

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

**CHAPTER 4**  
**HOUSE BILL 2064**

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; REPEALING SECTION 15-756, ARIZONA REVISED STATUTES; RENUMBERING SECTION 15-756.01, ARIZONA REVISED STATUTES, AS SECTION 15-757; AMENDING TITLE 15, CHAPTER 7, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-756 AND 15-756.01 AND SECTIONS 15-756.02 THROUGH 15-756.13; AMENDING SECTIONS 15-910, 15-943 AND 41-1279.03, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO ENGLISH LANGUAGE LEARNERS; PROVIDING FOR CONDITIONAL ENACTMENT.

(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 accountability; schools failing to meet academic  
5 standards; failing schools tutoring fund  
6 A. The department of education shall compile an annual achievement  
7 profile for each public school.  
8 B. Each school shall submit to the department any data that is  
9 required and requested and that is necessary to compile the achievement  
10 profile. A school that fails to submit the information that is necessary is  
11 not eligible to receive monies from the classroom site fund established by  
12 section 15-977.  
13 C. The department shall establish a baseline achievement profile for  
14 each school by October 15, 2001. The baseline achievement profile shall be  
15 used to determine a standard measurement of acceptable academic progress for  
16 each school and a school classification pursuant to subsection G of this  
17 section. Any disclosure of educational records compiled by the department of  
18 education pursuant to this section shall comply with the family educational  
19 and privacy rights act of 1974 (20 United States Code section 1232g).  
20 D. The achievement profile for schools that offer instruction in  
21 kindergarten programs and grades one through eight, or any combination of  
22 those programs or grades, shall include the following school academic  
23 performance indicators:  
24 1. The Arizona measure of academic progress. The department shall  
25 compute the extent of academic progress made by the pupils in each school  
26 during the course of each year.  
27 2. The Arizona instrument to measure standards test. The department  
28 shall compute the percentage of pupils who meet or exceed the standard on the  
29 Arizona instrument to measure standards test, as prescribed by the state  
30 board of education.  
31 3. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED  
32 PURSUANT TO SECTION 15-756, SUBSECTION B, SECTION 15-756.05 AND SECTION  
33 15-756.06.  
34 E. The achievement profile for schools that offer instruction in  
35 grades nine through twelve, or any combination of those grades, shall include  
36 the following school academic performance indicators:  
37 1. The Arizona instrument to measure standards test. The department  
38 shall compute the percentage of pupils pursuant to subsection F of this  
39 section who meet or exceed the standard on the Arizona instrument to measure  
40 standards test, as prescribed by the state board of education.  
41 2. The annual dropout rate.  
42 3. The annual graduation rate.  
43 4. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED  
44 PURSUANT TO SECTION 15-756, SUBSECTION B, SECTION 15-756.05 AND SECTION  
45 15-756.06.

1 F. Subject to final adoption by the state board of education, the  
2 department shall determine the criteria for each school classification using  
3 a research based methodology. The methodology shall include the performance  
4 of pupils at all achievement levels, account for pupil mobility, account for  
5 the distribution of pupil achievement at each school and include longitudinal  
6 indicators of academic performance. For the purposes of this subsection,  
7 "research based methodology" means the systematic and objective application  
8 of statistical and quantitative research principles to determine a standard  
9 measurement of acceptable academic progress for each school.

10 G. The achievement profile shall be used to determine a school  
11 classification that designates each school as one of the following:

- 12 1. An excelling school.
- 13 2. A highly performing school.
- 14 3. A performing school.
- 15 4. An underperforming school.
- 16 5. A school failing to meet academic standards.

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

20 I. Subject to final adoption by the state board of education, the  
21 department of education shall develop a parallel achievement profile for  
22 accommodation schools, alternative schools as defined by the state board of  
23 education and schools with a student count of fewer than one hundred pupils.

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

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

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

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

20 N. If a school remains classified as an underperforming school for a  
21 third consecutive year, the department of education shall visit the school  
22 site to confirm the classification data and to review the implementation of  
23 the school's improvement plan. The school shall be classified as failing to  
24 meet academic standards unless an alternate classification is made after an  
25 appeal pursuant to subsection M of this section.

26 O. The school district governing board, within thirty days of  
27 receiving notice of the school failing to meet academic standards  
28 classification, shall provide written notification of the classification to  
29 each residence in the attendance area of the school. The notice shall  
30 explain the improvement plan process and provide information regarding the  
31 public meeting required by subsection R of this section.

32 P. The superintendent of public instruction, based on need, shall  
33 assign a solutions team to an underperforming school or a school failing to  
34 meet academic standards comprised of master teachers, fiscal analysts and  
35 curriculum assessment experts who are certified by the state board of  
36 education as Arizona academic standards technicians. The department of  
37 education may hire or contract with administrators, principals and teachers  
38 who have demonstrated experience with the characteristics and situations in  
39 an underperforming school or a school failing to meet academic standards and  
40 may use these personnel as part of the solutions team. The team shall work  
41 with staff at the school to assist in curricula alignment and shall instruct  
42 teachers on how to increase pupil academic progress, considering the school's  
43 achievement profile. The team shall select two master teachers to be  
44 employed by the school. The solutions team shall consider the existing  
45 improvement plan to assess the need for changes to curriculum, professional  
46 development and resource allocation.

1 Q. The parent or the guardian of the pupil may apply to the department  
2 of education, in a manner determined by the department of education, for a  
3 certificate of supplemental instruction from the failing schools tutoring  
4 fund established by this section. Pupils attending a school designated as an  
5 underperforming school or a school failing to meet academic standards or a  
6 pupil who has failed to pass one or more portions of the Arizona instrument  
7 to measure standards test in order to graduate from high school may select an  
8 alternative tutoring program in academic standards from a provider that is  
9 certified by the state board of education. To qualify, the provider must  
10 guarantee in writing a stated level of academic improvement for the pupil  
11 that includes a timeline for improvement that is agreed to by the parent or  
12 guardian of the pupil and the provider shall agree to refund to the state the  
13 standards assistance grant monies if the guaranteed level of academic  
14 improvement is not met. The state board of education shall determine the  
15 application guidelines and the maximum value for each certificate of  
16 supplemental instruction. The state board of education shall annually  
17 complete a market survey in order to determine the maximum value for each  
18 certificate of supplemental instruction. Nothing in this subsection shall be  
19 construed to require the state to provide additional monies beyond the monies  
20 provided pursuant to section 42-5029, subsection E, paragraph 7.

21 R. Within sixty days of receiving notification of designation as a  
22 school failing to meet academic standards, the school district governing  
23 board shall evaluate needed changes to the existing improvement plan for the  
24 school, consider recommendations from the solutions team, submit a copy of  
25 the plan to the superintendent of public instruction and supervise the  
26 implementation of the plan. Within thirty days after submitting the  
27 improvement plan to the superintendent of public instruction, the governing  
28 board shall hold a public meeting in each school that has been designated as  
29 a school failing to meet academic standards and shall present the respective  
30 improvement plans that have been developed for each school.

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

39 T. If a charter school is designated as a school failing to meet  
40 academic standards, the department of education shall immediately notify the  
41 charter school's sponsor. The charter school's sponsor shall either take  
42 action to restore the charter school to acceptable performance or revoke the  
43 charter school's charter. Within thirty days the school shall notify the  
44 parents of the students attending the school of the classification and of any  
45 pending public meetings to review the issue.

1 U. A school that has been designated as a school failing to meet  
2 academic standards shall be evaluated by the department of education to  
3 determine if the school failed to properly implement its school improvement  
4 plan, the alignment of the curriculum with academic standards, teacher  
5 training, budget prioritization or other proven strategies to improve  
6 academic performance. After visiting the school site pursuant to subsection  
7 N of this section, the department of education shall submit to the state  
8 board of education a recommendation to proceed pursuant to subsections P, Q  
9 and R of this section or that the school be subject to a public hearing to  
10 determine if the school failed to properly implement its improvement plan and  
11 the reasons for the department's recommendation.

12 V. If the department does recommend a public hearing, the state board  
13 of education shall meet and may provide by a majority vote at the public  
14 hearing for the continued operation of the school as allowed by this  
15 subsection. The state board of education shall determine whether  
16 governmental, nonprofit and private organizations may submit applications to  
17 the state board to fully or partially manage the school. The state board's  
18 determination shall include:

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

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

23 3. Resource allocation pursuant to subsection X of this section.

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

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

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

36 X. If an alternative operation plan is provided pursuant to subsection  
37 V of this section, the state board of education shall pay for the operation  
38 of the school and shall adjust the school district's student count pursuant  
39 to section 15-902, soft capital allocation pursuant to section 15-962,  
40 capital outlay revenue limit pursuant to section 15-961, base support level  
41 pursuant to section 15-943, monies distributed from the classroom site fund  
42 established ~~in~~ BY section 15-977 and transportation support level pursuant to  
43 section 15-945 to accurately reflect any reduction in district services that  
44 are no longer provided to that school by the district. The state board of  
45 education may modify the school district's revenue control limit, the  
46 district support level and the general budget limit calculated pursuant to

1 section 15-947 by an amount that corresponds to this reduction in services.  
2 The state board of education shall retain the portion of state aid that would  
3 otherwise be due the school district for the school and shall distribute that  
4 portion of state aid directly to the organization that contracts with the  
5 state board of education to operate the school.

6 Y. If the state board of education determines that a charter school  
7 failed to properly implement its improvement plan, the sponsor of the charter  
8 school shall revoke the charter school's charter.

9 Z. If there are more than two schools in a district and more than  
10 one-half, or in any case more than five, of the schools in the district are  
11 designated as schools failing to meet academic standards for more than two  
12 consecutive years, in the next election of members of the governing board the  
13 election ballot shall contain the following statement immediately above the  
14 listing of governing board candidates:

15 Within the last five years, (number of schools) schools in the  
16 \_\_\_\_\_ school district have been designated as "schools  
17 failing to meet academic standards" by the superintendent of  
18 public instruction.

19 AA. At least twice each year the department of education shall publish  
20 in a newspaper of general circulation in each county of this state a list of  
21 schools that are designated as schools failing to meet academic standards.

22 BB. The failing schools tutoring fund is established consisting of  
23 monies collected pursuant to section 42-5029, subsection E as designated for  
24 this purpose. The department of education shall administer the fund.

25 Sec. 2. Repeal

26 Section 15-756, Arizona Revised Statutes, is repealed.

27 Sec. 3. ReNUMBER

28 Section 15-756.01, Arizona Revised Statutes, is renumbered as section  
29 15-757.

30 Sec. 4. Title 15, chapter 7, article 3.1, Arizona Revised Statutes, is  
31 amended by adding new sections 15-756 and 15-756.01 and sections 15-756.02  
32 through 15-756.13, to read:

33 15-756. Identification of English language learners

34 A. THE PRIMARY OR HOME LANGUAGE FOR ALL NEW PUPILS WHO ENROLL IN A  
35 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE IDENTIFIED IN A MANNER PRESCRIBED  
36 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

37 B. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR  
38 HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION  
39 OF ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN A MANNER PRESCRIBED BY THE  
40 SUPERINTENDENT OF PUBLIC INSTRUCTION. THE TEST SCORES ADOPTED BY THE  
41 SUPERINTENDENT AS INDICATING ENGLISH LANGUAGE PROFICIENCY SHALL BE BASED ON  
42 THE TEST PUBLISHERS' DESIGNATED SCORES. THE DEPARTMENT SHALL ANNUALLY  
43 REQUEST AN APPROPRIATION TO PAY FOR THE PURCHASE OF ALL LANGUAGE PROFICIENCY  
44 ASSESSMENTS, SCORING AND ANCILLARY MATERIALS AS PRESCRIBED BY THE DEPARTMENT  
45 FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS.

1 C. IF IT IS DETERMINED THAT A PUPIL IS NOT ENGLISH LANGUAGE  
2 PROFICIENT, THE PUPIL SHALL BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND  
3 SHALL BE ENROLLED IN AN ENGLISH LANGUAGE EDUCATION PROGRAM PURSUANT TO  
4 SECTION 15-752 OR 15-753.

5 15-756.01. Arizona English language learners task force;  
6 research based models of structured English  
7 immersion for English language learners; budget  
8 requests; definitions

9 A. THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE IS ESTABLISHED IN  
10 THE DEPARTMENT OF EDUCATION. THE TASK FORCE SHALL CONSIST OF:

11 1. THREE MEMBERS APPOINTED BY THE SUPERINTENDENT OF PUBLIC  
12 INSTRUCTION.

13 2. TWO MEMBERS WHO ARE APPOINTED BY THE GOVERNOR.

14 3. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE.

15 4. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
16 REPRESENTATIVES.

17 B. MEMBERS OF THE TASK FORCE SHALL SERVE FOUR YEAR TERMS. MEMBERS OF  
18 THE TASK FORCE SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF THE TASK  
19 FORCE. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT FOR  
20 THE TASK FORCE.

21 C. BY SEPTEMBER 1, 2006, THE TASK FORCE SHALL DEVELOP AND ADOPT  
22 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION PROGRAMS FOR USE BY  
23 SCHOOL DISTRICTS AND CHARTER SCHOOLS. THE MODELS SHALL TAKE INTO  
24 CONSIDERATION AT LEAST THE SIZE OF THE SCHOOL, THE LOCATION OF THE SCHOOL,  
25 THE GRADE LEVELS AT THE SCHOOL, THE NUMBER OF ENGLISH LANGUAGE LEARNERS AND  
26 THE PERCENTAGE OF ENGLISH LANGUAGE LEARNERS. THE MODELS SHALL BE LIMITED TO  
27 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS TO PARTICIPATE IN A STRUCTURED ENGLISH  
28 IMMERSION PROGRAM NOT NORMALLY INTENDED TO EXCEED ONE YEAR. THE TASK FORCE  
29 SHALL IDENTIFY THE MINIMUM AMOUNT OF ENGLISH LANGUAGE DEVELOPMENT PER DAY FOR  
30 ALL MODELS. THE TASK FORCE SHALL DEVELOP SEPARATE MODELS FOR THE FIRST YEAR  
31 IN WHICH A PUPIL IS CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER THAT INCLUDES A  
32 MINIMUM OF FOUR HOURS PER DAY OF ENGLISH LANGUAGE DEVELOPMENT.

33 D. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION ADOPTED  
34 BY THE TASK FORCE SHALL BE THE MOST COST-EFFICIENT MODELS THAT MEET ALL STATE  
35 AND FEDERAL LAWS.

36 E. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE  
37 LIMITED TO A REGULAR SCHOOL YEAR AND SCHOOL DAY. INSTRUCTION OUTSIDE THE  
38 REGULAR SCHOOL YEAR OR SCHOOL DAY SHALL BE PROVIDED WITH COMPENSATORY  
39 INSTRUCTION AND MAY BE ELIGIBLE FOR FUNDING FROM THE STATEWIDE COMPENSATORY  
40 INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11.

41 F. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE  
42 SUBMITTED BY THE TASK FORCE TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF  
43 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE STATE BOARD OF EDUCATION.  
44 AT LEAST THIRTY DAYS BEFORE ADOPTION, THE TASK FORCE SHALL SUBMIT THE  
45 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION TO THE JOINT  
46 LEGISLATIVE BUDGET COMMITTEE FOR REVIEW.



1 G. THE TASK FORCE SHALL REVIEW RESEARCH BASED MODELS OF STRUCTURED  
2 ENGLISH IMMERSION ANNUALLY AND DELETE, ADD OR MODIFY THE EXISTING MODELS.  
3 WHEN ADOPTING OR MODIFYING ENGLISH LANGUAGE LEARNER PROGRAMS, THE TASK FORCE  
4 SHALL REVIEW AND CONSIDER THE INFORMATION AND DATA OBTAINED AS A RESULT OF  
5 THE DEPARTMENT OF EDUCATION'S MONITORING OF ENGLISH LANGUAGE LEARNER PROGRAMS  
6 PURSUANT TO SECTION 15-756.08.

7 H. THE TASK FORCE SHALL ESTABLISH PROCEDURES FOR SCHOOL DISTRICTS AND  
8 CHARTER SCHOOLS TO DETERMINE THE INCREMENTAL COSTS FOR IMPLEMENTATION OF THE  
9 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION DEVELOPED BY THE TASK  
10 FORCE.

11 I. THE TASK FORCE SHALL ESTABLISH A FORM FOR SCHOOL DISTRICTS AND  
12 CHARTER SCHOOLS TO DETERMINE THE STRUCTURED ENGLISH IMMERSION BUDGET REQUEST  
13 AMOUNT. NOTWITHSTANDING ANY OTHER LAW, THE MAXIMUM AMOUNT OF THE BUDGET  
14 REQUEST SHALL BE THE INCREMENTAL COSTS OF THE MODEL SELECTED OFFSET BY THE  
15 FOLLOWING MONIES:

16 1. ALL FEDERAL TITLE III MONIES AND ANY OTHER FEDERAL MONIES  
17 DESIGNATED SOLELY FOR THE EDUCATIONAL NEEDS OF ENGLISH LANGUAGE LEARNERS.

18 2. THE PORTION OF TITLE I AND TITLE II A MONIES DETERMINED BY THE  
19 ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE OF THE QUALIFIED  
20 POPULATION.

21 3. THE PORTION OF IMPACT AID MONIES DETERMINED BY THE ENGLISH LANGUAGE  
22 LEARNER POPULATION AS A PERCENTAGE OF THE QUALIFIED POPULATION. A SCHOOL  
23 DISTRICT OR CHARTER SCHOOL SHALL ONLY APPLY UNEXPENDED IMPACT AID MONIES TO  
24 ENGLISH LANGUAGE LEARNER PROGRAMS AFTER IT HAS APPLIED ITS IMPACT AID MONIES  
25 FOR OTHER ALLOWABLE USES AS PERMITTED BY STATE LAW.

26 4. THE PORTION OF DESEGREGATION MONIES LEVIED PURSUANT TO SECTION  
27 15-910 DETERMINED BY THE ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE  
28 OF THE QUALIFIED POPULATION.

29 5. THE ELL SUPPORT LEVEL WEIGHT PRESCRIBED IN SECTION 15-943.

30 J. THE DIFFERENCE CALCULATED PURSUANT TO SUBSECTION I OF THIS SECTION  
31 SHALL BE THE MAXIMUM AMOUNT OF THE STRUCTURED ENGLISH IMMERSION BUDGET  
32 REQUEST PURSUANT TO SECTION 15-756.03 FOR MONIES FROM THE ARIZONA STRUCTURED  
33 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04. BEGINNING JULY 15,  
34 2008, SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL NOT INCLUDE THE INCREMENTAL  
35 COSTS OF ANY PUPIL WHO IS CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AFTER  
36 JULY 1, 2007 AND WHO HAS BEEN CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER FOR  
37 MORE THAN TWO YEARS IN THE CALCULATION OF THE SCHOOL DISTRICT'S OR CHARTER  
38 SCHOOL'S STRUCTURED ENGLISH IMMERSION BUDGET REQUEST.

39 K. IN CONSULTATION WITH THE AUDITOR GENERAL, THE DEPARTMENT OF  
40 EDUCATION SHALL DEVELOP AND ADOPT FORMS TO BE USED BY SCHOOL DISTRICTS AND  
41 CHARTER SCHOOLS TO SUBMIT BUDGET REQUESTS FOR THE ARIZONA STRUCTURED ENGLISH  
42 IMMERSION FUND, INCLUDING THE FORM PRESCRIBED IN SUBSECTION I OF THIS  
43 SECTION.

44 L. FOR THE PURPOSES OF THIS SECTION:

45 1. "COMPENSATORY INSTRUCTION" HAS THE SAME MEANING PRESCRIBED IN  
46 SECTION 15-756.11.

1           2. "INCREMENTAL COSTS" MEANS COSTS THAT ARE ASSOCIATED WITH A  
2 STRUCTURED ENGLISH IMMERSION PROGRAM PURSUANT TO SECTION 15-752 OR A PROGRAM  
3 PURSUANT TO SECTION 15-753 AND THAT ARE IN ADDITION TO THE NORMAL COSTS OF  
4 CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS. INCREMENTAL COSTS DO  
5 NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF SERVICES PROVIDED TO ENGLISH  
6 PROFICIENT STUDENTS OR COMPENSATORY INSTRUCTION.

7           15-756.02. School districts and charter schools; English  
8                                   language learner models; adoption and  
9                                   implementation

10           A. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH GOVERNING BODY OF A  
11 CHARTER SCHOOL SHALL SELECT ONE OR MORE OF THE TASK FORCE APPROVED MODELS FOR  
12 STRUCTURED ENGLISH IMMERSION FOR IMPLEMENTATION ON A SCHOOL BY SCHOOL BASIS.

13           B. IF A SCHOOL DISTRICT OR CHARTER SCHOOL WANTS TO ADOPT AN ENGLISH  
14 LANGUAGE LEARNER PROGRAM THAT IS NOT BASED ON A MODEL ADOPTED BY THE TASK  
15 FORCE, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL FIRST SUBMIT THE PROPOSED  
16 PROGRAM ALONG WITH SUPPORTING DOCUMENTATION REGARDING THE EXPECTED OUTCOMES  
17 OF THE PROGRAM ON THE DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER  
18 STUDENTS TO THE TASK FORCE FOR APPROVAL.

19           C. ON RECEIPT OF A PROPOSED PROGRAM FROM A SCHOOL DISTRICT OR CHARTER  
20 SCHOOL, THE TASK FORCE MAY DO ONE OF THE FOLLOWING:

- 21           1. APPROVE THE PROPOSED PROGRAM.  
22           2. PROVIDE LIMITED APPROVAL SUBJECT TO SPECIFIC STIPULATIONS  
23 PRESCRIBED BY THE STATE BOARD.  
24           3. REJECT THE PROPOSED PROGRAM AND IDENTIFY A MODEL APPROVED BY THE  
25 TASK FORCE FOR THE SCHOOL DISTRICT OR CHARTER SCHOOL TO ADOPT.

26           D. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL INCLUDE A COPY OF THE  
27 ADOPTED ENGLISH LANGUAGE LEARNER PROGRAM IN THE ANNUAL REPORT REQUIRED IN  
28 SECTION 15-756.10.

29           15-756.03. Structured English immersion; budget request

30           A. IF A SCHOOL DISTRICT OR CHARTER SCHOOL QUALIFIES TO SUBMIT A BUDGET  
31 REQUEST BASED ON THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I, THE  
32 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL SUBMIT A STRUCTURED ENGLISH IMMERSION  
33 BUDGET REQUEST ON A SCHOOL BY SCHOOL BASIS. THE BUDGET REQUEST SHALL BE FOR  
34 A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE ARIZONA STRUCTURED ENGLISH  
35 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04.

36           B. EACH SCHOOL DISTRICT OR CHARTER SCHOOL STRUCTURED ENGLISH IMMERSION  
37 BUDGET REQUEST SHALL INCLUDE THE SIGNATURE OF THE SUPERINTENDENT OF THE  
38 SCHOOL DISTRICT AND THE CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE  
39 PRINCIPAL OF THE CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE  
40 CHARTER SCHOOL THAT CERTIFIES THAT THE INFORMATION IN THE BUDGET REQUEST IS  
41 TRUE TO THE BEST OF THAT PERSON'S KNOWLEDGE AND HAS BEEN CALCULATED IN  
42 ACCORDANCE WITH THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I AND  
43 THAT MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED  
44 BY SECTION 15-756.04 WILL NOT BE USED TO SUPPLANT ANY FEDERAL, STATE OR LOCAL  
45 MONIES, INCLUDING DESEGREGATION MONIES LEVIED PURSUANT TO SECTION 15-910,

1 USED FOR ENGLISH LANGUAGE LEARNERS THAT WERE BUDGETED FOR ENGLISH LANGUAGE  
2 LEARNERS AS OF FEBRUARY 23, 2006.

3 C. BEGINNING JULY 1, 2007, EACH SCHOOL DISTRICT AND CHARTER SCHOOL  
4 THAT SUBMITS A STRUCTURED ENGLISH IMMERSION BUDGET REQUEST SHALL SUBMIT THE  
5 BUDGET REQUEST TO THE DEPARTMENT OF EDUCATION ANNUALLY ON OR BEFORE  
6 SEPTEMBER 15. THE DEPARTMENT OF EDUCATION SHALL VERIFY THE BUDGET REQUEST OF  
7 EACH SCHOOL DISTRICT AND CHARTER SCHOOL FOR ACCURACY AND COMPLIANCE WITH THE  
8 FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I. THE DEPARTMENT SHALL  
9 COLLECT ALL SCHOOL DISTRICT AND CHARTER SCHOOL BUDGET REQUESTS AND SUBMIT  
10 THEM TO THE LEGISLATURE FOR FUNDING FROM THE ARIZONA STRUCTURED ENGLISH  
11 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AT THE SAME TIME AS THE  
12 DEPARTMENT'S BUDGET REQUEST.

13 15-756.04. Arizona structured English immersion fund

14 A. THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND IS ESTABLISHED. THE  
15 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

16 B. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REQUEST FOR AN APPROPRIATION  
17 FOR THE PURPOSES OF THIS SECTION.

18 C. IN ADDITION TO THE ELL SUPPORT LEVEL WEIGHT PRESCRIBED IN SECTION  
19 15-943, THE DEPARTMENT SHALL DISTRIBUTE MONIES FROM THE FUND TO SCHOOL  
20 DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT SPECIFIED IN THE BUDGET REQUEST  
21 PRESCRIBED IN SECTION 15-756.03, SUBSECTION C. MONIES FROM THE FUND  
22 ESTABLISHED BY THIS SECTION AND MONIES FOR THE ELL SUPPORT LEVEL WEIGHT  
23 PRESCRIBED IN SECTION 15-943 SHALL NOT BE DISTRIBUTED FOR MORE THAN TWO  
24 FISCAL YEARS FOR THE SAME PUPIL. NOTHING IN THIS SUBSECTION SHALL BE  
25 CONSTRUED TO PROHIBIT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM RECEIVING  
26 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND ESTABLISHED BY  
27 SECTION 15-756.11 FOR MORE THAN TWO FISCAL YEARS FOR THE SAME PUPIL.

28 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN  
29 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR ENGLISH LANGUAGE  
30 LEARNER PROGRAMS.

31 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL  
32 LEVEL STRUCTURED ENGLISH IMMERSION FUND TO RECEIVE MONIES DISTRIBUTED FROM  
33 THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND. MONIES IN LOCAL LEVEL  
34 STRUCTURED ENGLISH IMMERSION FUNDS SHALL BE SPENT ONLY TO PROVIDE INSTRUCTION  
35 TO ENGLISH LANGUAGE LEARNERS. THE AUDITOR GENERAL SHALL MODIFY THE BUDGET  
36 FORMAT, FINANCIAL RECORD REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT  
37 FORMS IN ACCORDANCE WITH THIS SUBSECTION. IN CONSULTATION WITH THE  
38 DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL SHALL PROVIDE SUPPORT AND  
39 GUIDANCE TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COMPLYING WITH  
40 THIS SUBSECTION. DOCUMENTS DEVELOPED PURSUANT TO THIS SUBSECTION SHALL BE  
41 REVIEWED BY THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE ESTABLISHED BY  
42 SECTION 15-756.01 AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

43 F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND  
44 TO SUPPLEMENT EXISTING PROGRAMS FOR ENGLISH LANGUAGE LEARNERS. MONIES FROM  
45 THE FUND SHALL NOT BE USED TO SUPPLANT AVAILABLE MONIES USED TO PAY FOR THE  
46 NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS.



1 SHALL MONITOR ALL FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS WITH THE HIGHEST  
2 NUMBER OF ENGLISH LANGUAGE LEARNERS IN THIS STATE AT LEAST ONCE EVERY FOUR  
3 YEARS.

4 2. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS  
5 THAT ARE NOT INCLUDED IN THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS  
6 DESCRIBED IN PARAGRAPH 1.

7 3. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS  
8 THAT ARE NOT REQUIRED TO PROVIDE INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS  
9 FOR A MAJORITY OF THEIR GRADE LEVELS.

10 4. CHOOSE, BASED ON THE DEPARTMENT'S REVIEW OF REPORTS SUBMITTED BY  
11 SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE SCHOOL DISTRICTS AND CHARTER  
12 SCHOOLS DESCRIBED IN PARAGRAPHS 1, 2 AND 3.

13 5. SELECT A RANDOM SAMPLE OF THREE HUNDRED ENGLISH LANGUAGE LEARNERS  
14 EACH MONTH TO DETERMINE:

15 (a) HOW MANY OF THE SAMPLE CAN READ THE RANDOMLY ORDERED ALPHABET IN  
16 THIRTY SECONDS OR LESS.

17 (b) HOW MANY OF THE SAMPLE CAN READ A RANDOMLY SORTED LIST OF THIRTY  
18 SINGLE-SYLLABLE WORDS IN ONE MINUTE OR LESS.

19 B. THE MONITORING REQUIRED BY THIS SECTION SHALL BE ON-SITE MONITORING  
20 AND SHALL INCLUDE CLASSROOM OBSERVATIONS, CURRICULUM REVIEWS, FACULTY  
21 INTERVIEWS, STUDENT RECORDS, A REVIEW OF ENGLISH LANGUAGE LEARNER PROGRAMS  
22 AND AN ANALYSIS OF PROGRAMMATIC EFFECTIVENESS, AT A MINIMUM, TO INCLUDE PRIOR  
23 YEAR DATA THAT ANALYZE THE PROGRESS OF ENGLISH LANGUAGE LEARNERS.

24 C. BASED ON THE RESULTS OF THE MONITORING, THE DEPARTMENT SHALL  
25 DETERMINE WHETHER OR NOT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS COMPLYING  
26 WITH STATE AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS.

27 D. THE DEPARTMENT SHALL ISSUE A REPORT OF THE RESULTS OF THE  
28 MONITORING WITHIN FORTY-FIVE DAYS AFTER COMPLETING THE MONITORING.

29 E. WITHIN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE DEPARTMENT'S  
30 REPORT, THE SCHOOL DISTRICT OR CHARTER SCHOOL RECEIVING THE REPORT SHALL  
31 PREPARE AND SUBMIT TO THE DEPARTMENT A CORRECTIVE ACTION PLAN, IN A MANNER  
32 PRESCRIBED BY THE STATE BOARD OF EDUCATION, THAT SETS FORTH STEPS THAT WILL  
33 BE TAKEN TO CORRECT THE DEFICIENCIES, IF ANY, NOTED IN THE DEPARTMENT'S  
34 REPORT.

35 F. WITHIN THIRTY DAYS AFTER RECEIVING A SCHOOL DISTRICT'S OR CHARTER  
36 SCHOOL'S CORRECTIVE ACTION PLAN, THE DEPARTMENT SHALL REVIEW THE CORRECTIVE  
37 ACTION PLAN AND MAY REQUIRE CHANGES TO THE CORRECTIVE ACTION PLAN.

38 G. AFTER THE DEPARTMENT HAS REVIEWED A SCHOOL DISTRICT'S OR CHARTER  
39 SCHOOL'S CORRECTIVE ACTION PLAN AND MADE ANY CHANGES THE DEPARTMENT DEEMS  
40 NECESSARY, THE DEPARTMENT SHALL RETURN THE CORRECTIVE ACTION PLAN TO THE  
41 SCHOOL DISTRICT OR CHARTER SCHOOL.

42 H. WITHIN THIRTY DAYS AFTER RECEIVING A CORRECTIVE ACTION PLAN BACK  
43 FROM THE DEPARTMENT, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BEGIN  
44 IMPLEMENTING THE MEASURES SET FORTH IN THE CORRECTIVE ACTION PLAN.

1 I. THE DEPARTMENT SHALL CONDUCT A FOLLOW-UP EVALUATION OF THE SCHOOL  
2 DISTRICT OR CHARTER SCHOOL WITHIN ONE YEAR AFTER THE DEPARTMENT RETURNED THE  
3 CORRECTIVE ACTION PLAN TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

4 J. IN CONDUCTING THE FOLLOW-UP EVALUATION, IF THE DEPARTMENT FINDS  
5 THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH STATE  
6 AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS, THE DEPARTMENT  
7 SHALL REFER THE SCHOOL DISTRICT OR CHARTER SCHOOL TO THE STATE BOARD OF  
8 EDUCATION FOR A FINDING OF NONCOMPLIANCE. A SCHOOL DISTRICT OR CHARTER  
9 SCHOOL FOUND BY THE BOARD TO BE NONCOMPLIANT SHALL NOT CONTINUE TO RECEIVE  
10 ANY MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY  
11 SECTION 15-756.04 FOR ENGLISH LANGUAGE LEARNERS AND SHALL NOT REDUCE THE  
12 AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH  
13 LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF MONIES CAUSED BY THE  
14 NONCOMPLIANCE.

15 K. THE DEPARTMENT SHALL MONITOR EACH SCHOOL DISTRICT OR CHARTER SCHOOL  
16 THAT THE STATE BOARD OF EDUCATION HAS FOUND TO BE NONCOMPLIANT AND THAT IS  
17 NOT RECEIVING ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES PURSUANT TO  
18 SUBSECTION J OF THIS SECTION TO ENSURE THAT THE SCHOOL DISTRICT OR CHARTER  
19 SCHOOL DOES NOT REDUCE THE AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR  
20 CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF  
21 ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES CAUSED BY THE  
22 NONCOMPLIANCE.

23 15-756.09. Teacher training

24 A. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE QUALIFICATIONS  
25 NECESSARY FOR A PROVISIONAL AND FULL STRUCTURED ENGLISH IMMERSION  
26 ENDORSEMENT.

27 B. TRAINING MAY BE ALLOWED THAT IS NOT PROVIDED BY A COLLEGE OR  
28 UNIVERSITY TO SUBSTITUTE FOR ANY OF THE COURSES REQUIRED FOR A STRUCTURED  
29 ENGLISH IMMERSION ENDORSEMENT OR A BILINGUAL EDUCATION ENDORSEMENT IF ALL OF  
30 THE FOLLOWING CONDITIONS APPLY:

31 1. THE STATE BOARD OF EDUCATION HAS REVIEWED THE CURRICULA, TEXTBOOKS,  
32 GRADING PROCEDURES AND ATTENDANCE POLICIES AND DETERMINED THAT THE TRAINING  
33 IS COMPARABLE IN AMOUNT, SCOPE AND QUALITY TO A COURSE OFFERED BY A COLLEGE  
34 OR UNIVERSITY FOR A STRUCTURED ENGLISH IMMERSION OR BILINGUAL EDUCATION  
35 ENDORSEMENT.

36 2. THE TRAINING MEETS THE PROFESSIONAL TEACHING STANDARDS ADOPTED BY  
37 THE STATE BOARD OF EDUCATION.

38 3. THE STATE BOARD OF EDUCATION HAS REVIEWED THE QUALIFICATIONS OF THE  
39 INSTRUCTOR AND DETERMINED THAT THE INSTRUCTOR HAS SUFFICIENT EXPERIENCE TO  
40 EFFECTIVELY CONDUCT THE TRAINING.

41 C. THE STATE BOARD OF EDUCATION SHALL REQUIRE ALL APPROVED TEACHER  
42 TRAINING PROGRAMS THAT PROVIDE A DEGREE IN EDUCATION TO REQUIRE COURSES THAT  
43 ARE NECESSARY TO OBTAIN A FULL STRUCTURED ENGLISH IMMERSION ENDORSEMENT.

44 15-756.10. Reporting

45 THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT  
46 OF EDUCATION SHALL:



1           A. THE STATEWIDE COMPENSATORY INSTRUCTION FUND IS ESTABLISHED. THE  
2 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

3           B. TO BE ELIGIBLE FOR MONIES APPROPRIATED PURSUANT TO THIS SECTION, A  
4 SCHOOL DISTRICT OR CHARTER SCHOOL MUST DEMONSTRATE TO THE DEPARTMENT OF  
5 EDUCATION THAT IT HAS ESTABLISHED A SATISFACTORY COMPENSATORY INSTRUCTION  
6 PROGRAM. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND  
7 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE  
8 DEPARTMENT FOR COMPENSATORY INSTRUCTION COSTS.

9           C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL ANNUALLY SUBMIT WRITTEN  
10 COMPENSATORY INSTRUCTION BUDGET REQUESTS TO THE DEPARTMENT ON OR BEFORE JULY  
11 15 FOR MONIES FROM THE FUND ON A FORM DEVELOPED BY THE DEPARTMENT. THE  
12 REQUESTS SHALL INCLUDE AN ANALYSIS OF COMPENSATORY INSTRUCTION EFFECTIVENESS.

13           D. THE WRITTEN REQUESTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER  
14 SCHOOLS SHALL BE SIGNED BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE  
15 CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE  
16 CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL AND  
17 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND SHALL NOT BE USED TO  
18 SUPPLANT ANY FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES  
19 LEVIED PURSUANT TO SECTION 15-910, USED FOR ENGLISH LANGUAGE LEARNERS THAT  
20 WERE BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

21           E. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND  
22 TO SUPPLEMENT EXISTING PROGRAMS. MONIES SHALL NOT BE USED TO SUPPLANT ANY  
23 FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES LEVIED  
24 PURSUANT TO SECTION 15-910, USED FOR COMPENSATORY INSTRUCTION THAT WERE  
25 BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

26           F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL  
27 LEVEL COMPENSATORY INSTRUCTION FUND TO RECEIVE MONIES DISTRIBUTED FROM THE  
28 STATEWIDE COMPENSATORY INSTRUCTION FUND. MONIES IN LOCAL LEVEL COMPENSATORY  
29 INSTRUCTION FUNDS SHALL BE SPENT ONLY FOR COMPENSATORY INSTRUCTION. THE  
30 AUDITOR GENERAL SHALL MODIFY THE BUDGET FORMAT, FINANCIAL RECORD  
31 REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT FORMS IN ACCORDANCE WITH  
32 THIS SUBSECTION. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE  
33 AUDITOR GENERAL SHALL PROVIDE SUPPORT AND GUIDANCE TO ASSIST SCHOOL DISTRICTS  
34 AND CHARTER SCHOOLS IN COMPLYING WITH THIS SUBSECTION. DOCUMENTS DEVELOPED  
35 PURSUANT TO THIS SUBSECTION SHALL BE REVIEWED BY THE ARIZONA ENGLISH LANGUAGE  
36 LEARNERS TASK FORCE ESTABLISHED BY SECTION 15-756.01 AND THE JOINT  
37 LEGISLATIVE BUDGET COMMITTEE.

38           G. FOR THE PURPOSES OF THIS SECTION, "COMPENSATORY INSTRUCTION" MEANS  
39 PROGRAMS IN ADDITION TO NORMAL CLASSROOM INSTRUCTION THAT MAY INCLUDE  
40 INDIVIDUAL OR SMALL GROUP INSTRUCTION, EXTENDED DAY CLASSES, SUMMER SCHOOL OR  
41 INTERSESSION SCHOOL AND THAT ARE LIMITED TO IMPROVING THE ENGLISH PROFICIENCY  
42 OF CURRENT ENGLISH LANGUAGE LEARNERS AND PUPILS WHO WERE ENGLISH LANGUAGE  
43 LEARNERS AND WHO HAVE BEEN RECLASSIFIED AS ENGLISH PROFICIENT WITHIN THE  
44 PREVIOUS TWO YEARS.

45           15-756.12. Auditor general; duties

46           THE AUDITOR GENERAL SHALL:





1           4. Additional expenditures for utilities are budgeted in the excess  
2 utility cost category.

3           B. The governing board shall apply the same percentage increase or  
4 decrease allowed in the revenue control limit and the capital outlay revenue  
5 limit as provided in section 15-905, subsection E or section 15-948 to the  
6 utility expenditure line of the budget.

7           C. The governing board may expend from the excess utility cost  
8 category only after it has expended for utility purposes the full amount  
9 budgeted in the utility expenditure line of the budget.

10          D. The governing board, after notice is given and a public meeting is  
11 held as provided in section 15-905, subsection D, may revise at any time  
12 before May 15 the amount budgeted in the excess utility cost category for the  
13 current year. Not later than May 18, the budget as revised shall be  
14 submitted electronically to the superintendent of public instruction.

15          E. If the revised excess utility cost category results in an  
16 expenditure of monies in excess of school district revenues for the current  
17 year, the county school superintendent shall include within the revenue  
18 estimate for the budget year monies necessary to meet the liabilities  
19 incurred by the school district in the current year in excess of revenues  
20 received for the current year.

21          F. If a school district receives a refund of utility expenditures or a  
22 rebate on energy saving devices or services, the refund or rebate shall be  
23 applied against utility expenditures for the current year as a reduction of  
24 the expenditures, except that the reduction of expenditures shall not exceed  
25 the amount of actual utility expenditures.

26          G. The governing board may budget for expenses of complying with or  
27 continuing to implement activities which were required or permitted by a  
28 court order of desegregation or administrative agreement with the United  
29 States department of education office for civil rights directed toward  
30 remediating alleged or proven racial discrimination which are specifically  
31 exempt in whole or in part from the revenue control limit and the capital  
32 outlay revenue limit. This exemption applies only to expenses incurred for  
33 activities which are begun before the termination of the court order or  
34 administrative agreement. **IF A DISTRICT IS LEVYING A PRIMARY PROPERTY TAX ON  
35 FEBRUARY 23, 2006 AND USING THOSE MONIES TO ADMINISTER AN ENGLISH LANGUAGE  
36 LEARNER PROGRAM TO REMEDY ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI OF  
37 THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d), THE  
38 DISTRICT MAY SPEND THOSE MONIES TO REMEDY A VIOLATION OF THE EQUAL EDUCATION  
39 ACT OF 1974 (20 UNITED STATES CODE SECTION 1703(f)). NOTHING IN THIS  
40 SUBSECTION ALLOWS A SCHOOL DISTRICT TO LEVY A PRIMARY PROPERTY TAX FOR  
41 VIOLATIONS OF THE EQUAL EDUCATION ACT OF 1974 (20 UNITED STATES CODE SECTION  
42 1703(f)) IN THE ABSENCE OF AN ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI  
43 OF THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d).**

44          H. If a governing board chooses to budget monies outside of the  
45 revenue control limit as provided in subsection G of this section, the  
46 governing board may do one of the following:

1           1. Use monies from the maintenance and operation fund equal to any  
2 excess desegregation or compliance expenses beyond the revenue control limit  
3 before June 30 of the current year.

4           2. Notify the county school superintendent to include the cost of the  
5 excess expenses in the county school superintendent's estimate of the  
6 additional amount needed for the school district from the primary property  
7 tax as provided in section 15-991.

8           3. Employ the provisions of both paragraphs 1 and 2 of this subsection  
9 provided that the total amount transferred and included in the amount needed  
10 from property taxes does not exceed the total amount budgeted as prescribed  
11 in subsection J, paragraph 1 of this section.

12           I. Through fiscal year 2003-2004, the maximum amount which a governing  
13 board may budget outside of the capital outlay revenue limit as provided in  
14 subsection G of this section is twelve per cent of the maintenance and  
15 operation desegregation budget as provided in subsection J of this section or  
16 the amount that it budgeted pursuant to this subsection for fiscal year  
17 2001-2002, whichever is less. If a governing board chooses to budget monies  
18 outside of the capital outlay revenue limit as provided in subsection G of  
19 this section, the governing board may notify the county school superintendent  
20 to include the cost of the excess expenses in the county school  
21 superintendent's estimate of the additional amount needed for the school  
22 district from the primary property tax as provided in section 15-991.

23           J. A governing board using subsections G, H and I of this section:

24           1. Shall prepare and employ a separate maintenance and operation  
25 desegregation budget and capital outlay desegregation budget on a form  
26 prescribed by the superintendent of public instruction in conjunction with  
27 the auditor general. The budget format shall be designed to allow a school  
28 district to plan and provide in detail for expenditures to be incurred solely  
29 as a result of compliance with or continuing to implement activities which  
30 were required or permitted by a court order of desegregation or  
31 administrative agreement with the United States department of education  
32 office for civil rights directed toward remediating alleged or proven racial  
33 discrimination.

34           2. Shall prepare as a part of the annual financial report a detailed  
35 report of expenditures incurred solely as a result of compliance with or  
36 continuing to implement activities which were required or permitted by a  
37 court order of desegregation or administrative agreement with the United  
38 States department of education office for civil rights directed toward  
39 remediating alleged or proven racial discrimination, in a format prescribed  
40 by the auditor general in conjunction with the department of education as  
41 provided by section 15-904.

42           3. On or before July 15, 2006 and each year thereafter, shall collect  
43 and report data regarding activities related to a court order of  
44 desegregation or an administrative agreement with the United States  
45 department of education office for civil rights directed toward remediating  
46 alleged or proven racial discrimination in a format prescribed by the

1 department of education. The department shall compile and submit copies of  
2 the reports to the governor, the president of the senate, the speaker of the  
3 house of representatives and the chairpersons of the education committees of  
4 the senate and the house of representatives. A school district that becomes  
5 subject to a new court order of desegregation or a party to an administrative  
6 agreement with the United States department of education office for civil  
7 rights directed toward remediating alleged or proven racial discrimination  
8 shall submit these reports on or before July 15 or within ninety days of the  
9 date of the court order or administrative agreement, whichever occurs  
10 first. The department of education, in consultation with the auditor  
11 general, shall develop reporting requirements to ensure that school districts  
12 submit at least the following information and documentation to the department  
13 of education beginning in fiscal year 2006-2007:

14 (a) A district-wide budget summary and a budget summary on a school by  
15 school basis for each school in the school district that lists the sources  
16 and uses of monies that are designated for desegregation purposes.

17 (b) A detailed list of desegregation activities on a district-wide  
18 basis and on a school by school basis for each school in the school district.

19 (c) The date that the school district was determined to be out of  
20 compliance with title VI of the civil rights act of 1964 (42 United States  
21 Code section 2000d) and the basis for that determination.

22 (d) The initial date that the school district began to levy property  
23 taxes to provide funding for desegregation expenses and any dates that these  
24 property tax levies were increased.

25 (e) If applicable, a current and accurate description of all magnet  
26 type programs that are in operation pursuant to the court order during the  
27 current school year on a district-wide basis and on a school by school  
28 basis. This information shall contain the eligibility and attendance  
29 criteria of each magnet type program, the capacity of each magnet type  
30 program, the ethnic composition goals of each magnet type program, the actual  
31 attending ethnic composition of each magnet type program and the specific  
32 activities offered in each magnet type program.

33 (f) The number of pupils who participate in desegregation activities  
34 on a district-wide basis and on a school by school basis for each school in  
35 the school district.

36 (g) A detailed summary of the academic achievement of pupils on a  
37 district-wide basis and on a school by school basis for each school in the  
38 school district.

39 (h) The number of employees, including teachers and administrative  
40 personnel, on a district-wide basis and on a school by school basis for each  
41 school in the school district that are necessary to conduct desegregation  
42 activities.

43 (i) The number of employees, including teachers and administrative  
44 personnel, on a district-wide basis and on a school by school basis for each  
45 school in the school district and the number of employees at school district

1 administrative offices that are funded in whole or in part with desegregation  
2 monies received pursuant to this section.

3 (j) The amount of monies that are not derived through a primary or  
4 secondary property tax levy and that are budgeted and spent on desegregation  
5 activities on a district-wide basis and on a school by school basis for each  
6 school in the school district.

7 (k) Verification that the desegregation funding will supplement and  
8 not supplant funding for other academic and extracurricular activities.

9 (l) Verification that the desegregation funding is educationally  
10 justifiable.

11 (m) Any documentation that supports the proposition that the requested  
12 desegregation funding is intended to result in equal education opportunities  
13 for all pupils in the school district.

14 (n) Verification that the desegregation funding will be used to  
15 promote systemic and organizational changes within the school district.

16 (o) Verification that the desegregation funding will be used in  
17 accordance with the academic standards adopted by the state board of  
18 education pursuant to sections 15-701 and 15-701.01.

19 (p) Verification that the desegregation funding will be used to  
20 accomplish specific actions to remediate proven discrimination pursuant to  
21 title VI of the civil rights act of 1964 (42 United States Code section  
22 2000d) as specified in the court order or administrative agreement.

23 (q) An evaluation by the school district of the effectiveness of the  
24 school district's desegregation measures.

25 (r) An estimate of when the school district will be in compliance with  
26 the court order or administrative agreement and a detailed account of the  
27 steps that the school district will take to achieve compliance.

28 (s) Any other information that the department of education deems  
29 necessary to carry out the purposes of this paragraph.

30 K. If a school district governing board budgets for expenses of  
31 complying with a court order of desegregation or an administrative agreement  
32 with the United States department of education office for civil rights  
33 directed toward remediating alleged or proven racial discrimination, the  
34 governing board shall ensure that the desegregation expenses will:

35 1. Be educationally justifiable.

36 2. Result in equal education opportunities for all pupils in the  
37 school district.

38 3. Be used to promote systemic and organizational changes within the  
39 school district.

40 4. Be used in accordance with the academic standards adopted by the  
41 state board of education pursuant to sections 15-701 and 15-701.01.

42 5. Be used to accomplish specific actions to remediate proven  
43 discrimination pursuant to title VI of the civil rights act of 1964 (42  
44 United States Code section 2000d) as specified in the court order or  
45 administrative agreement.

1           6. Be used in accordance with a plan submitted to the department of  
2 education that includes an estimate of the amount of monies that will be  
3 required to bring the school district into compliance with the court order or  
4 administrative agreement and an estimate of when the school district will be  
5 in compliance with the court order or administrative agreement.

6           L. The governing board may budget for the bond issues portion of the  
7 cost of tuition charged the district as provided in section 15-824 for the  
8 pupils attending school in another school district, except that if the  
9 district is a common school district not within a high school district, the  
10 district may only include that part of tuition which is excluded from the  
11 revenue control limit and district support level as provided in section  
12 15-951. The bond issues portion of the cost of tuition charged is  
13 specifically exempt from the revenue control limit of the school district of  
14 residence, and the primary property tax rate set to fund this amount shall  
15 not be included in the computation of additional state aid for education as  
16 provided in section 15-972, except as provided in section 15-972, subsection  
17 E. The department of education and the auditor general shall include in the  
18 maintenance and operation section of the budget format, as provided in  
19 section 15-903, a separate category for the bond issues portion of the cost  
20 of tuition.

21           M. The governing board may budget for interest expenses it incurred  
22 for registering warrants drawn against a fund of the school district or net  
23 interest expense on tax anticipation notes as prescribed in section  
24 35-465.05, subsection C for the fiscal year preceding the current year if the  
25 county treasurer pooled all school district monies for investment as provided  
26 in section 15-996 for the fiscal year preceding the current year and, in  
27 those school districts that receive state aid, the school districts applied  
28 for an apportionment of state aid before the date set for the apportionment  
29 as provided in section 15-973 for the fiscal year preceding the current year.  
30 The governing board may budget an amount for interest expenses for  
31 registering warrants or issuing tax anticipation notes equal to or less than  
32 the amount of the warrant interest expense or net interest expense on tax  
33 anticipation notes as prescribed in section 35-465.05, subsection C for the  
34 fiscal year preceding the current year as provided in this subsection which  
35 is specifically exempt from the revenue control limit. For the purposes of  
36 this subsection, "state aid" means state aid as determined in sections 15-971  
37 and 15-972.

38           Sec. 6. Section 15-943, Arizona Revised Statutes, is amended to read:  
39           15-943. Base support level

40           The base support level for each school district shall be computed as  
41 follows:

42           1. The following support level weights shall be used in paragraph 2,  
43 subdivision (a) for the following school districts:

44           (a) For school districts whose student count in kindergarten programs  
45 and grades one through eight is classified in column 1 of this subdivision,  
46 the support level weight for kindergarten programs and grades one through

1 eight is the corresponding support level weight prescribed in column 2 or 3  
 2 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight For Small Isolated	Support Level Weight For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.559	1.399
100-499	1.358 + [0.0005 x (500 - student count)]	1.278 + [0.0003 x (500 - student count)]
500-599	1.158 + [0.002 x (600 - student count)]	1.158 + [0.0012 x (600 - student count)]

12 (b) For school districts whose student count in grades nine through  
 13 twelve is classified in column 1 of this subdivision, the support level  
 14 weight for grades nine through twelve is the corresponding support level  
 15 weight prescribed in column 2 or 3 of this subdivision, whichever is  
 16 appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	Support Level Weight For Small Isolated	Support Level Weight For Small
<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
1-99	1.669	1.559
100-499	1.468 + [0.0005 x (500 - student count)]	1.398 + [0.0004 x (500 - student count)]
500-599	1.268 + [0.002 x (600 - student count)]	1.268 + [0.0013 x (600 - student count)]

26 2. Subject to paragraph 1, determine the weighted student count as  
 27 follows, EXCEPT THAT FUNDING FOR THE SAME ELL PUPIL SHALL NOT BE PROVIDED FOR  
 28 MORE THAN TWO FISCAL YEARS:

29 (a)

<u>Grade Base</u>	<u>Group A</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
PSD 1.000 + 0.450 =	1.450	x _____	= _____	
K-8 1.000 + 0.158 =	1.158	x _____	= _____	
9-12 1.163 + 0.105 =	1.268	x _____	= _____	
	Subtotal	A	_____	

37 (b)

<u>Funding Category</u>	<u>Support Level Weight</u>	<u>Student Count</u>	<u>Weighted Student Count</u>
HI	4.771	x _____	= _____
K-3	0.060	x _____	= _____
ELL	<del>0.115</del> 0.140	x _____	= _____
MD-R, A-R and SMR-R	6.024	x _____	= _____
MD-SC, A-SC and			

1	SMR-SC	5.833	x	_____	=	_____
2	MD-SSI	6.531	x	_____	=	_____
3	OI-R	3.158	x	_____	=	_____
4	OI-SC	5.576	x	_____	=	_____
5	P-SD	3.595	x	_____	=	_____
6	ED, MIMR, SLD,					
7	SLI and OHI	0.003	x	_____	=	_____
8	ED-P	4.647	x	_____	=	_____
9	MOMR	4.421	x	_____	=	_____
10	VI	4.806	x	_____	=	_____
11				Subtotal	B	_____

12 (c) Total of subtotals A and B: \_\_\_\_\_

13 3. Multiply the total determined in paragraph 2 by the base level.

14 4. Multiply the teacher experience index of the district or 1.00,  
 15 whichever is greater, by the product obtained in paragraph 3.

16 Sec. 7. Section 41-1279.03, Arizona Revised Statutes, is amended to  
 17 read:

18 41-1279.03. Powers and duties

19 A. The auditor general shall:

20 1. Prepare an audit plan for approval by the committee and report to  
 21 the committee the results of each audit and investigation and other reviews  
 22 conducted by the auditor general.

23 2. Conduct or cause to be conducted at least biennial financial and  
 24 compliance audits of financial transactions and accounts kept by or for all  
 25 state agencies subject to the single audit act of 1984 (P.L. 98-502). The  
 26 audits shall be conducted in accordance with generally accepted governmental  
 27 auditing standards and accordingly shall include tests of the accounting  
 28 records and other auditing procedures as may be considered necessary in the  
 29 circumstances. The audits shall include the issuance of suitable reports as  
 30 required by the single audit act of 1984 (P.L. 98-502) so the legislature,  
 31 federal government and others will be informed as to the adequacy of  
 32 financial statements of the state in compliance with generally accepted  
 33 governmental accounting principles and to determine whether the state has  
 34 complied with laws and regulations that may have a material effect on the  
 35 financial statements and on major federal assistance programs.

36 3. Perform procedural reviews for all state agencies at times  
 37 determined by the auditor general. These reviews may include evaluation of  
 38 administrative and accounting internal controls and reports on such reviews.

39 4. Perform special research requests, special audits and related  
 40 assignments as designated by the committee and conduct performance audits,  
 41 special audits, special research requests and investigations of any state  
 42 agency, whether created by the constitution or otherwise, as may be requested  
 43 by the committee.

44 5. Annually on or before the fourth Monday of December, prepare a  
 45 written report to the governor and to the committee which contains a summary  
 46 of activities for the previous fiscal year.



1           6. In the tenth year and in each fifth year thereafter in which a  
2 transportation excise tax is in effect in a county as provided in section  
3 42-6104, 42-6106 or 42-6107, conduct a performance audit that:

4           (a) Reviews past expenditures and future planned expenditures of the  
5 transportation excise revenues and determines the impact of the expenditures  
6 in solving transportation problems within the county and, for a  
7 transportation excise tax in effect in a county as provided in section  
8 42-6107, determines whether the expenditures of the transportation excise  
9 revenues comply with section 28-6392, subsection B.

10           (b) Reviews projects completed to date and projects to be completed  
11 during the remaining years in which a transportation excise tax is in effect.  
12 Within six months after each review period the auditor general shall present  
13 a report to the speaker of the house of representatives and the president of  
14 the senate detailing findings and making recommendations. If the parameters  
15 of the performance audit are set by the citizens transportation oversight  
16 committee, the auditor general shall also present the report to the citizens  
17 transportation oversight committee.

18           (c) Reviews, determines, reports and makes recommendations to the  
19 speaker of the house of representatives and the president of the senate  
20 whether the distribution of highway user revenues complies with title 28,  
21 chapter 18, article 2. If the parameters of the performance audit are set by  
22 the citizens transportation oversight committee, the auditor general shall  
23 also present the report to the citizens transportation oversight committee.

24           7. If requested by the committee, conduct performance audits of  
25 counties and incorporated cities and towns receiving highway user revenue  
26 fund monies pursuant to title 28, chapter 18, article 2 to determine if the  
27 monies are being spent as provided in section 28-6533, subsection B.

28           8. Perform special audits designated pursuant to law if the auditor  
29 general determines that there are adequate monies appropriated for the  
30 auditor general to complete the audit. If the auditor general determines the  
31 appropriated monies are inadequate, the auditor general shall notify the  
32 committee.

33           9. Beginning on July 1, 2001, establish a school-wide audit team in  
34 the office of the auditor general to conduct performance audits and monitor  
35 school districts to determine the percentage of every dollar spent in the  
36 classroom by a school district. **THE PERFORMANCE AUDITS SHALL DETERMINE  
37 WHETHER SCHOOL DISTRICTS THAT RECEIVE MONIES FROM THE ARIZONA STRUCTURED  
38 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AND THE STATEWIDE  
39 COMPENSATORY INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11 ARE IN  
40 COMPLIANCE WITH TITLE 15, CHAPTER 7, ARTICLE 3.1.** The auditor general shall  
41 determine, through random selection, the school districts to be audited each  
42 year, subject to review by the joint legislative audit committee. A school  
43 district that is subject to an audit pursuant to this paragraph shall notify  
44 the auditor general in writing as to whether the school district agrees or  
45 disagrees with the findings and recommendations of the audit and whether the  
46 school district will implement the findings and recommendations, implement

1 modifications to the findings and recommendations or refuse to implement the  
2 findings and recommendations. The school district shall submit to the  
3 auditor general a written status report on the implementation of the audit  
4 findings and recommendations every six months for two years after an audit  
5 conducted pursuant to this paragraph. The auditor general shall review the  
6 school district's progress toward implementing the findings and  
7 recommendations of the audit every six months after receipt of the district's  
8 status report for two years. The auditor general may review a school  
9 district's progress beyond this two-year period for recommendations that have  
10 not yet been implemented by the school district. The auditor general shall  
11 provide a status report of these reviews to the joint legislative audit  
12 committee. The school district shall participate in any hearing scheduled  
13 during this review period by the joint legislative audit committee or by any  
14 other legislative committee designated by the joint legislative audit  
15 committee.

16 B. The auditor general may:

17 1. Subject to approval by the committee, adopt rules necessary to  
18 administer the duties of the office.

19 2. Hire consultants to conduct the studies required by subsection A,  
20 paragraphs 6 and 7 of this section.

21 C. If approved by the committee the auditor general may charge a  
22 reasonable fee for the cost of performing audits or providing accounting  
23 services for auditing federal funds, special audits or special services  
24 requested by political subdivisions of the state. Monies collected pursuant  
25 to this subsection shall be deposited in the audit services revolving fund.

26 D. The department of transportation, the board of supervisors of a  
27 county that has approved a county transportation excise tax as provided in  
28 section 42-6104, 42-6106 or 42-6107 and the governing bodies of counties,  
29 cities and towns receiving highway user revenue fund monies shall cooperate  
30 with and provide necessary information to the auditor general or the auditor  
31 general's consultant.

32 E. The department of transportation shall reimburse the auditor  
33 general as follows, and the auditor general shall deposit the reimbursed  
34 monies in the audit services revolving fund:

35 1. For the cost of conducting the studies or hiring a consultant to  
36 conduct the studies required by subsection A, paragraph 6, subdivisions (a)  
37 and (b) of this section, from monies collected pursuant to a county  
38 transportation excise tax levied pursuant to section 42-6104, 42-6106 or  
39 42-6107.

40 2. For the cost of conducting the studies or hiring a consultant  
41 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of  
42 this section, from the Arizona highway user revenue fund.

43 Sec. 8. [Budget request deadlines](#)

44 A. Notwithstanding section 15-756.03, Arizona Revised Statutes, as  
45 added by this act, for fiscal year 2007-2008, school districts and charter

1 schools shall submit structured English immersion budget requests to the  
2 department of education on or before December 1, 2006.

3 B. Notwithstanding section 15-756.11, Arizona Revised Statutes, as  
4 added by this act, for fiscal year 2006-2007, school districts and charter  
5 schools shall submit compensatory instruction budget requests to the  
6 department of education on or before July 15, 2006.

7 Sec. 9. Appropriation; compensatory instruction; exemption

8 A. The sum of \$10,000,000 is appropriated from the state general fund  
9 in fiscal year 2006-2007 to the department of education for deposit in the  
10 statewide compensatory instruction fund established by section 15-756.11,  
11 Arizona Revised Statutes, as added by this act, for distribution to school  
12 districts and charter schools.

13 B. The appropriation made in subsection A of this section is exempt  
14 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
15 lapsing of appropriations.

16 Sec. 10. Appropriation; English language acquisition services;  
17 exemption

18 A. The sum of \$2,555,000 is appropriated from the state general fund  
19 in fiscal year 2005-2006 to the department of education to provide English  
20 language acquisition services for the purposes of section 15-756.07, Arizona  
21 Revised Statutes, as added by this act, for the costs of providing English  
22 language proficiency assessments, scoring and ancillary materials as  
23 prescribed by the department of education to school districts and charter  
24 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised  
25 Statutes, as amended by this act, and for the purposes contained within  
26 subsection C of this section.

27 B. The department of education may use the monies appropriated  
28 pursuant to subsection A of this section to hire staff or contract with a  
29 third party to carry out the purposes of section 15-756.07, Arizona Revised  
30 Statutes, as added by this act.

31 C. Notwithstanding section 41-192, Arizona Revised Statutes, the  
32 superintendent of public instruction may use a portion of the monies  
33 appropriated pursuant to subsection A of this section to contract with one or  
34 more private attorneys to provide legal services in connection with the case  
35 of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

36 D. The appropriation made in subsection A of this section is exempt  
37 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
38 lapsing of appropriations.

39 Sec. 11. Appropriation; English language acquisition services;  
40 exemption

41 A. The sum of \$4,610,000 is appropriated from the state general fund  
42 in fiscal year 2006-2007 to the department of education to provide English  
43 language acquisition services for the purposes of section 15-756.07, Arizona  
44 Revised Statutes, as added by this act, for the costs of providing English  
45 language proficiency assessments, scoring and ancillary materials as  
46 prescribed by the department of education to school districts and charter

1 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised  
2 Statutes, as amended by this act, and for the purposes contained within  
3 subsection C of this section.

4 B. The department of education may use the monies appropriated  
5 pursuant to subsection A of this section to hire staff or contract with a  
6 third party to carry out the purposes of section 15-756.07, Arizona Revised  
7 Statutes, as added by this act, and for the purposes contained within  
8 subsection C of this section.

9 C. Notwithstanding section 41-192, Arizona Revised Statutes, the  
10 superintendent of public instruction may use a portion of the monies  
11 appropriated pursuant to subsection A of this section to contract with one or  
12 more private attorneys to provide legal services in connection with the case  
13 of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

14 D. The appropriation made in subsection A of this section is exempt  
15 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
16 lapsing of appropriations.

17 Sec. 12. Appropriation; auditor general; evaluation and  
18 compliance; exemption

19 A. The sum of \$2,500,000 is appropriated from the state general fund  
20 in fiscal year 2006-2007 to the office of the auditor general for the  
21 purposes prescribed in section 15-756.12, Arizona Revised Statutes, as added  
22 by this act.

23 B. The appropriation made in subsection A of this section is exempt  
24 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
25 lapsing of appropriations.

26 Sec. 13. Appropriation; ELL funding category

27 The sum of \$14,300,000 is appropriated from the state general fund to  
28 the department of education in fiscal year 2006-2007 for distribution to  
29 schools and charter schools for the increased support level weight for pupils  
30 that qualify for the ELL funding category as prescribed in section 15-943,  
31 Arizona Revised Statutes, as amended by this act.

32 Sec. 14. Intent

33 A. The legislature declares that even though the legislature has never  
34 been named as a party in the litigation in Flores v. State of Arizona,  
35 No. CIV 92-596-TUC-RCC, the legislature has substantially increased funding  
36 for English language learners since 2000 by increasing the ELL weight by 233  
37 per cent.

38 B. The legislature declares that because of the unique geographic and  
39 demographic characteristics of this state, it is impossible to compare  
40 language acquisition education models and solutions adopted by other states  
41 to the needs of this state and inappropriate to automatically adopt such  
42 models and solutions.

43 C. The legislature declares that it has grave concerns regarding the  
44 validity and reliability of the cost study performed by the National  
45 Conference of State Legislatures pursuant to Laws 2001, second special  
46 session, chapter 9, section 8. The cost study used what it referred to as

1 the "professional judgment approach" to determine incremental costs for  
2 English language learners, yet acknowledged that this kind of approach  
3 "depends on the judgments of educational professionals in identifying  
4 strategies rather than research that actually shows a linkage between the  
5 strategy and student performance".

6 D. Beginning in fiscal year 2006-2007, the legislature intends to  
7 enact a comprehensive, efficient and cost-effective program of developing  
8 research based models of structured English immersion that comply with all  
9 state and federal laws for use by school districts and charter schools and  
10 funding the incremental costs of the research based models that are in  
11 addition to the normal costs of conducting programs for English proficient  
12 students. Furthermore, classification of a pupil as an English language  
13 learner is fundamentally different than the classification of a pupil as  
14 qualified for any other group B weight category.

15 E. The legislature declares that the costs of implementing the new  
16 English language learner programs cannot be determined until the Arizona  
17 English language learners task force develops the research based models, as  
18 required by this act, due to the unique characteristics and demographics of  
19 more than two hundred school districts and more than five hundred charter  
20 schools in this state.

21 F. The legislature is appropriating additional monies to fund English  
22 language learner programs in an effort to provide additional resources to  
23 school districts and charter schools for enhanced effectiveness of English  
24 language learner programs that comply with all state and federal laws.

25 G. The legislature believes that although the amount of monies spent  
26 on English language learners is important, equally important is the way the  
27 monies will be spent. For this reason, the legislature appropriated monies  
28 for model development, district support and monitoring, and intends that  
29 structured English immersion programs be subject to enhanced monitoring and  
30 compliance requirements, including effective audit and reporting  
31 requirements. The court referred to the three-fold inquiry cited in  
32 Castaneda v. Pickard, 648 F.2d 989, 1009-1010 (5<sup>th</sup> Cir. Unit A June 1981).  
33 This inquiry was that the educational theory is recognized as sound, that it  
34 was reasonably calculated to implement effectively the educational theory,  
35 but finally that the program produces results "indicating that the language  
36 barriers confronting students are actually being overcome".

37 Sec. 15. Conditional enactment; English language learner  
38 assistance; appropriations; notice

39 A. Section 15-943, Arizona Revised Statutes, as amended by this act,  
40 and section 13 of this act, relating to appropriations to the department of  
41 education, do not become effective unless the United States District court  
42 for the district of Arizona in the case of Flores v. State of Arizona, No.  
43 CIV 92-596-TUC-RCC, issues an order that, by this act, the state has taken  
44 appropriate action to establish a program that addresses the orders in the  
45 case and, at least on an interim basis, the court will permit this act to be  
46 fully implemented to determine whether the resulting ELL plans and available

1 funding to implement the plans bear a rational relationship to the cost of  
2 implementing appropriate language acquisition programs.

3 B. The superintendent of public instruction shall notify the executive  
4 director of the Arizona legislative council in writing if the condition  
5 prescribed in subsection A of this section is met. This notice shall include  
6 the date on which the condition is met.

THIS BILL WAS RECEIVED BY THE GOVERNOR THIS 2 DAY OF MARCH 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 03, 2006.