

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

# 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

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

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

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

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

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

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

1 employed by the school. The solutions team shall consider the existing  
2 improvement plan to assess the need for changes to curriculum, professional  
3 development and resource allocation.

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

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

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

42 T. If a charter school is designated as a school failing to meet  
43 academic standards, the department of education shall immediately notify the  
44 charter school's sponsor. The charter school's sponsor shall either take  
45 action to restore the charter school to acceptable performance or revoke the

1 charter school's charter. Within thirty days the school shall notify the  
2 parents of the students attending the school of the classification and of any  
3 pending public meetings to review the issue.

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

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

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

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

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

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

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

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

39 X. If an alternative operation plan is provided pursuant to subsection  
40 V of this section, the state board of education shall pay for the operation  
41 of the school and shall adjust the school district's student count pursuant  
42 to section 15-902, soft capital allocation pursuant to section 15-962,  
43 capital outlay revenue limit pursuant to section 15-961, base support level  
44 pursuant to section 15-943, monies distributed from the classroom site fund  
45 established ~~in~~ BY section 15-977 and transportation support level pursuant to

1 section 15-945 to accurately reflect any reduction in district services that  
2 are no longer provided to that school by the district. The state board of  
3 education may modify the school district's revenue control limit, the  
4 district support level and the general budget limit calculated pursuant to  
5 section 15-947 by an amount that corresponds to this reduction in services.  
6 The state board of education shall retain the portion of state aid that would  
7 otherwise be due the school district for the school and shall distribute that  
8 portion of state aid directly to the organization that contracts with the  
9 state board of education to operate the school.

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

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

19 Within the last five years, (number of schools) schools in the  
20 \_\_\_\_\_ school district have been designated as "schools  
21 failing to meet academic standards" by the superintendent of  
22 public instruction.

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

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

29 Sec. 2. Repeal

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

31 Sec. 3. Renumber

32 Section 15-756.01, Arizona Revised Statutes, is renumbered as section  
33 15-757.

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

37 15-756. Identification of English language learners

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

41 B. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR  
42 HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION  
43 OF ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN A MANNER PRESCRIBED BY THE  
44 SUPERINTENDENT OF PUBLIC INSTRUCTION. THE TEST SCORES ADOPTED BY THE  
45 SUPERINTENDENT AS INDICATING ENGLISH LANGUAGE PROFICIENCY SHALL BE BASED ON

1 THE TEST PUBLISHERS' DESIGNATED SCORES. THE DEPARTMENT SHALL ANNUALLY  
2 REQUEST AN APPROPRIATION TO PAY FOR THE PURCHASE OF ALL LANGUAGE PROFICIENCY  
3 ASSESSMENTS, SCORING AND ANCILLARY MATERIALS AS PRESCRIBED BY THE DEPARTMENT  
4 FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS.

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

9 15-756.01. Arizona English language learners task force;  
10 research based models of structured English  
11 immersion for English language learners; budget  
12 requests; definitions

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

15 1. THREE MEMBERS APPOINTED BY THE SUPERINTENDENT OF PUBLIC  
16 INSTRUCTION.

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

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

19 4. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
20 REPRESENTATIVES.

21 B. MEMBERS OF THE TASK FORCE SHALL SERVE FOUR YEAR TERMS. MEMBERS OF  
22 THE TASK FORCE SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF THE TASK  
23 FORCE. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT FOR  
24 THE TASK FORCE.

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

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

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



1 F. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE  
2 SUBMITTED BY THE TASK FORCE TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF  
3 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE STATE BOARD OF EDUCATION.  
4 AT LEAST THIRTY DAYS BEFORE ADOPTION, THE TASK FORCE SHALL SUBMIT THE  
5 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION TO THE JOINT  
6 LEGISLATIVE BUDGET COMMITTEE FOR REVIEW.

7 G. THE TASK FORCE SHALL REVIEW RESEARCH BASED MODELS OF STRUCTURED  
8 ENGLISH IMMERSION ANNUALLY AND DELETE, ADD OR MODIFY THE EXISTING MODELS.  
9 WHEN ADOPTING OR MODIFYING ENGLISH LANGUAGE LEARNER PROGRAMS, THE TASK FORCE  
10 SHALL REVIEW AND CONSIDER THE INFORMATION AND DATA OBTAINED AS A RESULT OF  
11 THE DEPARTMENT OF EDUCATION'S MONITORING OF ENGLISH LANGUAGE LEARNER PROGRAMS  
12 PURSUANT TO SECTION 15-756.08.

13 H. THE TASK FORCE SHALL ESTABLISH PROCEDURES FOR SCHOOL DISTRICTS AND  
14 CHARTER SCHOOLS TO DETERMINE THE INCREMENTAL COSTS FOR IMPLEMENTATION OF THE  
15 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION DEVELOPED BY THE TASK  
16 FORCE.

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

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

24 2. THE PORTION OF TITLE I AND TITLE II A MONIES DETERMINED BY THE  
25 ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE OF THE QUALIFIED  
26 POPULATION.

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

32 4. THE PORTION OF DESEGREGATION MONIES LEVIED PURSUANT TO SECTION  
33 15-910 DETERMINED BY THE ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE  
34 OF THE QUALIFIED POPULATION.

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

36 J. THE DIFFERENCE CALCULATED PURSUANT TO SUBSECTION I OF THIS SECTION  
37 SHALL BE THE MAXIMUM AMOUNT OF THE STRUCTURED ENGLISH IMMERSION BUDGET  
38 REQUEST PURSUANT TO SECTION 15-756.03 FOR MONIES FROM THE ARIZONA STRUCTURED  
39 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04. BEGINNING JULY 15,  
40 2008, SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL NOT INCLUDE THE INCREMENTAL  
41 COSTS OF ANY PUPIL WHO IS CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AFTER  
42 JULY 1, 2007 AND WHO HAS BEEN CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER FOR  
43 MORE THAN TWO YEARS IN THE CALCULATION OF THE SCHOOL DISTRICT'S OR CHARTER  
44 SCHOOL'S STRUCTURED ENGLISH IMMERSION BUDGET REQUEST.

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

6 L. FOR THE PURPOSES OF THIS SECTION:

7 1. "COMPENSATORY INSTRUCTION" HAS THE SAME MEANING PRESCRIBED IN  
8 SECTION 15-756.11.

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

15 15-756.02. School districts and charter schools; English  
16 language learner models; adoption and  
17 implementation

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

21 B. IF A SCHOOL DISTRICT OR CHARTER SCHOOL WANTS TO ADOPT AN ENGLISH  
22 LANGUAGE LEARNER PROGRAM THAT IS NOT BASED ON A MODEL ADOPTED BY THE TASK  
23 FORCE, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL FIRST SUBMIT THE PROPOSED  
24 PROGRAM ALONG WITH SUPPORTING DOCUMENTATION REGARDING THE EXPECTED OUTCOMES  
25 OF THE PROGRAM ON THE DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER  
26 STUDENTS TO THE TASK FORCE FOR APPROVAL.

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

29 1. APPROVE THE PROPOSED PROGRAM.

30 2. PROVIDE LIMITED APPROVAL SUBJECT TO SPECIFIC STIPULATIONS  
31 PRESCRIBED BY THE STATE BOARD.

32 3. REJECT THE PROPOSED PROGRAM AND IDENTIFY A MODEL APPROVED BY THE  
33 TASK FORCE FOR THE SCHOOL DISTRICT OR CHARTER SCHOOL TO ADOPT.

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

37 15-756.03. Structured English immersion; budget request

38 A. IF A SCHOOL DISTRICT OR CHARTER SCHOOL QUALIFIES TO SUBMIT A BUDGET  
39 REQUEST BASED ON THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I, THE  
40 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL SUBMIT A STRUCTURED ENGLISH IMMERSION  
41 BUDGET REQUEST ON A SCHOOL BY SCHOOL BASIS. THE BUDGET REQUEST SHALL BE FOR  
42 A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE ARIZONA STRUCTURED ENGLISH  
43 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04.

44 B. EACH SCHOOL DISTRICT OR CHARTER SCHOOL STRUCTURED ENGLISH IMMERSION  
45 BUDGET REQUEST SHALL INCLUDE THE SIGNATURE OF THE SUPERINTENDENT OF THE

1 SCHOOL DISTRICT AND THE CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE  
2 PRINCIPAL OF THE CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE  
3 CHARTER SCHOOL THAT CERTIFIES THAT THE INFORMATION IN THE BUDGET REQUEST IS  
4 TRUE TO THE BEST OF THAT PERSON'S KNOWLEDGE AND HAS BEEN CALCULATED IN  
5 ACCORDANCE WITH THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I AND  
6 THAT MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED  
7 BY SECTION 15-756.04 WILL NOT BE USED TO SUPPLANT ANY FEDERAL, STATE OR LOCAL  
8 MONIES, INCLUDING DESEGREGATION MONIES LEVIED PURSUANT TO SECTION 15-910,  
9 USED FOR ENGLISH LANGUAGE LEARNERS THAT WERE BUDGETED FOR ENGLISH LANGUAGE  
10 LEARNERS AS OF FEBRUARY 23, 2006.

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

21 15-756.04. Arizona structured English immersion fund

22 A. THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND IS ESTABLISHED. THE  
23 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

24 B. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REQUEST FOR AN APPROPRIATION  
25 FOR THE PURPOSES OF THIS SECTION.

26 C. IN ADDITION TO THE ELL SUPPORT LEVEL WEIGHT PRESCRIBED IN SECTION  
27 15-943, THE DEPARTMENT SHALL DISTRIBUTE MONIES FROM THE FUND TO SCHOOL  
28 DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT SPECIFIED IN THE BUDGET REQUEST  
29 PRESCRIBED IN SECTION 15-756.03, SUBSECTION C. MONIES FROM THE FUND  
30 ESTABLISHED BY THIS SECTION AND MONIES FOR THE ELL SUPPORT LEVEL WEIGHT  
31 PRESCRIBED IN SECTION 15-943 SHALL NOT BE DISTRIBUTED FOR MORE THAN TWO  
32 FISCAL YEARS FOR THE SAME PUPIL. NOTHING IN THIS SUBSECTION SHALL BE  
33 CONSTRUED TO PROHIBIT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM RECEIVING  
34 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND ESTABLISHED BY  
35 SECTION 15-756.11 FOR MORE THAN TWO FISCAL YEARS FOR THE SAME PUPIL.

36 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN  
37 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR ENGLISH LANGUAGE  
38 LEARNER PROGRAMS.

39 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL  
40 LEVEL STRUCTURED ENGLISH IMMERSION FUND TO RECEIVE MONIES DISTRIBUTED FROM  
41 THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND. MONIES IN LOCAL LEVEL  
42 STRUCTURED ENGLISH IMMERSION FUNDS SHALL BE SPENT ONLY TO PROVIDE INSTRUCTION  
43 TO ENGLISH LANGUAGE LEARNERS. THE AUDITOR GENERAL SHALL MODIFY THE BUDGET  
44 FORMAT, FINANCIAL RECORD REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT  
45 FORMS IN ACCORDANCE WITH THIS SUBSECTION. IN CONSULTATION WITH THE

1 DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL SHALL PROVIDE SUPPORT AND  
2 GUIDANCE TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COMPLYING WITH  
3 THIS SUBSECTION. DOCUMENTS DEVELOPED PURSUANT TO THIS SUBSECTION SHALL BE  
4 REVIEWED BY THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE ESTABLISHED BY  
5 SECTION 15-756.01 AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

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

10 15-756.05. Reassessment and reclassification of English  
11 language learners

12 A. THE PROCESS OF REASSESSMENT OF ENGLISH LANGUAGE LEARNERS FOR THE  
13 PURPOSE OF DETERMINING ENGLISH LANGUAGE PROFICIENCY SHALL BE CONDUCTED AT  
14 LEAST ANNUALLY AT THE END OF EACH SCHOOL YEAR IN A MANNER PRESCRIBED BY THE  
15 SUPERINTENDENT OF PUBLIC INSTRUCTION.

16 B. A PUPIL WHO SCORES AT OR ABOVE THE TEST PUBLISHER'S DESIGNATED  
17 SCORE FOR ENGLISH PROFICIENCY SHALL BE CONSIDERED ENGLISH PROFICIENT. THE  
18 PUPIL SHALL NO LONGER BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND SHALL  
19 BE RECLASSIFIED AS ENGLISH PROFICIENT.

20 C. A PUPIL WHO HAS ATTAINED ENGLISH PROFICIENCY PURSUANT TO THIS  
21 SECTION SHALL BE TRANSFERRED TO ENGLISH LANGUAGE MAINSTREAM CLASSROOMS.

22 15-756.06. Reevaluation of former English language learners

23 THE ENGLISH LANGUAGE PROFICIENCY OF EACH PUPIL PREVIOUSLY CLASSIFIED AS  
24 AN ENGLISH LANGUAGE LEARNER WITHIN THE LAST TWO YEARS SHALL BE TESTED  
25 ANNUALLY AT THE END OF EACH SCHOOL YEAR, IN THE SAME MANNER AS PROVIDED IN  
26 SECTION 15-756, SUBSECTION B. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL  
27 PRESCRIBE THE MANNER IN WHICH PUPILS ARE REEVALUATED. PUPILS WHO FAIL TO  
28 DEMONSTRATE ENGLISH PROFICIENCY ON THE REASSESSMENT TEST IN THE TWO YEARS  
29 FOLLOWING THEIR EXIT FROM STRUCTURED ENGLISH IMMERSION, SUBJECT TO PARENTAL  
30 CONSENT, SHALL BE REENROLLED IN STRUCTURED ENGLISH IMMERSION PURSUANT TO  
31 SECTION 15-752 AND MAY BE PROVIDED COMPENSATORY INSTRUCTION AS DEFINED IN  
32 SECTION 15-756.11.

33 15-756.07. Office of English language acquisition services;  
34 duties

35 THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IS ESTABLISHED IN  
36 THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION, OFFICE OF ENGLISH  
37 LANGUAGE ACQUISITION SERVICES, SHALL:

38 1. DEVELOP GUIDELINES FOR MONITORING SCHOOL DISTRICTS AND CHARTER  
39 SCHOOLS TO ENSURE COMPLIANCE WITH ALL FEDERAL AND STATE LAWS REGARDING  
40 ENGLISH LANGUAGE LEARNERS.

41 2. IN CONSULTATION WITH COUNTY SCHOOL SUPERINTENDENTS, DEVELOP  
42 REGIONAL PROGRAMS TO ENHANCE ALL ASPECTS OF TRAINING FOR TEACHERS AND  
43 ADMINISTRATORS.

44 3. PUBLISH ENGLISH LANGUAGE LEARNER POLICY GUIDELINES FOR SCHOOL  
45 DISTRICTS AND CHARTER SCHOOLS THAT INCLUDE A LIST OF RELEVANT RULES,

1 REGULATIONS AND STATUTES RELATING TO ENGLISH LANGUAGE LEARNER PROGRAMS TO  
2 NOTIFY SCHOOL DISTRICTS AND CHARTER SCHOOLS OF THEIR RESPONSIBILITIES.

3 4. PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND CHARTER  
4 SCHOOLS TO IMPLEMENT STRUCTURED ENGLISH IMMERSION PROGRAMS.

5 15-756.08. Monitoring; corrective action plan

6 A. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT THE OFFICE OF  
7 ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT OF EDUCATION TO:

8 1. MONITOR EACH YEAR AT LEAST TWELVE SCHOOL DISTRICTS OR CHARTER  
9 SCHOOLS FROM THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS IN THIS STATE WITH  
10 THE HIGHEST NUMBER OF ENGLISH LANGUAGE LEARNERS. THE DEPARTMENT OF EDUCATION  
11 SHALL MONITOR ALL FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS WITH THE HIGHEST  
12 NUMBER OF ENGLISH LANGUAGE LEARNERS IN THIS STATE AT LEAST ONCE EVERY FOUR  
13 YEARS.

14 2. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS  
15 THAT ARE NOT INCLUDED IN THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS  
16 DESCRIBED IN PARAGRAPH 1.

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

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

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

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

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

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

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

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

39 E. WITHIN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE DEPARTMENT'S  
40 REPORT, THE SCHOOL DISTRICT OR CHARTER SCHOOL RECEIVING THE REPORT SHALL  
41 PREPARE AND SUBMIT TO THE DEPARTMENT A CORRECTIVE ACTION PLAN, IN A MANNER  
42 PRESCRIBED BY THE STATE BOARD OF EDUCATION, THAT SETS FORTH STEPS THAT WILL  
43 BE TAKEN TO CORRECT THE DEFICIENCIES, IF ANY, NOTED IN THE DEPARTMENT'S  
44 REPORT.

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

4 G. AFTER THE DEPARTMENT HAS REVIEWED A SCHOOL DISTRICT'S OR CHARTER  
5 SCHOOL'S CORRECTIVE ACTION PLAN AND MADE ANY CHANGES THE DEPARTMENT DEEMS  
6 NECESSARY, THE DEPARTMENT SHALL RETURN THE CORRECTIVE ACTION PLAN TO THE  
7 SCHOOL DISTRICT OR CHARTER SCHOOL.

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

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

14 J. IN CONDUCTING THE FOLLOW-UP EVALUATION, IF THE DEPARTMENT FINDS  
15 THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH STATE  
16 AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS, THE DEPARTMENT  
17 SHALL REFER THE SCHOOL DISTRICT OR CHARTER SCHOOL TO THE STATE BOARD OF  
18 EDUCATION FOR A FINDING OF NONCOMPLIANCE. A SCHOOL DISTRICT OR CHARTER  
19 SCHOOL FOUND BY THE BOARD TO BE NONCOMPLIANT SHALL NOT CONTINUE TO RECEIVE  
20 ANY MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY  
21 SECTION 15-756.04 FOR ENGLISH LANGUAGE LEARNERS AND SHALL NOT REDUCE THE  
22 AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH  
23 LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF MONIES CAUSED BY THE  
24 NONCOMPLIANCE.

25 K. THE DEPARTMENT SHALL MONITOR EACH SCHOOL DISTRICT OR CHARTER SCHOOL  
26 THAT THE STATE BOARD OF EDUCATION HAS FOUND TO BE NONCOMPLIANT AND THAT IS  
27 NOT RECEIVING ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES PURSUANT TO  
28 SUBSECTION J OF THIS SECTION TO ENSURE THAT THE SCHOOL DISTRICT OR CHARTER  
29 SCHOOL DOES NOT REDUCE THE AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR  
30 CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF  
31 ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES CAUSED BY THE  
32 NONCOMPLIANCE.

33 15-756.09. Teacher training

34 A. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE QUALIFICATIONS  
35 NECESSARY FOR A PROVISIONAL AND FULL STRUCTURED ENGLISH IMMERSION  
36 ENDORSEMENT.

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

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

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

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

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

9           15-756.10. Reporting

10          THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT  
11 OF EDUCATION SHALL:

12          1. REQUIRE EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO ANNUALLY SUBMIT  
13 A REPORT TO THE DEPARTMENT OF EDUCATION THAT INCLUDES THE FOLLOWING  
14 INFORMATION IDENTIFIED BY GRADE LEVEL AND BY SCHOOL:

15           (a) THE TOTAL NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE  
16 LEARNERS AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM  
17 ESTABLISHED BY SECTION 15-1041.

18           (b) THE NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE  
19 LEARNERS FOR THE FIRST TIME AS VERIFIED BY THE STUDENT ACCOUNTABILITY  
20 INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.

21           (c) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ACHIEVED ENGLISH  
22 PROFICIENCY IN THE PAST ACADEMIC YEAR AND WHO HAVE BEEN RECLASSIFIED AS  
23 ENGLISH PROFICIENT AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION  
24 SYSTEM ESTABLISHED BY SECTION 15-1041.

25           (d) THE NUMBER OF PUPILS WHO ARE ENROLLED IN EACH TYPE OF LANGUAGE  
26 ACQUISITION PROGRAM OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL AS  
27 VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY  
28 SECTION 15-1041.

29           (e) IF REQUESTED BY THE DEPARTMENT OF EDUCATION, THE TEST DATA USED TO  
30 DETERMINE ENGLISH PROFICIENCY.

31          2. DETERMINE THE MOBILITY OF ENGLISH LANGUAGE LEARNERS WITHIN THE SAME  
32 SCHOOL DISTRICT AND THE MOBILITY OF ENGLISH LANGUAGE LEARNERS TO OTHER SCHOOL  
33 DISTRICTS AND CHARTER SCHOOLS THROUGH THE STUDENT ACCOUNTABILITY INFORMATION  
34 SYSTEM ESTABLISHED BY SECTION 15-1041.

35          3. SUBMIT AN ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE  
36 THAT INCLUDES AN ITEMIZED LIST OF ALL FEDERAL MONIES RECEIVED BY THE  
37 DEPARTMENT FOR ENGLISH LANGUAGE LEARNERS, A LIST OF HOW MUCH OF THESE MONIES  
38 WERE DISTRIBUTED TO SCHOOL DISTRICTS ON A DISTRICT BY DISTRICT BASIS AND THE  
39 PURPOSES FOR WHICH THESE FEDERAL MONIES ARE DESIGNATED. THE DEPARTMENT SHALL  
40 SUBMIT A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF  
41 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

42          4. SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE  
43 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF  
44 EDUCATION THAT INCLUDES A DETAILED ANALYSIS OF WHETHER AND TO WHAT EXTENT  
45 PUPILS ARE BENEFITING ACADEMICALLY FROM COMPENSATORY INSTRUCTION AS DEFINED

1 IN SECTION 15-756.11 AND A COMPARISON OF THE ACADEMIC ACHIEVEMENT OF PUPILS  
2 BEFORE AND AFTER RECEIVING COMPENSATORY INSTRUCTION AS DEFINED IN SECTION  
3 15-756.11. THE DEPARTMENT SHALL SUBMIT A COPY OF THIS REPORT TO THE  
4 SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES  
5 AND PUBLIC RECORDS.

6 5. PRESENT A DETAILED ANNUAL SUMMARY OF ALL ENGLISH LANGUAGE LEARNER  
7 PROGRAMS AND FUNDING AT A PUBLIC MEETING OF THE STATE BOARD OF EDUCATION.

8 6. PRESENT A SUMMARY OF INFORMATION RELATING TO THE DEMONSTRATED  
9 SUCCESS OF SCHOOLS AND SCHOOL DISTRICTS AT ACHIEVING ENGLISH PROFICIENCY FOR  
10 ENGLISH LANGUAGE LEARNERS.

11 15-756.11. Statewide compensatory instruction fund; reporting;  
12 definition

13 A. THE STATEWIDE COMPENSATORY INSTRUCTION FUND IS ESTABLISHED. THE  
14 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

15 B. TO BE ELIGIBLE FOR MONIES APPROPRIATED PURSUANT TO THIS SECTION, A  
16 SCHOOL DISTRICT OR CHARTER SCHOOL MUST DEMONSTRATE TO THE DEPARTMENT OF  
17 EDUCATION THAT IT HAS ESTABLISHED A SATISFACTORY COMPENSATORY INSTRUCTION  
18 PROGRAM. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND  
19 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE  
20 DEPARTMENT FOR COMPENSATORY INSTRUCTION COSTS.

21 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL ANNUALLY SUBMIT WRITTEN  
22 COMPENSATORY INSTRUCTION BUDGET REQUESTS TO THE DEPARTMENT ON OR BEFORE JULY  
23 15 FOR MONIES FROM THE FUND ON A FORM DEVELOPED BY THE DEPARTMENT. THE  
24 REQUESTS SHALL INCLUDE AN ANALYSIS OF COMPENSATORY INSTRUCTION EFFECTIVENESS.

25 D. THE WRITTEN REQUESTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER  
26 SCHOOLS SHALL BE SIGNED BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE  
27 CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE  
28 CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL AND  
29 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND SHALL NOT BE USED TO  
30 SUPPLANT ANY FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES  
31 LEVIED PURSUANT TO SECTION 15-910, USED FOR ENGLISH LANGUAGE LEARNERS THAT  
32 WERE BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

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

38 F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL  
39 LEVEL COMPENSATORY INSTRUCTION FUND TO RECEIVE MONIES DISTRIBUTED FROM THE  
40 STATEWIDE COMPENSATORY INSTRUCTION FUND. MONIES IN LOCAL LEVEL COMPENSATORY  
41 INSTRUCTION FUNDS SHALL BE SPENT ONLY FOR COMPENSATORY INSTRUCTION. THE  
42 AUDITOR GENERAL SHALL MODIFY THE BUDGET FORMAT, FINANCIAL RECORD  
43 REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT FORMS IN ACCORDANCE WITH  
44 THIS SUBSECTION. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE  
45 AUDITOR GENERAL SHALL PROVIDE SUPPORT AND GUIDANCE TO ASSIST SCHOOL DISTRICTS



1 AND CHARTER SCHOOLS IN COMPLYING WITH THIS SUBSECTION. DOCUMENTS DEVELOPED  
2 PURSUANT TO THIS SUBSECTION SHALL BE REVIEWED BY THE ARIZONA ENGLISH LANGUAGE  
3 LEARNERS TASK FORCE ESTABLISHED BY SECTION 15-756.01 AND THE JOINT  
4 LEGISLATIVE BUDGET COMMITTEE.

5 G. FOR THE PURPOSES OF THIS SECTION, "COMPENSATORY INSTRUCTION" MEANS  
6 PROGRAMS IN ADDITION TO NORMAL CLASSROOM INSTRUCTION THAT MAY INCLUDE  
7 INDIVIDUAL OR SMALL GROUP INSTRUCTION, EXTENDED DAY CLASSES, SUMMER SCHOOL OR  
8 INTERSESSION SCHOOL AND THAT ARE LIMITED TO IMPROVING THE ENGLISH PROFICIENCY  
9 OF CURRENT ENGLISH LANGUAGE LEARNERS AND PUPILS WHO WERE ENGLISH LANGUAGE  
10 LEARNERS AND WHO HAVE BEEN RECLASSIFIED AS ENGLISH PROFICIENT WITHIN THE  
11 PREVIOUS TWO YEARS.

12 15-756.12. Auditor general; duties

13 THE AUDITOR GENERAL SHALL:

14 1. MODIFY THE ANNUAL FINANCIAL REPORT PRESCRIBED IN SECTION 15-904 IN  
15 ORDER TO CARRY OUT THIS ARTICLE.

16 2. BIENNIALLY AUDIT THE OVERALL EFFECTIVENESS OF THE ENGLISH LANGUAGE  
17 LEARNER PROGRAM BASED ON PERFORMANCE BASED OUTCOME MEASUREMENTS AND INCREASED  
18 ENGLISH PROFICIENCY AND REVIEW THE MOBILITY OF ENGLISH PROFICIENT STUDENTS  
19 AND ENGLISH LANGUAGE LEARNERS.

20 3. CONDUCT FINANCIAL AUDITS ON SCHOOL DISTRICTS MONITORED PURSUANT TO  
21 SECTION 15-756.08. THE FINANCIAL AUDITS SHALL INCLUDE A REVIEW OF THE  
22 STRUCTURED ENGLISH IMMERSION BUDGET REQUESTS SUBMITTED PURSUANT TO SECTIONS  
23 15-756.01 AND 15-756.03 AND OF THE STATEWIDE COMPENSATORY INSTRUCTION BUDGET  
24 REQUESTS SUBMITTED PURSUANT TO SECTION 15-756.11. THE AUDITOR GENERAL MAY  
25 CONDUCT FINANCIAL AUDITS ON RANDOMLY SELECTED SCHOOL DISTRICTS THAT ARE NOT  
26 CURRENTLY MONITORED PURSUANT TO SECTION 15-756.08.

27 15-756.13. School district and charter schools; responsibility  
28 to comply with state and federal law

29 NOTHING IN SECTIONS 15-756 AND 15-756.01 THROUGH 15-756.12 RELIEVES A  
30 SCHOOL DISTRICT OR CHARTER SCHOOL OF ITS RESPONSIBILITY TO COMPLY WITH ALL  
31 STATE AND FEDERAL LAWS.

32 Sec. 5. Section 15-910, Arizona Revised Statutes, is amended to read:

33 15-910. School district budgets; excess utility costs;  
34 desegregation costs; tuition costs for bond issues;  
35 costs for registering warrants; report

36 A. The governing board may budget for the district's excess utility  
37 costs which are specifically exempt from the district's revenue control  
38 limit. If approved by the qualified electors voting at a statewide general  
39 election, the exemption from the revenue control limit under this subsection  
40 expires at the end of the 2008-2009 budget year. The uniform system of  
41 financial records shall specify expenditure items allowable as excess utility  
42 costs, which are limited to direct operational costs of heating, cooling,  
43 water and electricity, telephone communications and sanitation fees. The  
44 department of education and the auditor general shall include in the  
45 maintenance and operation section of the budget format, as provided in

1 section 15-903, a separate line for utility expenditures and a special excess  
2 utility cost category. The special excess utility cost category shall  
3 contain budgeted expenditures for excess utility costs, determined as  
4 follows:

5 1. Determine the lesser of the total budgeted or total actual utility  
6 expenditures for fiscal year 1984-1985.

7 2. Multiply the amount in paragraph 1 of this subsection by the total  
8 percentage increase or decrease in the revenue control limit and the capital  
9 outlay revenue limit for the budget year over the revenue control limit and  
10 the capital outlay revenue limit for fiscal year 1984-1985 excluding monies  
11 available from a career ladder program or a teacher compensation program  
12 provided for in section 15-952.

13 3. The sum of the amounts in paragraphs 1 and 2 of this subsection is  
14 the amount budgeted in the utility expenditure line.

15 4. Additional expenditures for utilities are budgeted in the excess  
16 utility cost category.

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

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

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

29 E. If the revised excess utility cost category results in an  
30 expenditure of monies in excess of school district revenues for the current  
31 year, the county school superintendent shall include within the revenue  
32 estimate for the budget year monies necessary to meet the liabilities  
33 incurred by the school district in the current year in excess of revenues  
34 received for the current year.

35 F. If a school district receives a refund of utility expenditures or a  
36 rebate on energy saving devices or services, the refund or rebate shall be  
37 applied against utility expenditures for the current year as a reduction of  
38 the expenditures, except that the reduction of expenditures shall not exceed  
39 the amount of actual utility expenditures.

40 G. The governing board may budget for expenses of complying with or  
41 continuing to implement activities which were required or permitted by a  
42 court order of desegregation or administrative agreement with the United  
43 States department of education office for civil rights directed toward  
44 remediating alleged or proven racial discrimination which are specifically  
45 exempt in whole or in part from the revenue control limit and the capital

1 outlay revenue limit. This exemption applies only to expenses incurred for  
2 activities which are begun before the termination of the court order or  
3 administrative agreement. IF A DISTRICT IS LEVYING A PRIMARY PROPERTY TAX ON  
4 FEBRUARY 23, 2006 AND USING THOSE MONIES TO ADMINISTER AN ENGLISH LANGUAGE  
5 LEARNER PROGRAM TO REMEDY ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI OF  
6 THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d), THE  
7 DISTRICT MAY SPEND THOSE MONIES TO REMEDY A VIOLATION OF THE EQUAL EDUCATION  
8 ACT OF 1974 (20 UNITED STATES CODE SECTION 1703(f)). NOTHING IN THIS  
9 SUBSECTION ALLOWS A SCHOOL DISTRICT TO LEVY A PRIMARY PROPERTY TAX FOR  
10 VIOLATIONS OF THE EQUAL EDUCATION ACT OF 1974 (20 UNITED STATES CODE SECTION  
11 1703(f)) IN THE ABSENCE OF AN ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI  
12 OF THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d).

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

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

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

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

27 I. Through fiscal year 2003-2004, the maximum amount which a governing  
28 board may budget outside of the capital outlay revenue limit as provided in  
29 subsection G of this section is twelve per cent of the maintenance and  
30 operation desegregation budget as provided in subsection J of this section or  
31 the amount that it budgeted pursuant to this subsection for fiscal year  
32 2001-2002, whichever is less. If a governing board chooses to budget monies  
33 outside of the capital outlay revenue limit as provided in subsection G of  
34 this section, the governing board may notify the county school superintendent  
35 to include the cost of the excess expenses in the county school  
36 superintendent's estimate of the additional amount needed for the school  
37 district from the primary property tax as provided in section 15-991.

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

39 1. Shall prepare and employ a separate maintenance and operation  
40 desegregation budget and capital outlay desegregation budget on a form  
41 prescribed by the superintendent of public instruction in conjunction with  
42 the auditor general. The budget format shall be designed to allow a school  
43 district to plan and provide in detail for expenditures to be incurred solely  
44 as a result of compliance with or continuing to implement activities which  
45 were required or permitted by a court order of desegregation or

1 administrative agreement with the United States department of education  
2 office for civil rights directed toward remediating alleged or proven racial  
3 discrimination.

4 2. Shall prepare as a part of the annual financial report a detailed  
5 report of expenditures incurred solely as a result of compliance with or  
6 continuing to implement activities which were required or permitted by a  
7 court order of desegregation or administrative agreement with the United  
8 States department of education office for civil rights directed toward  
9 remediating alleged or proven racial discrimination, in a format prescribed  
10 by the auditor general in conjunction with the department of education as  
11 provided by section 15-904.

12 3. On or before July 15, 2006 and each year thereafter, shall collect  
13 and report data regarding activities related to a court order of  
14 desegregation or an administrative agreement with the United States  
15 department of education office for civil rights directed toward remediating  
16 alleged or proven racial discrimination in a format prescribed by the  
17 department of education. The department shall compile and submit copies of  
18 the reports to the governor, the president of the senate, the speaker of the  
19 house of representatives and the chairpersons of the education committees of  
20 the senate and the house of representatives. A school district that becomes  
21 subject to a new court order of desegregation or a party to an administrative  
22 agreement with the United States department of education office for civil  
23 rights directed toward remediating alleged or proven racial discrimination  
24 shall submit these reports on or before July 15 or within ninety days of the  
25 date of the court order or administrative agreement, whichever occurs  
26 first. The department of education, in consultation with the auditor  
27 general, shall develop reporting requirements to ensure that school districts  
28 submit at least the following information and documentation to the department  
29 of education beginning in fiscal year 2006-2007:

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

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

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

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

41 (e) If applicable, a current and accurate description of all magnet  
42 type programs that are in operation pursuant to the court order during the  
43 current school year on a district-wide basis and on a school by school  
44 basis. This information shall contain the eligibility and attendance  
45 criteria of each magnet type program, the capacity of each magnet type

1 program, the ethnic composition goals of each magnet type program, the actual  
2 attending ethnic composition of each magnet type program and the specific  
3 activities offered in each magnet type program.

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

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

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

14 (i) The number of employees, including teachers and administrative  
15 personnel, on a district-wide basis and on a school by school basis for each  
16 school in the school district and the number of employees at school district  
17 administrative offices that are funded in whole or in part with desegregation  
18 monies received pursuant to this section.

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

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

25 (l) Verification that the desegregation funding is educationally  
26 justifiable.

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

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

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

35 (p) Verification that the desegregation funding will be used to  
36 accomplish specific actions to remediate proven discrimination pursuant to  
37 title VI of the civil rights act of 1964 (42 United States Code section  
38 2000d) as specified in the court order or administrative agreement.

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

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

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

1           K. If a school district governing board budgets for expenses of  
2 complying with a court order of desegregation or an administrative agreement  
3 with the United States department of education office for civil rights  
4 directed toward remediating alleged or proven racial discrimination, the  
5 governing board shall ensure that the desegregation expenses will:  
6           1. Be educationally justifiable.  
7           2. Result in equal education opportunities for all pupils in the  
8 school district.  
9           3. Be used to promote systemic and organizational changes within the  
10 school district.  
11           4. Be used in accordance with the academic standards adopted by the  
12 state board of education pursuant to sections 15-701 and 15-701.01.  
13           5. Be used to accomplish specific actions to remediate proven  
14 discrimination pursuant to title VI of the civil rights act of 1964 (42  
15 United States Code section 2000d) as specified in the court order or  
16 administrative agreement.  
17           6. Be used in accordance with a plan submitted to the department of  
18 education that includes an estimate of the amount of monies that will be  
19 required to bring the school district into compliance with the court order or  
20 administrative agreement and an estimate of when the school district will be  
21 in compliance with the court order or administrative agreement.  
22           L. The governing board may budget for the bond issues portion of the  
23 cost of tuition charged the district as provided in section 15-824 for the  
24 pupils attending school in another school district, except that if the  
25 district is a common school district not within a high school district, the  
26 district may only include that part of tuition which is excluded from the  
27 revenue control limit and district support level as provided in section  
28 15-951. The bond issues portion of the cost of tuition charged is  
29 specifically exempt from the revenue control limit of the school district of  
30 residence, and the primary property tax rate set to fund this amount shall  
31 not be included in the computation of additional state aid for education as  
32 provided in section 15-972, except as provided in section 15-972, subsection  
33 E. The department of education and the auditor general shall include in the  
34 maintenance and operation section of the budget format, as provided in  
35 section 15-903, a separate category for the bond issues portion of the cost  
36 of tuition.  
37           M. The governing board may budget for interest expenses it incurred  
38 for registering warrants drawn against a fund of the school district or net  
39 interest expense on tax anticipation notes as prescribed in section  
40 35-465.05, subsection C for the fiscal year preceding the current year if the  
41 county treasurer pooled all school district monies for investment as provided  
42 in section 15-996 for the fiscal year preceding the current year and, in  
43 those school districts that receive state aid, the school districts applied  
44 for an apportionment of state aid before the date set for the apportionment  
45 as provided in section 15-973 for the fiscal year preceding the current year.

1 The governing board may budget an amount for interest expenses for  
 2 registering warrants or issuing tax anticipation notes equal to or less than  
 3 the amount of the warrant interest expense or net interest expense on tax  
 4 anticipation notes as prescribed in section 35-465.05, subsection C for the  
 5 fiscal year preceding the current year as provided in this subsection which  
 6 is specifically exempt from the revenue control limit. For the purposes of  
 7 this subsection, "state aid" means state aid as determined in sections 15-971  
 8 and 15-972.

9 Sec. 6. Section 15-943, Arizona Revised Statutes, is amended to read:  
 10 15-943. Base support level

11 The base support level for each school district shall be computed as  
 12 follows:

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

15 (a) For school districts whose student count in kindergarten programs  
 16 and grades one through eight is classified in column 1 of this subdivision,  
 17 the support level weight for kindergarten programs and grades one through  
 18 eight is the corresponding support level weight prescribed in column 2 or 3  
 19 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Student Count</u>	Support Level Weight For Small Isolated <u>School Districts</u>	Support Level Weight For Small <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)]

29 (b) For school districts whose student count in grades nine through  
 30 twelve is classified in column 1 of this subdivision, the support level  
 31 weight for grades nine through twelve is the corresponding support level  
 32 weight prescribed in column 2 or 3 of this subdivision, whichever is  
 33 appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Student Count</u>	Support Level Weight For Small Isolated <u>School Districts</u>	Support Level Weight For Small <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)]

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

1	(a)									
2						Support				Weighted
3						Level	Student			Student
4	<u>Grade</u>	<u>Base</u>		<u>Group A</u>		<u>Weight</u>	<u>Count</u>			<u>Count</u>
5	PSD	1.000	+	0.450	=	1.450	x	_____	=	_____
6	K-8	1.000	+	0.158	=	1.158	x	_____	=	_____
7	9-12	1.163	+	0.105	=	1.268	x	_____	=	_____
8								Subtotal	A	_____
9	(b)									
10						Support				Weighted
11	Funding					Level	Student			Student
12	<u>Category</u>					<u>Weight</u>	<u>Count</u>			<u>Count</u>
13	HI					4.771	x	_____	=	_____
14	K-3					0.060	x	_____	=	_____
15	ELL			<del>0.115</del>		0.140	x	_____	=	_____
16	MD-R, A-R and									
17	SMR-R					6.024	x	_____	=	_____
18	MD-SC, A-SC and									
19	SMR-SC					5.833	x	_____	=	_____
20	MD-SSI					6.531	x	_____	=	_____
21	OI-R					3.158	x	_____	=	_____
22	OI-SC					5.576	x	_____	=	_____
23	P-SD					3.595	x	_____	=	_____
24	ED, MIMR, SLD,									
25	SLI and OHI					0.003	x	_____	=	_____
26	ED-P					4.647	x	_____	=	_____
27	MOMR					4.421	x	_____	=	_____
28	VI					4.806	x	_____	=	_____
29								Subtotal	B	_____

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

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

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

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

36 41-1279.03. Powers and duties

37 A. The auditor general shall:

38 1. Prepare an audit plan for approval by the committee and report to  
 39 the committee the results of each audit and investigation and other reviews  
 40 conducted by the auditor general.

41 2. Conduct or cause to be conducted at least biennial financial and  
 42 compliance audits of financial transactions and accounts kept by or for all  
 43 state agencies subject to the single audit act of 1984 (P.L. 98-502). The  
 44 audits shall be conducted in accordance with generally accepted governmental  
 45 auditing standards and accordingly shall include tests of the accounting



1 records and other auditing procedures as may be considered necessary in the  
2 circumstances. The audits shall include the issuance of suitable reports as  
3 required by the single audit act of 1984 (P.L. 98-502) so the legislature,  
4 federal government and others will be informed as to the adequacy of  
5 financial statements of the state in compliance with generally accepted  
6 governmental accounting principles and to determine whether the state has  
7 complied with laws and regulations that may have a material effect on the  
8 financial statements and on major federal assistance programs.

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

12 4. Perform special research requests, special audits and related  
13 assignments as designated by the committee and conduct performance audits,  
14 special audits, special research requests and investigations of any state  
15 agency, whether created by the constitution or otherwise, as may be requested  
16 by the committee.

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

20 6. In the tenth year and in each fifth year thereafter in which a  
21 transportation excise tax is in effect in a county as provided in section  
22 42-6104, 42-6106 or 42-6107, conduct a performance audit that:

23 (a) Reviews past expenditures and future planned expenditures of the  
24 transportation excise revenues and determines the impact of the expenditures  
25 in solving transportation problems within the county and, for a  
26 transportation excise tax in effect in a county as provided in section  
27 42-6107, determines whether the expenditures of the transportation excise  
28 revenues comply with section 28-6392, subsection B.

29 (b) Reviews projects completed to date and projects to be completed  
30 during the remaining years in which a transportation excise tax is in effect.  
31 Within six months after each review period the auditor general shall present  
32 a report to the speaker of the house of representatives and the president of  
33 the senate detailing findings and making recommendations. If the parameters  
34 of the performance audit are set by the citizens transportation oversight  
35 committee, the auditor general shall also present the report to the citizens  
36 transportation oversight committee.

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

43 7. If requested by the committee, conduct performance audits of  
44 counties and incorporated cities and towns receiving highway user revenue

1 fund monies pursuant to title 28, chapter 18, article 2 to determine if the  
2 monies are being spent as provided in section 28-6533, subsection B.

3 8. Perform special audits designated pursuant to law if the auditor  
4 general determines that there are adequate monies appropriated for the  
5 auditor general to complete the audit. If the auditor general determines the  
6 appropriated monies are inadequate, the auditor general shall notify the  
7 committee.

8 9. Beginning on July 1, 2001, establish a school-wide audit team in  
9 the office of the auditor general to conduct performance audits and monitor  
10 school districts to determine the percentage of every dollar spent in the  
11 classroom by a school district. THE PERFORMANCE AUDITS SHALL DETERMINE  
12 WHETHER SCHOOL DISTRICTS THAT RECEIVE MONIES FROM THE ARIZONA STRUCTURED  
13 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AND THE STATEWIDE  
14 COMPENSATORY INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11 ARE IN  
15 COMPLIANCE WITH TITLE 15, CHAPTER 7, ARTICLE 3.1. The auditor general shall  
16 determine, through random selection, the school districts to be audited each  
17 year, subject to review by the joint legislative audit committee. A school  
18 district that is subject to an audit pursuant to this paragraph shall notify  
19 the auditor general in writing as to whether the school district agrees or  
20 disagrees with the findings and recommendations of the audit and whether the  
21 school district will implement the findings and recommendations, implement  
22 modifications to the findings and recommendations or refuse to implement the  
23 findings and recommendations. The school district shall submit to the  
24 auditor general a written status report on the implementation of the audit  
25 findings and recommendations every six months for two years after an audit  
26 conducted pursuant to this paragraph. The auditor general shall review the  
27 school district's progress toward implementing the findings and  
28 recommendations of the audit every six months after receipt of the district's  
29 status report for two years. The auditor general may review a school  
30 district's progress beyond this two-year period for recommendations that have  
31 not yet been implemented by the school district. The auditor general shall  
32 provide a status report of these reviews to the joint legislative audit  
33 committee. The school district shall participate in any hearing scheduled  
34 during this review period by the joint legislative audit committee or by any  
35 other legislative committee designated by the joint legislative audit  
36 committee.

37 B. The auditor general may:

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

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

42 C. If approved by the committee the auditor general may charge a  
43 reasonable fee for the cost of performing audits or providing accounting  
44 services for auditing federal funds, special audits or special services

1 requested by political subdivisions of the state. Monies collected pursuant  
2 to this subsection shall be deposited in the audit services revolving fund.

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

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

12 1. For the cost of conducting the studies or hiring a consultant to  
13 conduct the studies required by subsection A, paragraph 6, subdivisions (a)  
14 and (b) of this section, from monies collected pursuant to a county  
15 transportation excise tax levied pursuant to section 42-6104, 42-6106 or  
16 42-6107.

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

20 Sec. 8. Budget request deadlines

21 A. Notwithstanding section 15-756.03, Arizona Revised Statutes, as  
22 added by this act, for fiscal year 2007-2008, school districts and charter  
23 schools shall submit structured English immersion budget requests to the  
24 department of education on or before December 1, 2006.

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

29 Sec. 9. Appropriation; compensatory instruction; exemption

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

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

38 Sec. 10. Appropriation; English language acquisition services;  
39 exemption

40 A. The sum of \$2,555,000 is appropriated from the state general fund  
41 in fiscal year 2005-2006 to the department of education to provide English  
42 language acquisition services for the purposes of section 15-756.07, Arizona  
43 Revised Statutes, as added by this act, for the costs of providing English  
44 language proficiency assessments, scoring and ancillary materials as  
45 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.

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

13 D. 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. 11. Appropriation; English language acquisition services;  
17 exemption

18 A. The sum of \$4,610,000 is appropriated from the state general fund  
19 in fiscal year 2006-2007 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, and for the purposes contained within  
31 subsection C of this section.

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

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

40 Sec. 12. Appropriation; auditor general; evaluation and  
41 compliance; exemption

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

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

4           Sec. 13. Appropriation; ELL funding category

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

10          Sec. 14. Intent

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

16          B. The legislature declares that because of the unique geographic and  
17 demographic characteristics of this state, it is impossible to compare  
18 language acquisition education models and solutions adopted by other states  
19 to the needs of this state and inappropriate to automatically adopt such  
20 models and solutions.

21          C. The legislature declares that it has grave concerns regarding the  
22 validity and reliability of the cost study performed by the National  
23 Conference of State Legislatures pursuant to Laws 2001, second special  
24 session, chapter 9, section 8. The cost study used what it referred to as  
25 the "professional judgment approach" to determine incremental costs for  
26 English language learners, yet acknowledged that this kind of approach  
27 "depends on the judgments of educational professionals in identifying  
28 strategies rather than research that actually shows a linkage between the  
29 strategy and student performance".

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

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

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

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

17 Sec. 15. Conditional enactment; English language learner  
18 assistance; appropriations; notice

19 A. Section 15-943, Arizona Revised Statutes, as amended by this act,  
20 and section 13 of this act, relating to appropriations to the department of  
21 education, do not become effective unless the United States District court  
22 for the district of Arizona in the case of Flores v. State of Arizona, No.  
23 CIV 92-596-TUC-RCC, issues an order that, by this act, the state has taken  
24 appropriate action to establish a program that addresses the orders in the  
25 case and, at least on an interim basis, the court will permit this act to be  
26 fully implemented to determine whether the resulting ELL plans and available  
27 funding to implement the plans bear a rational relationship to the cost of  
28 implementing appropriate language acquisition programs.

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