

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 20
HOUSE BILL 2425

AN ACT

AMENDING SECTION 15-701.01, ARIZONA REVISED STATUTES; REPEALING SECTION 15-701.02, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-702 AND 15-741, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-744 AND 15-747, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756.01, 15-756.02, 15-756.03, 15-756.04 AND 15-756.11, ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE EDUCATION FOR CHILDREN IN PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-701.01, Arizona Revised Statutes, is amended to
3 read:

4 15-701.01. High school: graduation: requirements: community
5 college or university courses: transfer from
6 private schools; academic credit

7 A. The state board of education shall:

8 1. Prescribe a minimum course of study, as defined in section 15-101
9 and incorporating the academic standards adopted by the state board of
10 education, for the graduation of pupils from high school.

11 2. Prescribe competency requirements for the graduation of pupils from
12 high school incorporating the academic standards in at least the areas of
13 reading, writing, mathematics, science and social studies.

14 3. Develop and adopt competency tests pursuant to section 15-741.
15 ENGLISH LANGUAGE LEARNERS WHO ARE SUBJECT TO ARTICLE 3.1 OF THIS CHAPTER ARE
16 SUBJECT TO THE ASSESSMENTS PRESCRIBED IN SECTION 15-741. ~~for the graduation~~
17 ~~of pupils from high school in at least the areas of reading, writing and~~
18 ~~mathematics and shall establish passing scores for each such test. For the~~
19 ~~purposes of satisfying the graduation requirements of this paragraph, a~~
20 ~~minimum score as determined by the state board of education on one or more~~
21 ~~nationally recognized college entrance examinations selected by the state~~
22 ~~board of education, if examination information may be accessed at no cost to~~
23 ~~this state, may be substituted for passing scores on the Arizona instrument~~
24 ~~to measure standards test for a pupil who is in grade twelve. For the~~
25 ~~purposes of satisfying the graduation requirements of this paragraph, a score~~
26 ~~as determined by the state board of education on a board examination~~
27 ~~prescribed in article 6 of this chapter may be substituted for passing scores~~
28 ~~on the Arizona instrument to measure standards test if a pupil who is in~~
29 ~~grade twelve has previously taken the board examination and has not achieved~~
30 ~~the minimum score required to be eligible for a Grand Canyon diploma. A~~
31 ~~pupil shall not be required to pass the competency test required in this~~
32 ~~paragraph to graduate from high school if the pupil transfers into the~~
33 ~~district from out of state and has successfully passed a statewide assessment~~
34 ~~test on state adopted standards that are substantially equivalent to the~~
35 ~~state board adopted academic standards.~~

36 B. ~~If the state board of education adopts a competency test as a~~
37 ~~graduation requirement for a child with a disability as defined in section~~
38 ~~15-761 or a child who receives special education pursuant to section 15-763,~~
39 ~~pupils with individualized education programs shall not be required to~~
40 ~~achieve passing scores on competency tests in order to graduate from high~~
41 ~~school unless the pupil is learning at a level appropriate for the pupil's~~
42 ~~grade level in a specific academic area and unless passing scores on a~~
43 ~~competency test are specifically required in a specific academic area by the~~
44 ~~pupil's individualized education program as mutually agreed on by the pupil's~~
45 ~~parents and the pupil's individualized education program team or the pupil,~~

1 ~~if the pupil is at least eighteen years of age. These competency tests shall~~
2 ~~be administered to pupils in a manner prescribed in the pupil's~~
3 ~~individualized education program, and school districts and charter schools~~
4 ~~shall make specific and appropriate accommodations for pupils with~~
5 ~~individualized education programs. Pupils with section 504 plans as defined~~
6 ~~in section 15-731 shall not be required to achieve passing scores on~~
7 ~~competency tests in order to graduate from high school unless the pupil is~~
8 ~~learning at a level appropriate for the pupil's grade level in a specific~~
9 ~~academic area and unless passing scores on a competency test are specifically~~
10 ~~required in a specific academic area by the pupil's section 504 plan that is~~
11 ~~developed in consultation with the pupil's parents. These competency tests~~
12 ~~shall be administered to pupils in a manner prescribed in the pupil's section~~
13 ~~504 plan, and school districts and charter schools shall make specific and~~
14 ~~appropriate accommodations for pupils with a section 504 plan. A pupil with~~
15 ~~an individualized education program or a section 504 plan who graduates from~~
16 ~~high school but who is not required to achieve a passing score on a~~
17 ~~competency test in order to graduate from high school shall receive the~~
18 ~~standard diploma issued by the school district or charter school.~~

19 ~~G.~~ B. The governing board of a school district shall:

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

22 2. Prescribe criteria for the graduation of pupils from the high
23 schools in the school district. These criteria shall include accomplishment
24 of the academic standards in at least reading, writing, mathematics, science
25 and social studies, as determined by district assessment. Other criteria may
26 include additional measures of academic achievement and attendance.

27 ~~D.~~ C. The governing board may prescribe the course of study and
28 competency requirements for the graduation of pupils from high school that
29 are in addition to or higher than the course of study and competency
30 requirements ~~which~~ THAT the state board prescribes.

31 ~~E.~~ D. The governing board may prescribe competency requirements for
32 the passage of pupils in courses that are required for graduation from high
33 school.

34 ~~F.~~ E. A teacher shall determine whether to pass or fail a pupil in a
35 course in high school as provided in section 15-521, paragraph ~~3- 4~~ on the
36 basis of the competency requirements, if any have been prescribed. The
37 governing board, if it reviews the decision of a teacher to pass or fail a
38 pupil in a course in high school as provided in section 15-342, paragraph 11,
39 shall base its decision on the competency requirements, if any have been
40 prescribed.

41 ~~G.~~ F. Graduation requirements established by the governing board may
42 be met by a pupil who passes courses in the required or elective subjects at
43 a community college or university, if the course is at a higher level than
44 the course taught in the high school attended by the pupil or, if the course
45 is not taught in the high school, the level of the course is equal to or

1 higher than the level of a high school course. The governing board shall
2 determine if the subject matter of the community college or university course
3 is appropriate to the specific requirement the pupil intends it to fulfill
4 and if the level of the community college or university course is less than,
5 equal to or higher than a high school course, and the governing board shall
6 award one-half of a carnegie unit for each three semester hours of credit the
7 pupil earns in an appropriate community college or university course. If a
8 pupil is not satisfied with the decision of the governing board regarding the
9 amount of credit granted or the subjects for which credit is granted, the
10 pupil may request that the state board of education review the decision of
11 the governing board, and the state board shall make the final determination
12 of the amount of credit to be given the pupil and for which subjects. The
13 governing board shall not limit the number of credits that is required for
14 high school graduation and that may be met by taking community college or
15 university courses. For the purposes of this subsection:

16 1. "Community college" means an educational institution that is
17 operated by a community college district as defined in section 15-1401 or a
18 postsecondary educational institution under the jurisdiction of an Indian
19 tribe recognized by the United States department of the interior.

20 2. "University" means a university under the jurisdiction of the
21 Arizona board of regents.

22 ~~H.~~ G. A pupil who transfers from a private school shall be provided
23 with a list that indicates those credits that have been accepted and denied
24 by the school district. A pupil may request to take an examination in each
25 particular course in which credit has been denied. The school district shall
26 accept the credit for each particular course in which the pupil takes an
27 examination and receives a passing score on a test designed and evaluated by
28 a teacher in the school district who teaches the subject matter on which the
29 examination is based. In addition to the above requirements, the governing
30 board of a school district may prescribe requirements for the acceptance of
31 the credits of pupils who transfer from a private school.

32 ~~F.~~ H. If a pupil who was previously enrolled in a charter school or
33 school district enrolls in a school district in this state, the school
34 district shall accept credits earned by the pupil in courses or instructional
35 programs at the charter school or school district. The governing board of a
36 school district may adopt a policy concerning the application of transfer
37 credits for the purpose of determining whether a credit earned by a pupil who
38 was previously enrolled in a school district or charter school will be
39 assigned as an elective or core credit.

40 ~~G.~~ I. A pupil who transfers from a charter school or school district
41 shall be provided with a list that indicates which credits have been accepted
42 as an elective credit and which credits have been accepted as a core credit
43 by the school district. Within ten school days after receiving the list, a
44 pupil may request to take an examination in each particular course in which
45 core credit has been denied. The school district shall accept the credit as

1 a core credit for each particular course in which the pupil takes an
2 examination and receives a passing score on a test designed and evaluated by
3 a teacher in the school district who teaches the subject matter on which the
4 examination is based.

5 ~~K.~~ J. The state board of education shall adopt rules to allow high
6 school pupils who can demonstrate competency in a particular academic course
7 or subject to obtain academic credit for the course or subject without
8 enrolling in the course or subject.

9 ~~L.~~ K. Pupils who earn a Grand Canyon diploma pursuant to article 6 of
10 this chapter are exempt from the graduation requirements prescribed in this
11 section, ~~including the requirement that a pupil obtain passing scores on the~~
12 ~~Arizona instrument to measure standards test in order to graduate from high~~
13 ~~school~~. Pupils who earn a Grand Canyon diploma are entitled to all the
14 rights and privileges of persons who graduate with a high school diploma
15 issued pursuant to this section, including access to postsecondary
16 scholarships and other forms of student financial aid and access to all forms
17 of postsecondary education. Notwithstanding any other law, a pupil who is
18 eligible for a Grand Canyon diploma may elect to remain in high school
19 through grade twelve and shall not be prevented from enrolling at a high
20 school after the pupil becomes eligible for a Grand Canyon diploma. A pupil
21 who is eligible for a Grand Canyon diploma and who elects not to pursue one
22 of the options prescribed in section 15-792.03 may only be readmitted to that
23 high school or another high school in this state pursuant to policies adopted
24 by the school district of readmission.

25 Sec. 2. Repeal

26 Section 15-701.02, Arizona Revised Statutes, is repealed.

27 Sec. 3. Section 15-702, Arizona Revised Statutes, is amended to read:

28 15-702. High school equivalency diploma; fees; rules

29 A. Any person who is sixteen years of age or older and who passes a
30 general educational development test shall be awarded an Arizona high school
31 equivalency diploma by the state board of education and the state
32 superintendent of public instruction. The state board of education may
33 establish eligibility requirements for persons wishing to take a general
34 educational development test, except that the minimum age required to take
35 the test may not be older than sixteen nor shall the board require the
36 completion of any high school credits.

37 B. A person who meets the minimum course of study and competency
38 requirements prescribed by the state board of education for graduation from
39 high school through a combination of high school credits and community
40 college and university credits, which are converted to high school credits in
41 the same manner as provided in section 15-701.01, subsection ~~G~~ F by the
42 governing board or the state board of education, shall be awarded an Arizona
43 high school equivalency diploma.

44 C. The state board of education may establish and collect fees for the
45 issuance and reissuance of the following:

1 1. A general equivalency diploma.

2 2. A general equivalency transcript.

3 D. The state board of education shall ~~develop~~ ADOPT rules for fee
4 waivers for the general equivalency diploma and general equivalency
5 transcripts.

6 Sec. 4. Section 15-741, Arizona Revised Statutes, is amended to read:
7 15-741. Assessment of pupils

8 A. The state board of education shall:

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

11 2. Adopt and implement an Arizona instrument to measure standards test
12 to measure pupil achievement of the state board adopted academic standards in
13 reading, writing and mathematics in at least four grades designated by the
14 board. The board shall determine the manner of implementation. ~~The board
15 shall not require high school pupils to meet or exceed the standards measured
16 by the Arizona instrument to measure standards test in any standards other
17 than reading, writing and mathematics in order to graduate from high school.~~
18 The board may administer assessments of the academic standards in social
19 studies and science, except that a pupil shall not be required to meet or
20 exceed the social studies or science standards measured by the Arizona
21 instrument to measure standards test ~~in order to graduate from high school.~~

22 ~~3. Adopt and implement a statewide nationally standardized
23 norm-referenced achievement test in reading, language arts and mathematics,
24 except that the superintendent of public instruction may determine additional
25 grade levels for which pupils are tested. The tests shall be consistent with
26 the state standards and shall be administered during the spring of each year
27 between March 15 and May 1.~~

28 ~~4.~~ 3. Ensure that the tests prescribed in this section are uniform
29 throughout the state.

30 ~~5.~~ 4. Ensure that the tests prescribed in this section are able to be
31 scored in an objective manner and that the tests are not intended to advocate
32 any sectarian, partisan or denominational viewpoint.

33 ~~6. Ensure that the results of the nationally standardized
34 norm-referenced achievement tests established as provided in this article are
35 comparable to associated grade equivalents, percentiles and stanines derived
36 from a multistate sample.~~

37 ~~7.~~ 5. Include within its budget all costs pertaining to the tests
38 prescribed in this article. If sufficient monies are appropriated, the state
39 board may provide ~~norm-referenced~~ achievement test services to school
40 districts ~~which~~ THAT request assistance in testing pupils in grades
41 additional to those required by this section.

42 ~~8. Use subtests of the statewide nationally standardized
43 norm-referenced achievement test as designated by the state board to assess
44 pupils in reading, language arts and mathematics, at a level appropriate for
45 their grade level.~~

1 ~~9.~~ 6. Survey teachers, principals and superintendents on achievement
2 related nontest indicators, including information on graduation rates by
3 ethnicity and dropout rates by ethnicity for each grade level. Before the
4 survey, the state board of education shall approve at a public meeting the
5 nontest indicators on which data will be collected. In conducting the survey
6 and collecting data, the state board of education shall not violate the
7 provisions of the family educational rights and privacy act (P.L. 93-380), as
8 amended, nor disclose personally identifiable information.

9 ~~10.~~ 7. Establish a fair and consistent method and standard by which
10 ~~norm-referenced~~ test scores from schools in a district may be evaluated
11 taking into consideration demographic data. The board shall establish
12 intervention strategies to assist schools with scores below the acceptable
13 standard. The board shall annually review district and school scores and
14 shall offer assistance to school districts in analyzing data and implementing
15 intervention strategies. The board shall use the adopted ~~norm-referenced~~
16 test and methods of data evaluation for a period of at least ten years.

17 ~~11.~~ 8. Participate in other assessments that provide national
18 comparisons as needed.

19 B. The ~~standardized norm-referenced~~ achievement tests adopted by the
20 state board as provided in subsection A **OF THIS SECTION** shall be given **AT**
21 **LEAST** annually. ~~The tests shall be administered over a one week period~~
22 ~~between March 15 and May 1.~~ Nontest indicator data and other information
23 shall be collected at the same time as the collection of ~~standardized~~
24 ~~norm-referenced~~ achievement test data.

25 C. Local school district governing boards shall:

26 1. Administer the tests prescribed in subsection A **OF THIS SECTION**.

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

33 D. Any additional assessments for high school pupils that are adopted
34 by the state board of education after ~~the effective date of this amendment to~~
35 ~~this section~~ **NOVEMBER 24, 2009** shall be designed to measure college and
36 career readiness of pupils.

37 E. A test for penmanship shall not be required pursuant to this
38 article.

39 Sec. 5. Repeal

40 Sections 15-744 and 15-747, Arizona Revised Statutes, are repealed.

41 Sec. 6. Section 15-756.01, Arizona Revised Statutes, is amended to
42 read:

43 15-756.01. State board of education; research based models of
44 structured English immersion for English language
45 learners; budget requests; definitions

1 ~~A. The Arizona English language learners task force is established in~~
2 ~~the department of education. The task force shall consist of:~~

3 ~~1. Three members appointed by the superintendent of public~~
4 ~~instruction.~~

5 ~~2. Two members who are appointed by the governor.~~

6 ~~3. Two members who are appointed by the president of the senate.~~

7 ~~4. Two members who are appointed by the speaker of the house of~~
8 ~~representatives.~~

9 ~~B. Members of the task force shall serve four year terms. Members of~~
10 ~~the task force shall elect a chairperson from among the members of the task~~
11 ~~force. The department of education shall provide adequate staff support for~~
12 ~~the task force.~~

13 ~~C. A. By September 1, 2006, the task force~~ THE STATE BOARD OF
14 EDUCATION shall EITHER USE RESEARCH BASED MODELS OF STRUCTURED ENGLISH
15 IMMERSION PROGRAMS THAT WERE PREVIOUSLY DEVELOPED AND ADOPTED BY THE ENGLISH
16 LANGUAGE LEARNERS TASK FORCE OR develop and adopt NEW research based models
17 of structured English immersion programs for use by school districts and
18 charter schools. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF
19 SUPPORT FOR THE STATE BOARD OF EDUCATION TO COMPLY WITH THIS ARTICLE. The
20 models shall take into consideration at least the size of the school, the
21 location of the school, the grade levels at the school, the number of English
22 language learners and the percentage of English language learners. The
23 models shall be limited to programs for English language learners to
24 participate in a structured English immersion program not normally intended
25 to exceed one year. The ~~task force~~ STATE BOARD OF EDUCATION shall identify
26 the minimum amount of English language development per day for all models.
27 The ~~task force~~ STATE BOARD OF EDUCATION shall develop separate models for the
28 first year in which a pupil is classified as an English language learner that
29 ~~includes~~ INCLUDE a minimum of four hours per day of English language
30 development.

31 ~~D. B.~~ The research based models of structured English immersion
32 adopted by the ~~task force~~ STATE BOARD OF EDUCATION shall be the most
33 cost-efficient models that meet all state and federal laws.

34 ~~E. C.~~ The research based models of structured English immersion shall
35 be limited to a regular school year and school day. Instruction outside the
36 regular school year or school day shall be provided with compensatory
37 instruction and may be eligible for funding from the statewide compensatory
38 instruction fund established by section 15-756.11.

39 ~~F. D.~~ The research based models of structured English immersion shall
40 be submitted by the ~~task force~~ STATE BOARD OF EDUCATION to the president of
41 the senate, the speaker of the house of representatives, the governor and the
42 state board of education. At least thirty days before adoption, the ~~task~~
43 ~~force~~ STATE BOARD OF EDUCATION shall submit the research based models of
44 structured English immersion to the joint legislative budget committee for
45 review.

1 ~~G.~~ E. The ~~task-force~~ STATE BOARD OF EDUCATION shall review research
2 based models of structured English immersion annually and delete FROM, add TO
3 or modify the existing models. When adopting or modifying English language
4 learner programs, the ~~task-force~~ STATE BOARD OF EDUCATION shall review and
5 consider the information and data obtained as a result of the department of
6 education's monitoring of English language learner programs pursuant to
7 section 15-756.08.

8 ~~H.~~ F. The ~~task-force~~ STATE BOARD OF EDUCATION shall establish
9 procedures for school districts and charter schools to determine the
10 incremental costs for implementation of the research based models of
11 structured English immersion developed by the ~~task-force~~ STATE BOARD OF
12 EDUCATION.

13 ~~I.~~ G. The ~~task-force~~ STATE BOARD OF EDUCATION shall establish a form
14 for school districts and charter schools to determine the structured English
15 immersion budget request amount. Notwithstanding any other law, the maximum
16 amount of the budget request shall be the incremental costs of the model
17 selected offset by the following monies:

18 1. All federal title III monies and any other federal monies
19 designated solely for the educational needs of English language learners.

20 2. The portion of title I and title IIA monies determined by the
21 English language learner population as a percentage of the qualified
22 population.

23 3. The portion of impact aid monies determined by the English language
24 learner population as a percentage of the qualified population. A school
25 district or charter school shall only apply unexpended impact aid monies to
26 English language learner programs after it has applied its impact aid monies
27 for other allowable uses as permitted by state law.

28 4. The portion of desegregation monies levied pursuant to section
29 15-910 determined by the English language learner population as a percentage
30 of the qualified population.

31 5. The ELL support level weight prescribed in section 15-943.

32 ~~J.~~ H. The difference calculated pursuant to subsection ~~I.~~ G of this
33 section shall be the maximum amount of the structured English immersion
34 budget request pursuant to section 15-756.03 for monies from the Arizona
35 structured English immersion fund established by section 15-756.04.
36 ~~Beginning July 15, 2008,~~ School districts and charter schools shall not
37 include the incremental costs of any pupil who is classified as an English
38 language learner after July 1, 2007 and who has been classified as an English
39 language learner for more than two years in the calculation of the school
40 district's or charter school's structured English immersion budget request.

41 ~~K.~~ I. In consultation with the auditor general, the department of
42 education shall develop and adopt forms to be used by school districts and
43 charter schools to submit budget requests for the Arizona structured English
44 immersion fund, including the form prescribed in subsection ~~I.~~ G of this
45 section.

1 ~~I~~ J. For the purposes of this section:

2 1. "Compensatory instruction" has the same meaning prescribed in
3 section 15-756.11.

4 2. "Incremental costs" means costs that are associated with a
5 structured English immersion program pursuant to section 15-752 or a program
6 pursuant to section 15-753 and that are in addition to the normal costs of
7 conducting programs for English proficient students. Incremental costs do
8 not include costs that replace the same types of services provided to English
9 proficient students or compensatory instruction.

10 Sec. 7. Section 15-756.02, Arizona Revised Statutes, is amended to
11 read:

12 15-756.02. School districts and charter schools; English
13 language learner models; adoption and
14 implementation

15 A. Each school district governing board and each governing body of a
16 charter school shall select one or more of the ~~task-force~~ STATE BOARD OF
17 EDUCATION approved models for structured English immersion for implementation
18 on a school by school basis.

19 B. If a school district or charter school wants to adopt an English
20 language learner program that is not based on a model adopted by the ~~task~~
21 ~~force~~ STATE BOARD OF EDUCATION, the school district or charter school shall
22 first submit the proposed program along with supporting documentation
23 regarding the expected outcomes of the program on the district's or charter
24 school's English language learner students to the ~~task-force~~ STATE BOARD OF
25 EDUCATION for approval.

26 C. On receipt of a proposed program from a school district or charter
27 school, the ~~task-force~~ STATE BOARD OF EDUCATION may do one of the following:

28 1. Approve the proposed program.
29 2. Provide limited approval subject to specific stipulations
30 prescribed by the state board.

31 3. Reject the proposed program and identify a model approved by the
32 ~~task-force~~ STATE BOARD OF EDUCATION for the school district or charter school
33 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 Sec. 8. Section 15-756.03, Arizona Revised Statutes, is amended to
38 read:

39 15-756.03. Structured English immersion; budget request

40 A. If a school district or charter school qualifies to submit a budget
41 request based on the form prescribed in section 15-756.01, subsection ~~I~~ G,
42 the school district or charter school shall submit a structured English
43 immersion budget request on a school by school basis. The budget request
44 shall be for a specific amount of supplemental monies from the Arizona
45 structured English immersion fund established by section 15-756.04.

1 B. Each school district or charter school structured English immersion
2 budget request shall include the signature of the superintendent of the
3 school district and the chief financial officer of the school district or the
4 principal of the charter school and the chief financial officer of the
5 charter school that certifies that the information in the budget request is
6 true to the best of that person's knowledge and has been calculated in
7 accordance with the form prescribed in section 15-756.01, subsection ~~F~~ G and
8 that monies from the Arizona structured English immersion fund established by
9 section 15-756.04 will not be used to supplant any federal, state or local
10 monies, including desegregation monies levied pursuant to section 15-910,
11 used for English language learners that were budgeted for English language
12 learners as of February 23, 2006.

13 C. ~~Beginning July 1, 2007,~~ Each school district and charter school
14 that submits a structured English immersion budget request shall submit the
15 budget request to the department of education annually on or before
16 September 15. The department of education shall verify the budget request of
17 each school district and charter school for accuracy and compliance with the
18 form prescribed in section 15-756.01, subsection ~~F~~ G. The department shall
19 collect all school district and charter school budget requests and submit
20 them to the legislature for funding from the Arizona structured English
21 immersion fund established by section 15-756.04 at the same time as the
22 department's budget request.

23 Sec. 9. Section 15-756.04, Arizona Revised Statutes, is amended to
24 read:

25 15-756.04. Arizona structured English immersion fund

26 A. The Arizona structured English immersion fund is established. The
27 department of education shall administer the fund.

28 B. The department shall submit an annual request for an appropriation
29 for the purposes of this section.

30 C. In addition to the ELL support level weight prescribed in section
31 15-943, the department shall distribute monies from the fund to school
32 districts and charter schools in an amount specified in the budget request
33 prescribed in section 15-756.03, subsection C. Monies from the fund
34 established by this section and monies for the ELL support level weight
35 prescribed in section 15-943 shall not be distributed for more than two
36 fiscal years for the same pupil. ~~Nothing in~~ This subsection ~~shall be~~
37 ~~construed to~~ DOES NOT prohibit a school district or charter school from
38 receiving monies from the statewide compensatory instruction fund established
39 by section 15-756.11 for more than two fiscal years for the same pupil.

40 D. The superintendent of public instruction shall attempt to obtain
41 the maximum amount of federal funding that is available for English language
42 learner programs.

43 E. Each school district and charter school shall establish a local
44 level structured English immersion fund to receive monies distributed from
45 the Arizona structured English immersion fund. Monies in local level

1 structured English immersion funds shall be spent only to provide instruction
2 to English language learners. The auditor general shall modify the budget
3 format, financial record requirements, accounting forms and financial report
4 forms in accordance with this subsection. In consultation with the
5 department of education, the auditor general shall provide support and
6 guidance to assist school districts and charter schools in complying with
7 this subsection. Documents developed pursuant to this subsection shall be
8 reviewed by the ~~Arizona English language learners task force established by~~
9 ~~section 15-756.01~~ STATE BOARD OF EDUCATION and the joint legislative budget
10 committee.

11 F. School districts and charter schools shall use monies from the fund
12 to supplement existing programs for English language learners. Monies from
13 the fund shall not be used to supplant available monies used to pay for the
14 normal costs of conducting programs for English proficient students.

15 Sec. 10. Section 15-756.11, Arizona Revised Statutes, is amended to
16 read:

17 15-756.11. Statewide compensatory instruction fund; reporting;
18 definition

19 A. The statewide compensatory instruction fund is established. The
20 department of education shall administer the fund.

21 B. To be eligible for monies appropriated pursuant to this section, a
22 school district or charter school must demonstrate to the department of
23 education that it has established a satisfactory compensatory instruction
24 program. The department of education shall distribute monies from the fund
25 to school districts and charter schools in an amount determined by the
26 department for compensatory instruction costs.

27 C. School districts and charter schools shall annually submit written
28 compensatory instruction budget requests to the department on or before July
29 15 for monies from the fund on a form developed by the department. The
30 requests shall include an analysis of compensatory instruction effectiveness.

31 D. The written requests submitted by school districts and charter
32 schools shall be signed by the superintendent of the school district and the
33 chief financial officer of the school district or the principal of the
34 charter school and the chief financial officer of the charter school, and
35 monies from the statewide compensatory instruction fund shall not be used to
36 supplant any federal, state or local monies, including desegregation monies
37 levied pursuant to section 15-910, used for English language learners that
38 were budgeted for English language learners as of February 23, 2006.

39 E. School districts and charter schools shall use monies from the fund
40 to supplement existing programs. Monies shall not be used to supplant any
41 federal, state or local monies, including desegregation monies levied
42 pursuant to section 15-910, used for compensatory instruction that were
43 budgeted for English language learners as of February 23, 2006.

44 F. Each school district and charter school shall establish a local
45 level compensatory instruction fund to receive monies distributed from the

1 statewide compensatory instruction fund. Monies in local level compensatory
2 instruction funds shall be spent only for compensatory instruction. The
3 auditor general shall modify the budget format, financial record
4 requirements, accounting forms and financial report forms in accordance with
5 this subsection. In consultation with the department of education, the
6 auditor general shall provide support and guidance to assist school districts
7 and charter schools in complying with this subsection. Documents developed
8 pursuant to this subsection shall be reviewed by the ~~Arizona English language~~
9 ~~learners task force established by section 15-756.01~~ STATE BOARD OF EDUCATION
10 and the joint legislative budget committee.

11 G. For the purposes of this section, "compensatory instruction" means
12 programs in addition to normal classroom instruction that may include
13 individual or small group instruction, extended day classes, summer school or
14 intersession school and that are limited to improving the English proficiency
15 of current English language learners and pupils who were English language
16 learners and who have been reclassified as English proficient within the
17 previous two years.

18 Sec. 11. Succession

19 A. As provided by this act, the state board of education succeeds to
20 the authority, powers, duties and responsibilities of the Arizona English
21 language learners task force.

22 B. This act does not alter the effect of any actions that were taken
23 or impair the valid obligations of the Arizona English language learners task
24 force in existence before the effective date of this act.

25 C. With respect to the Arizona English language learners task force,
26 previous administrative actions continue in effect until superseded by
27 administrative action by the state board of education.

28 D. All administrative matters, contracts and judicial and
29 quasi-judicial actions, whether completed, pending or in process, of the
30 Arizona English language learners task force on the effective date of this
31 act are transferred to and retain the same status with the state board of
32 education.

33 E. All indicia of qualification and authority that were issued by the
34 Arizona English language learners task force retain their validity for the
35 duration of their terms of validity as provided by law.

36 F. All equipment, records, furnishings and other property, all data
37 and investigative findings and all appropriated monies that remain unexpended
38 and unencumbered on the effective date of this act of the department of
39 education with respect to the Arizona English language learners task force
40 are transferred to the state board of education.

41 Sec. 12. Retroactivity

42 Sections 15-756.01, 15-756.02, 15-756.03, 15-756.04 and 15-756.11,
43 Arizona Revised Statutes, as amended by this act, and section 11 of this act,
44 relating to succession, apply retroactively to from and after December 31,
45 2012.

APPROVED BY THE GOVERNOR MARCH 28, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2013.