

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2435

AN ACT

AMENDING SECTIONS 15-241, 15-756.01, 15-756.02, 15-756.03 AND 15-756.04, ARIZONA REVISED STATUTES; REPEALING SECTION 15-756.06, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756.07, 15-756.08 AND 15-756.10, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756.12 AND 41-1279.03, ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE LEARNERS.

(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, charter school and school district
5 accountability; annual achievement profiles;
6 classification; letter grade system; profiles;
7 appeals process; failing schools tutoring fund;
8 definition

9 A. The department of education shall compile an annual achievement
10 profile for each public school and local education agency.

11 B. Each school, charter holder and school district shall submit to
12 the department any data that is required and requested and that is
13 necessary to compile the achievement profile. A school or local education
14 agency that fails to submit the information that is necessary is not
15 eligible to receive monies from the classroom site fund established by
16 section 15-977.

17 C. The annual achievement profile compiled by the department shall
18 be used to determine a standard measurement of acceptable academic
19 progress for each school and local education agency and a school and local
20 education agency classification pursuant to subsection F of this
21 section. Any disclosure of educational records compiled by the department
22 of education pursuant to this section shall comply with the family
23 educational rights and privacy act of 1974 (20 United States Code section
24 1232g).

25 D. The annual achievement profile for schools and local education
26 agencies shall include, at a minimum, the following academic performance
27 indicators:

28 1. Multiple measures of academic performance or other academically
29 relevant indicators of school quality that are appropriate to assess the
30 educational impact of a school during the academic year as determined by
31 the state board of education.

32 2. Academic progress on statewide assessments adopted pursuant to
33 section 15-741 in English language arts and mathematics.

34 3. Academic progress on the English language learner assessments
35 administered pursuant to section 15-756, subsection B and ~~sections~~ SECTION
36 15-756.05 ~~and 15-756.06~~.

37 4. Progress toward college and career readiness for all schools and
38 local education agencies that offer instruction in any of grades nine
39 through twelve.

40 E. Subject to final adoption by the state board of education, the
41 department shall determine the criteria for each school and local
42 education agency classification label using a researched-based
43 methodology. The methodology developed in collaboration with a coalition
44 of qualified technical and policy stakeholders, at a minimum, shall
45 include the performance of pupils at all achievement levels, account for

1 pupil mobility, account for the distribution of pupil achievement at each
2 school and local education agency and include longitudinal indicators of
3 academic performance. For the purposes of this subsection,
4 "researched-based methodology" means the systematic and objective
5 application of statistical and quantitative research principles to
6 calculate the indicators used to determine A through F letter grades.

7 F. The annual achievement profile shall be used to determine a
8 school and local education agency classification based on an A through F
9 letter grade system adopted by the state board of education in which a
10 letter grade of A reflects an excellent level of performance and a letter
11 grade of F reflects a failing level of performance. The A through F
12 letter grade system shall indicate expected standards of performance for
13 all schools and the manner in which schools may rise above or fall below
14 those expected standards of performance. The state board of education may
15 also assign a school a letter grade of F if the state board of education
16 determines that the school is among the "persistently lowest-achieving
17 schools" in the state under the federal school accountability requirements
18 pursuant to section 1003(g) of the elementary and secondary education act
19 (20 United States Code section 6303).

20 G. The classification for each school and the criteria used to
21 determine classification pursuant to subsections E and F of this section
22 shall be included on the school report card prescribed in section 15-746.

23 H. Subject to final adoption by the state board of education, the
24 department of education shall use achievement profiles appropriately to
25 assess the educational impact of accommodation schools, alternative
26 schools and extremely small schools, may develop profiles for schools that
27 participate in the board examination system prescribed in chapter 7,
28 article 6 of this title and schools that participate in Arizona online
29 instruction pursuant to section 15-808 and may develop other exceptions as
30 prescribed by the state board of education for the purposes of this
31 section.

32 I. The department of education shall establish a process for a
33 school or local education agency to correct student data used to determine
34 the school's or local education agency's annual achievement profile. The
35 state board of education shall establish an appeals process to allow a
36 school or local education agency to appeal the school's or local education
37 agency's final letter grade based on mitigating factors identified by the
38 board. The board may delegate the administration of the appeals process
39 to the department of education.

40 J. The failing schools tutoring fund is established consisting of
41 monies collected pursuant to section 42-5029, subsection E as designated
42 for this purpose. The department of education shall administer the
43 fund. The department of education may use monies from the fund to
44 purchase materials designed to assist students to meet the Arizona

1 academic standards and to achieve a passing score on assessments adopted
2 by the state board of education.

3 K. For the purposes of this section, "academic progress" means
4 measures of both proficiency and academic gain.

5 Sec. 2. Section 15-756.01, Arizona Revised Statutes, is amended to
6 read:

7 15-756.01. State board of education; research-based models of
8 structured English immersion and alternative
9 English instruction; English language learners;
10 budget requests; definitions

11 A. The state board of education shall ~~either use research based~~
12 **ADOPT RESEARCH-BASED** models of structured English immersion ~~programs that~~
13 ~~were previously developed and adopted by the English language learners~~
14 ~~task force or develop and adopt new research based models of structured~~
15 ~~English immersion programs~~ for use by school districts and charter
16 schools. The department of education shall provide adequate staff support
17 for the state board of education to comply with this article. The models
18 shall take into consideration at least the size of the school, the
19 location of the school, the grade levels at the school, the number of
20 English language learners and the percentage of English language
21 learners. ~~The models shall be limited to programs for English language~~
22 ~~learners to participate in a structured English immersion program not~~
23 ~~normally intended to exceed one year.~~ The state board of education shall
24 ~~identify the minimum amount of English language development per day for~~
25 ~~all models. The state board of education shall develop separate models~~
26 ~~for the first year in which a pupil is classified as an English language~~
27 ~~learner that include a minimum of four hours per day of English language~~
28 ~~development.~~ **ADOPT MODELS THAT INCLUDE A MINIMUM AMOUNT OF ENGLISH**
29 **LANGUAGE DEVELOPMENT AS FOLLOWS:**

30 1. ONE HUNDRED TWENTY MINUTES PER DAY, SIX HUNDRED MINUTES PER WEEK
31 OR THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR FOR PUPILS IN KINDERGARTEN
32 PROGRAMS AND GRADES ONE THROUGH SIX.

33 2. ONE HUNDRED MINUTES PER DAY, FIVE HUNDRED MINUTES PER WEEK OR
34 THREE HUNDRED HOURS PER SCHOOL YEAR FOR PUPILS IN GRADES SEVEN THROUGH
35 TWELVE.

36 B. THE STATE BOARD OF EDUCATION SHALL ADOPT ALTERNATIVE ENGLISH
37 INSTRUCTION MODELS PROVIDED PURSUANT TO SECTION 15-753. THE ADOPTED
38 MODELS SHALL BE EVIDENCE-BASED AND RESEARCH-BASED.

39 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY SUBMIT MODELS OF
40 STRUCTURED ENGLISH IMMERSION AND ALTERNATIVE ENGLISH INSTRUCTION FOR
41 APPROVAL BY THE STATE BOARD OF EDUCATION.

42 ~~B.~~ D. The ~~research based~~ **RESEARCH-BASED** models of structured
43 English immersion adopted by the state board of education shall be the
44 most cost-efficient models that meet all state and federal laws.

1 ~~E.~~ E. The ~~research-based~~ RESEARCH-BASED models of structured
2 English immersion AND ALTERNATIVE ENGLISH INSTRUCTION shall be limited to
3 a regular school year and school day. Instruction outside the regular
4 school year or school day shall be provided with compensatory instruction
5 and may be eligible for funding from the statewide compensatory
6 instruction fund established by section 15-756.11.

7 ~~D.~~ F. The ~~research-based~~ RESEARCH-BASED models of structured
8 English immersion AND ALTERNATIVE ENGLISH INSTRUCTION shall be submitted
9 by the state board of education to the president of the senate, the
10 speaker of the house of representatives, ~~AND the governor and the state~~
11 ~~board of education~~. At least thirty days before adoption, the state board
12 of education shall submit the ~~research-based~~ RESEARCH-BASED models of
13 structured English immersion AND ALTERNATIVE ENGLISH INSTRUCTION to the
14 joint legislative budget committee for review.

15 ~~E.~~ G. The state board of education shall review ~~research-based~~
16 RESEARCH-BASED models of structured English immersion AND ALTERNATIVE
17 ENGLISH INSTRUCTION annually and delete from, add to or modify the
18 existing models. When adopting or modifying English language learner
19 programs, the state board of education shall review and consider the
20 information and data obtained as a result of the department of education's
21 monitoring of English language learner programs pursuant to section
22 15-756.08.

23 ~~F.~~ H. The state board of education shall establish procedures for
24 school districts and charter schools to determine the incremental costs
25 for implementation of the ~~research-based~~ RESEARCH-BASED models of
26 structured English immersion AND ALTERNATIVE ENGLISH INSTRUCTION developed
27 by the state board of education.

28 I. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO ESTABLISH A
29 FRAMEWORK FOR EVALUATING RESEARCH-BASED MODELS THAT ARE SUBMITTED FOR
30 APPROVAL. THE STATE BOARD SHALL SOLICIT INPUT FROM EXPERIENCED EDUCATORS.
31 THE FRAMEWORK SHALL ENSURE THAT ADOPTED MODELS MEET ALL OF THE FOLLOWING
32 CRITERIA:

33 1. PROVIDE COHERENT INSTRUCTION ALIGNED WITH THIS STATE'S ENGLISH
34 LANGUAGE PROFICIENCY STANDARDS.

35 2. INCLUDE ORAL AND WRITTEN LANGUAGE INSTRUCTION, INCLUDING
36 STRUCTURED OPPORTUNITIES TO DEVELOP VERBAL AND WRITTEN SKILLS AND
37 COMPREHENSION STRATEGIES.

38 3. INCLUDE ACCESS TO COMPLEX LANGUAGE CONTENT THROUGH GRADE-LEVEL
39 TEXTBOOKS WITH APPROPRIATE SUPPORTS.

40 4. INCLUDE PARENTAL ENGAGEMENT STRATEGIES.

41 ~~G.~~ J. The state board of education shall establish a form for
42 school districts and charter schools to determine the structured English
43 immersion AND ALTERNATIVE ENGLISH INSTRUCTION budget request amount.
44 Notwithstanding any other law, the maximum amount of the budget request

1 shall be the incremental costs of the model selected offset by ~~the~~
2 ~~following monies:~~

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

5 ~~2. The portion of title I and title IIA monies determined by the~~
6 ~~English language learner population as a percentage of the qualified~~
7 ~~population.~~

8 ~~3. The portion of impact aid monies determined by the English~~
9 ~~language learner population as a percentage of the qualified population.~~
10 ~~A school district or charter school shall only apply unexpended impact aid~~
11 ~~monies to English language learner programs after it has applied its~~
12 ~~impact aid monies for other allowable uses as permitted by state law.~~

13 ~~4. The portion of desegregation monies levied pursuant to section~~
14 ~~15-910 determined by the English language learner population as a~~
15 ~~percentage of the qualified population.~~

16 ~~5.~~ the ELL support level weight prescribed in section 15-943.

17 ~~H. K.~~ K. The difference calculated pursuant to subsection ~~G~~ J of
18 this section shall be the maximum amount of the structured English
19 immersion **AND ALTERNATIVE ENGLISH INSTRUCTION** budget request pursuant to
20 section 15-756.03 for monies from the Arizona **structured English immersion**
21 **LANGUAGE LEARNER** fund established by section 15-756.04. ~~School districts~~
22 ~~and charter schools shall not include the incremental costs of any pupil~~
23 ~~who is classified as an English language learner after July 1, 2007 and~~
24 ~~who has been classified as an English language learner for more than two~~
25 ~~years in the calculation of the school district's or charter school's~~
26 ~~structured English immersion budget request.~~

27 ~~I. L.~~ L. In consultation with the auditor general, the department of
28 education shall develop and adopt forms to be used by school districts and
29 charter schools to submit budget requests for the Arizona **structured**
30 **English immersion LANGUAGE LEARNER** fund, including the form prescribed in
31 subsection ~~G~~ J of this section.

32 **M. THIS SECTION DOES NOT PROHIBIT A PUPIL WHO IS DESIGNATED AS AN**
33 **ENGLISH LANGUAGE LEARNER FROM BEING CONCURRENTLY ENROLLED IN A STRUCTURED**
34 **ENGLISH IMMERSION MODEL AND AN ALTERNATIVE ENGLISH INSTRUCTION MODEL.**

35 ~~J. N.~~ N. For the purposes of this section:

36 1. "Compensatory instruction" has the same meaning prescribed in
37 section 15-756.11.

38 2. "Incremental costs" means costs that are associated with a
39 structured English immersion program pursuant to section 15-752 or ~~a~~ **AN**
40 **ALTERNATIVE ENGLISH INSTRUCTION** program pursuant to section 15-753 and
41 that are in addition to the normal costs of conducting programs for
42 English proficient students. Incremental costs do not include costs that
43 replace the same types of services provided to English proficient students
44 or compensatory instruction.

1 Sec. 3. Section 15-756.02, Arizona Revised Statutes, is amended to
2 read:

3 15-756.02. School districts and charter schools; English
4 language learner models; adoption and
5 implementation

6 A. Each school district governing board and each governing body of
7 a charter school shall select one or more of the state board of ~~education~~
8 ~~approved~~ EDUCATION-APPROVED models for structured English immersion AND
9 ALTERNATIVE ENGLISH INSTRUCTION for implementation on a ~~school-by-school~~
10 SCHOOL-BY-SCHOOL basis.

11 B. If a school district or charter school wants to adopt an English
12 language learner program that is not based on a model adopted by the state
13 board of education, the school district or charter school shall first
14 submit the proposed program along with supporting documentation regarding
15 the expected outcomes of the program on the district's or charter school's
16 English language learner students to the state board of education for
17 approval.

18 C. On receipt of a proposed program from a school district or
19 charter school, the state board of education may do one of the following:

- 20 1. Approve the proposed program.
- 21 2. Provide limited approval subject to specific stipulations
22 prescribed by the state board.
- 23 3. Reject the proposed program and identify a model approved by the
24 state board of education for the school district or charter school to
25 adopt.

26 ~~D. School districts and charter schools shall include a copy of the~~
27 ~~adopted English language learner program in the annual report required in~~
28 ~~section 15-756.10.~~

29 Sec. 4. Section 15-756.03, Arizona Revised Statutes, is amended to
30 read:

31 15-756.03. English language learner programs; budget requests

32 A. If a school district or charter school qualifies to submit a
33 budget request based on the form prescribed in section 15-756.01,
34 subsection ~~G~~ J, the school district or charter school shall submit
35 ~~a structured~~ AN English ~~immersion~~ LANGUAGE LEARNER budget request on a
36 ~~school-by-school~~ SCHOOL-BY-SCHOOL basis. The budget request shall be for
37 a specific amount of supplemental monies from the Arizona ~~structured~~
38 English ~~immersion~~ LANGUAGE LEARNER fund established by section 15-756.04.

39 B. Each school district or charter school ~~structured~~ English
40 ~~immersion~~ LANGUAGE LEARNER budget request shall include the signature of
41 the superintendent of the school district and the chief financial officer
42 of the school district or the principal of the charter school and the
43 chief financial officer of the charter school that certifies that the
44 information in the budget request is true to the best of that person's
45 knowledge and has been calculated in accordance with the form prescribed

1 in section 15-756.01, subsection ~~6~~ J and that monies from the Arizona
2 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established by section
3 15-756.04 will not be used to supplant any federal, state or local monies,
4 including desegregation monies levied pursuant to section 15-910, used for
5 English language learners that were budgeted for English language learners
6 as of February 23, 2006.

7 C. Each school district and charter school that submits
8 ~~a structured~~ AN English ~~immersion~~ LANGUAGE LEARNER budget request shall
9 submit the budget request to the department of education annually on or
10 before September 15. The department of education shall verify the budget
11 request of each school district and charter school for accuracy and
12 compliance with the form prescribed in section 15-756.01, subsection ~~6~~ J.
13 The department shall collect all school district and charter school budget
14 requests and submit them to the legislature for funding from the Arizona
15 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established by section
16 15-756.04 at the same time as the department's budget request.

17 Sec. 5. Section 15-756.04, Arizona Revised Statutes, is amended to
18 read:

19 15-756.04. Arizona English language learner fund; local-level
20 funds

21 A. The Arizona ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund
22 is established. The department of education shall administer the fund.

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

25 C. In addition to the ELL support level weight prescribed in
26 section 15-943, the department shall distribute monies from the fund to
27 school districts and charter schools in an amount specified in the budget
28 request prescribed in section 15-756.03, subsection C. ~~Monies from the~~
29 ~~fund established by this section and monies for the ELL support level~~
30 ~~weight prescribed in section 15-943 shall not be distributed for more than~~
31 ~~two fiscal years for the same pupil.~~ This subsection does not prohibit a
32 school district or charter school from receiving monies from the statewide
33 compensatory instruction fund established by section 15-756.11 for more
34 than two fiscal years for the same pupil.

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

38 E. Each school district and charter school shall establish a ~~total~~
39 ~~level structured~~ LOCAL-LEVEL English ~~immersion~~ LANGUAGE LEARNER fund to
40 receive monies distributed from the Arizona ~~structured~~ English ~~immersion~~
41 LANGUAGE LEARNER fund. Monies in ~~total level structured~~ LOCAL-LEVEL
42 English ~~immersion~~ LANGUAGE LEARNER funds shall be spent only to provide
43 instruction to English language learners. The auditor general shall
44 modify the budget format, financial record requirements, accounting forms
45 and financial report forms in accordance with this subsection. In

1 consultation with the department of education, the auditor general shall
2 provide support and guidance to assist school districts and charter
3 schools in complying with this subsection. Documents developed pursuant
4 to this subsection shall be reviewed by the state board of education and
5 the joint legislative budget committee.

6 F. School districts and charter schools shall use monies from the
7 LOCAL-LEVEL fund to supplement existing programs for English language
8 learners. Monies from the fund shall not be used to supplant available
9 monies used to pay for the normal costs of conducting programs for English
10 proficient students.

11 Sec. 6. Repeal

12 Section 15-756.06, Arizona Revised Statutes, is repealed.

13 Sec. 7. Section 15-756.07, Arizona Revised Statutes, is amended to
14 read:

15 15-756.07. Office of English language acquisition services:
16 duties; annual report

17 The office of English language acquisition services is established
18 in the department of education. The department of education, office of
19 English language acquisition services, shall:

20 1. Develop guidelines for monitoring school districts and charter
21 schools to ensure compliance with all federal and state laws regarding
22 English language learners.

23 2. In consultation with county school superintendents, develop
24 regional programs to enhance all aspects of training for teachers and
25 administrators.

26 3. Publish English language learner policy guidelines for school
27 districts and charter schools that include a list of relevant rules,
28 regulations and statutes relating to English language learner programs to
29 notify school districts and charter schools of their responsibilities.

30 4. Provide technical assistance to school districts and charter
31 schools to implement structured English immersion programs.

32 5. PROVIDE AN ANNUAL REPORT ON ENGLISH LANGUAGE LEARNER PROGRAMS TO
33 THE STATE BOARD OF EDUCATION, THE AUDITOR GENERAL, THE GOVERNOR, THE
34 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON
35 OR BEFORE DECEMBER 1 OF EACH YEAR AND PRESENT A SUMMARY OF THE REPORT AT A
36 PUBLIC MEETING OF THE STATE BOARD OF EDUCATION. THE OFFICE SHALL PROVIDE
37 A COPY OF THE ANNUAL REPORT TO THE SECRETARY OF STATE. THE REPORT SHALL
38 INCLUDE THE INFORMATION SUBMITTED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS
39 PURSUANT TO SECTION 15-756.10 AND THE FOLLOWING:

40 (a) DETAILED DESCRIPTIONS OF THE ADOPTED MODELS OF ENGLISH LANGUAGE
41 LEARNER INSTRUCTION, THE NUMBER OF PUBLIC SCHOOLS IMPLEMENTING EACH MODEL
42 AND THE NUMBER OF STUDENTS ENROLLED IN EACH MODEL.

43 (b) THE LENGTH OF TIME STUDENTS ARE CLASSIFIED AS ENGLISH LANGUAGE
44 LEARNERS.

1 (c) THE ACADEMIC PERFORMANCE ON THE STATEWIDE ASSESSMENT PURSUANT
2 TO SECTION 15-741 FOR THE TWO YEARS AFTER ENGLISH LANGUAGE LEARNERS
3 ACHIEVE ENGLISH PROFICIENCY.

4 (d) A SUMMARY OF INFORMATION RELATING TO THE DEMONSTRATED SUCCESS
5 OF PUBLIC SCHOOLS AT ACHIEVING ENGLISH PROFICIENCY FOR ENGLISH LANGUAGE
6 LEARNERS.

7 Sec. 8. Section 15-756.08, Arizona Revised Statutes, is amended to
8 read:

9 15-756.08. Monitoring; corrective action plan

10 A. The superintendent of public instruction shall direct the office
11 of English language acquisition services in the department of education
12 to:

13 1. Monitor each year at least twelve school districts or charter
14 schools from the fifty school districts or charter schools in this state
15 with the highest number of English language learners. The department of
16 education shall monitor all fifty school districts or charter schools with
17 the highest number of English language learners in this state at least
18 once every four years.

19 2. Monitor each year at least ten school districts or charter
20 schools that are not included in the fifty school districts or charter
21 schools described in paragraph 1 OF THIS SUBSECTION.

22 3. Monitor each year at least ten school districts or charter
23 schools that are not required to provide instruction for English language
24 learners for a majority of their grade levels.

25 4. Choose, based on the department's review of reports submitted by
26 school districts and charter schools, the school districts and charter
27 schools described in paragraphs 1, 2 and 3 OF THIS SUBSECTION.

28 ~~5. Select a random sample of three hundred English language~~
29 ~~learners each month to determine:~~

30 ~~(a) How many of the sample can read the randomly ordered alphabet~~
31 ~~in thirty seconds or less.~~

32 ~~(b) How many of the sample can read a randomly sorted list of~~
33 ~~thirty single-syllable words in one minute or less.~~

34 B. The monitoring required by this section shall be on-site
35 monitoring and shall include classroom observations, curriculum reviews,
36 faculty interviews, student records, a review of English language learner
37 programs and an analysis of programmatic effectiveness, at a minimum, to
38 include prior year data that analyze the progress of English language
39 learners.

40 C. Based on the results of the monitoring, the department shall
41 determine whether or not the school district or charter school is
42 complying with state and federal laws applicable to English language
43 learners.

1 D. The department shall issue a report of the results of the
2 monitoring within forty-five days after completing the monitoring.

3 E. Within sixty days following the issuance of the department's
4 report, the school district or charter school receiving the report shall
5 prepare and submit to the department a corrective action plan, in a manner
6 prescribed by the state board of education, that sets forth steps that
7 will be taken to correct the deficiencies, if any, noted in the
8 department's report.

9 F. Within thirty days after receiving a school district's or
10 charter school's corrective action plan, the department shall review the
11 corrective action plan and may require changes to the corrective action
12 plan.

13 G. After the department has reviewed a school district's or charter
14 school's corrective action plan and made any changes the department deems
15 necessary, the department shall return the corrective action plan to the
16 school district or charter school.

17 H. Within thirty days after receiving a corrective action plan back
18 from the department, the school district or charter school shall begin
19 implementing the measures set forth in the corrective action plan.

20 I. The department shall conduct a follow-up evaluation of the
21 school district or charter school within one year after the department
22 returned the corrective action plan to the school district or charter
23 school.

24 J. In conducting the follow-up evaluation, if the department finds
25 that the school district or charter school is not in compliance with state
26 and federal laws applicable to English language learners, the department
27 shall refer the school district or charter school to the state board of
28 education for a finding of noncompliance. A school district or charter
29 school **THAT IS** found by the board to be noncompliant shall not continue to
30 receive any monies from the Arizona ~~structured~~ English ~~immersion~~ **LANGUAGE**
31 **LEARNER** fund established by section 15-756.04 for English language
32 learners and shall not reduce the amount of monies spent on the school
33 district's or charter school's English language learner programs despite
34 the loss of monies caused by the noncompliance.

35 K. The department shall monitor each school district or charter
36 school that the state board of education has found to be noncompliant and
37 that is not receiving Arizona ~~structured~~ English ~~immersion~~ **LANGUAGE**
38 **LEARNER** fund monies pursuant to subsection J of this section to ensure
39 that the school district or charter school does not reduce the amount of
40 monies spent on the school district's or charter school's English language
41 learner programs despite the loss of Arizona ~~structured~~ English ~~immersion~~
42 **LANGUAGE LEARNER** fund monies caused by the noncompliance.

1 Sec. 9. Section 15-756.10, Arizona Revised Statutes, is amended to
2 read:

3 15-756.10. Reporting

4 The office of English language acquisition services in the
5 department of education shall:

6 1. Require each school district and charter school to annually
7 submit a report to the department of education that includes the following
8 information identified by grade level and by school:

9 (a) The total number of pupils who are classified as English
10 language learners as verified by the student accountability information
11 system established by section 15-1041.

12 (b) The number of pupils who are classified as English language
13 learners for the first time as verified by the student accountability
14 information system established by section 15-1041.

15 (c) The number of English language learners who achieved English
16 proficiency in the past academic year and who have been reclassified as
17 English proficient as verified by the student accountability information
18 system established by section 15-1041.

19 (d) The number of pupils who are enrolled in each type of language
20 acquisition program offered by the school district or charter school as
21 verified by the student accountability information system established by
22 section 15-1041.

23 (e) If requested by the department of education, the test data used
24 to determine English proficiency.

25 2. Determine the mobility of English language learners within the
26 same school district and the mobility of English language learners to
27 other school districts and charter schools through the student
28 accountability information system established by section 15-1041.

29 ~~3. Submit an annual report to the joint legislative budget
30 committee that includes an itemized list of all federal monies received by
31 the department for English language learners, a list of how much of these
32 monies were distributed to school districts on a district by district
33 basis and the purposes for which these federal monies are designated. The
34 department shall submit a copy of this report to the secretary of state
35 and the director of the Arizona state library, archives and public
36 records.~~

37 ~~4.~~ 3. Submit an annual report to the governor, the president of
38 the senate, the speaker of the house of representatives and the state
39 board of education that includes a detailed analysis of whether and to
40 what extent pupils are benefiting academically from compensatory
41 instruction as defined in section 15-756.11 and a comparison of the
42 academic achievement of pupils before and after receiving compensatory
43 instruction as defined in section 15-756.11. The department shall submit
44 a copy of this report to the secretary of state ~~and the director of the
45 Arizona state library, archives and public records.~~

1 ~~5. Present a detailed annual summary of all English language~~
2 ~~learner programs and funding at a public meeting of the state board of~~
3 ~~education.~~

4 ~~6. Present a summary of information relating to the demonstrated~~
5 ~~success of schools and school districts at achieving English proficiency~~
6 ~~for English language learners.~~

7 Sec. 10. Section 15-756.12, Arizona Revised Statutes, is amended to
8 read:

9 15-756.12. Auditor general; duties

10 The auditor general shall:

11 1. Modify the annual financial report prescribed in section 15-904
12 in order to carry out this article.

13 2. Biennially audit the overall effectiveness of the English
14 language learner program based on ~~performance based~~ PERFORMANCE-BASED
15 outcome measurements and increased English proficiency and review the
16 mobility of English proficient students and English language learners.

17 3. CONDUCT AN ANALYSIS ON THE EFFECTIVENESS OF ALL MODELS ADOPTED
18 BY THE STATE BOARD OF EDUCATION AND IDENTIFY THE MOST EFFECTIVE MODELS.

19 ~~3.~~ 4. Conduct financial audits on school districts THAT ARE
20 monitored pursuant to section 15-756.08. The financial audits shall
21 include a review of the ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER
22 budget requests submitted pursuant to sections 15-756.01 and 15-756.03 and
23 of the statewide compensatory instruction budget requests submitted
24 pursuant to section 15-756.11. The auditor general may conduct financial
25 audits on randomly selected school districts that are not currently
26 monitored pursuant to section 15-756.08.

27 Sec. 11. Section 41-1279.03, Arizona Revised Statutes, is amended
28 to read:

29 41-1279.03. Powers and duties

30 A. The auditor general shall:

31 1. Prepare an audit plan for approval by the committee and report
32 to the committee the results of each audit and investigation and other
33 reviews conducted by the auditor general.

34 2. Conduct or cause to be conducted at least biennial financial and
35 compliance audits of financial transactions and accounts kept by or for
36 all state agencies subject to the single audit act of 1984 (P.L. 98-502).
37 The audits shall be conducted in accordance with generally accepted
38 governmental auditing standards and accordingly shall include tests of the
39 accounting records and other auditing procedures as may be considered
40 necessary in the circumstances. The audits shall include the issuance of
41 suitable reports as required by the single audit act of 1984 (P.L. 98-502)
42 so THAT the legislature, THE federal government and others will be
43 informed as to the adequacy of financial statements of the state in
44 compliance with generally accepted governmental accounting principles and
45 to determine whether the state has complied with laws and regulations that

1 may have a material effect on the financial statements and on major
2 federal assistance programs.

3 3. Perform procedural reviews for all state agencies at times
4 determined by the auditor general. These reviews may include evaluation
5 of administrative and accounting internal controls and reports on these
6 reviews.

7 4. Perform special research requests, special audits and related
8 assignments as designated by the committee and conduct performance audits,
9 special audits, special research requests and investigations of any state
10 agency, whether created by the constitution or otherwise, as may be
11 requested by the committee.

12 5. Annually on or before the fourth Monday of December, prepare a
13 written report to the governor and to the committee that contains a
14 summary of activities for the previous fiscal year.

15 6. In the tenth year and in each fifth year thereafter in which a
16 transportation excise tax is in effect in a county as provided in section
17 42-6106 or 42-6107, conduct a performance audit that:

18 (a) Reviews past expenditures and future planned expenditures of
19 the transportation excise revenues and determines the impact of the
20 expenditures in solving transportation problems within the county and, for
21 a transportation excise tax in effect in a county as provided in section
22 42-6107, determines whether the expenditures of the transportation excise
23 revenues comply with section 28-6392, subsection B.

24 (b) Reviews projects completed to date and projects to be completed
25 during the remaining years in which a transportation excise tax is in
26 effect. Within six months after each review period, the auditor general
27 shall present a report to the speaker of the house of representatives and
28 the president of the senate detailing findings and making recommendations.

29 (c) Reviews, determines, reports and makes recommendations to the
30 speaker of the house of representatives and the president of the senate
31 whether the distribution of highway user revenues complies with title 28,
32 chapter 18, article 2.

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

37 8. Perform special audits designated pursuant to law if the auditor
38 general determines that there are adequate monies appropriated for the
39 auditor general to complete the audit. If the auditor general determines
40 the appropriated monies are inadequate, the auditor general shall notify
41 the committee.

42 9. Establish a ~~school-wide~~ SCHOOLWIDE audit team in the office of
43 the auditor general to conduct performance audits and monitor school
44 districts to determine the percentage of every dollar spent in the
45 classroom by ~~a~~ THE school district. The performance audits shall

1 determine whether school districts that receive monies from the Arizona
2 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established by section
3 15-756.04 and the statewide compensatory instruction fund established by
4 section 15-756.11 are in compliance with title 15, chapter 7, article
5 3.1. The auditor general shall determine, through random selection, the
6 school districts to be audited each year, subject to review by the joint
7 legislative audit committee. A school district that is subject to an
8 audit pursuant to this paragraph shall notify the auditor general in
9 writing as to whether the school district agrees or disagrees with the
10 findings and recommendations of the audit and whether the school district
11 will implement the findings and recommendations, implement modifications
12 to the findings and recommendations or refuse to implement the findings
13 and recommendations. The school district shall submit to the auditor
14 general a written status report on the implementation of the audit
15 findings and recommendations every six months for two years after an audit
16 conducted pursuant to this paragraph. The auditor general shall review
17 the school district's progress toward implementing the findings and
18 recommendations of the audit every six months after receipt of the
19 district's status report for two years. The auditor general may review a
20 school district's progress beyond this two-year period for recommendations
21 that have not yet been implemented by the school district. The auditor
22 general shall provide a status report of these reviews to the joint
23 legislative audit committee. The school district shall participate in any
24 hearing scheduled during this review period by the joint legislative audit
25 committee or by any other legislative committee designated by the joint
26 legislative audit committee.

27 10. Annually review per diem compensation and reimbursement of
28 expenses for employees of the state and members of a state board,
29 commission, council or advisory committee by judgmentally selecting
30 samples and evaluating the propriety of per diem compensation and expense
31 reimbursements.

32 B. The auditor general may:

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

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

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

43 D. The department of transportation, the board of supervisors of a
44 county that has approved a county transportation excise tax as provided in
45 section 42-6106 or 42-6107 and the governing bodies of counties, cities

1 and towns receiving highway user revenue fund monies shall cooperate with
2 and provide necessary information to the auditor general or the auditor
3 general's consultant.

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

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

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