments that provide national
30 comparisons as needed.

31 B. The achievement tests adopted by the state board as provided in
32 subsection A of this section shall be given at least annually. Nontest
33 indicator data and other information shall be collected at the same time as
34 the collection of achievement test data.

35 C. Local school district governing boards shall:

36 1. Administer the tests prescribed in subsection A of this section.

37 2. Survey teachers, principals and superintendents on achievement
38 related nontest indicator data as required by the state board, including
39 information related to district graduation and dropout rates. In conducting
40 the survey and collecting data, the governing board shall not violate the
41 provisions of the family educational rights and privacy act (P.L. 93-380), as
42 amended, nor disclose personally identifiable information.

43 D. Any additional assessments for high school pupils that are adopted
44 by the state board of education after November 24, 2009 shall be designed to
45 measure college and career readiness of pupils.

H.B. 2088

1 E. A test for penmanship shall not be required pursuant to this
2 article.

APPROVED BY THE GOVERNOR MAY 18, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.