

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 275
SENATE BILL 1411

AN ACT

AMENDING SECTIONS 15-241 AND 15-241.02, ARIZONA REVISED STATUTES; RELATING
TO THE DEPARTMENT OF EDUCATION.

(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. ON OR BEFORE NOVEMBER 1 OF EACH YEAR, the department of
10 education shall compile ~~an annual achievement profile~~ for each public
11 school and local education agency, AND SHALL RECOMMEND TO THE STATE BOARD
12 OF EDUCATION, AN ANNUAL ACHIEVEMENT PROFILE THAT CONSISTS OF AN
13 EDUCATIONAL DASHBOARD THAT REFLECTS THE ACHIEVEMENT FOR EACH PUBLIC SCHOOL
14 AND LOCAL EDUCATION AGENCY ON THE ACADEMIC AND EDUCATIONAL PERFORMANCE
15 INDICATORS PRESCRIBED IN SUBSECTION D OF THIS SECTION. THE DEPARTMENT
16 SHALL PROVIDE ANY TECHNICAL ASSISTANCE NEEDED BY THE STATE BOARD OF
17 EDUCATION TO MAKE FINAL ADOPTION OF THE ANNUAL ACHIEVEMENT PROFILE.

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

24 C. The annual achievement profile compiled by the department AND
25 RECOMMENDED TO THE BOARD shall be used to determine a standard measurement
26 of acceptable academic progress for each school and local education agency
27 and a school and local education agency classification pursuant to
28 subsection ~~F~~ G of this section. Any disclosure of educational records
29 compiled by the department of education pursuant to this section shall
30 comply with the family educational rights and privacy act of 1974 (20
31 United States Code section 1232g).

32 D. The annual achievement profile for schools and local education
33 agencies shall include, at a minimum, the following academic AND
34 EDUCATIONAL performance indicators:

35 1. Multiple measures of academic performance or other academically
36 relevant indicators of school quality that are appropriate to assess the
37 educational impact of a school during the academic year as determined by
38 the state board of education.

39 2. Academic progress on ~~statewide~~ assessments adopted pursuant to
40 ~~section~~ SECTIONS 15-741 AND 15-741.02 in English language arts and
41 mathematics.

42 3. Academic progress on the English language learner assessments
43 administered pursuant to section 15-756, subsection B and sections
44 15-756.05 and 15-756.06.

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

4 5. ACADEMIC PROGRESS ON ASSESSMENTS ADMINISTERED PURSUANT TO
5 SECTION 15-741.02.

6 6. MULTIPLE MEASURES OF EDUCATIONAL PERFORMANCE OR OTHER RELEVANT
7 INDICATORS OF SCHOOL QUALITY THAT ASSESS A SCHOOL'S EDUCATIONAL IMPACT,
8 SUCH AS GRADUATION RATES AND ATTENDANCE RATES.

9 E. IF NEITHER THE SCHOOL NOR THE SCHOOL DISTRICT MEETS THE MINIMUM
10 STUDENT COUNT AS RECOMMENDED BY THE DEPARTMENT AND APPROVED BY THE STATE
11 BOARD OF EDUCATION FOR ANY OF THE PERFORMANCE INDICATORS PRESCRIBED IN
12 SUBSECTION D OF THIS SECTION, THEN THE PERFORMANCE INDICATOR SHALL NOT BE
13 FACTORED INTO THE LETTER GRADE ASSIGNED PURSUANT TO THIS SECTION.

14 ~~F.~~ F. Subject to final adoption by the state board of education,
15 the department shall determine the criteria for each school and local
16 education agency classification ~~table~~ ON EACH PERFORMANCE INDICATOR OF THE
17 ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN SUBSECTION D OF THIS SECTION
18 using a researched-based methodology AND SHALL RECOMMEND TO THE STATE
19 BOARD OF EDUCATION FOR FINAL ADOPTION THE CRITERIA FOR EACH SCHOOL AND
20 LOCAL EDUCATION AGENCY CLASSIFICATION. The DEPARTMENT OF EDUCATION SHALL
21 DEVELOP THE methodology developed in collaboration with a coalition of
22 qualified technical and policy stakeholders APPOINTED BY THE BOARD. THE
23 DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE AND UPON REQUEST, STUDENT OR
24 STATEWIDE PERFORMANCE INDICATOR DATA NEEDED TO DETERMINE AND CALCULATE THE
25 METHODOLOGY AND FINAL LETTER GRADES. ~~;~~ At a minimum, THE METHODOLOGY
26 shall include the performance of pupils at all achievement levels, account
27 for pupil mobility, account for the distribution of pupil achievement at
28 each school and local education agency and include longitudinal indicators
29 of academic performance. For the purposes of this subsection,
30 "researched-based methodology" means the systematic and objective
31 application of statistical and quantitative research principles to
32 calculate the indicators used to determine A through F letter grades.

33 ~~F.~~ G. The annual achievement profile shall ~~be used to determine a~~
34 ~~school and local education agency classification~~ USE CLASSIFICATIONS based
35 on an A through F letter grade system adopted by the state board of
36 education in which a letter grade of A reflects an excellent level of
37 performance and a letter grade of F reflects a failing level of
38 performance. THE A THROUGH F LETTER GRADE SYSTEM SHALL BE APPLIED TO EACH
39 PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN
40 SUBSECTION D OF THIS SECTION AND SHALL ASSIGN AN OVERALL LETTER GRADE FOR
41 THE PUBLIC SCHOOL OR LOCAL EDUCATION AGENCY. The A through F letter grade
42 system shall indicate expected standards of performance for all schools ON
43 EACH PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN
44 SUBSECTION D OF THIS SECTION and the manner in which schools may rise
45 above or fall below those expected standards of performance. The state

1 board of education may also assign a school a letter grade of F ON EACH
2 PERFORMANCE INDICATOR OF THE ANNUAL ACHIEVEMENT PROFILE PRESCRIBED IN
3 SUBSECTION D OF THIS SECTION if the state board of education determines
4 that the school is among the "persistently lowest-achieving schools" in
5 the state ON THE MAJORITY OF THE PERFORMANCE INDICATORS OF THE ANNUAL
6 ACHIEVEMENT PROFILE under the federal school accountability requirements
7 pursuant to section 1003(g) of the elementary and secondary education act
8 (20 United States Code section 6303).

9 ~~G.~~ H. The classification ON EACH PERFORMANCE INDICATOR OF THE
10 ANNUAL ACHIEVEMENT PROFILE for each school and the criteria used to
11 determine classification pursuant to subsections ~~E and~~ F AND G of this
12 section shall be included on the school report card prescribed in section
13 15-746.

14 ~~H.~~ I. Subject to final adoption by the state board of education,
15 the department of education shall use achievement profiles appropriately
16 to assess the educational impact of accommodation schools, alternative
17 schools and extremely small schools, may develop profiles for schools that
18 participate in the board examination system prescribed in chapter 7,
19 article 6 of this title and schools that participate in Arizona online
20 instruction pursuant to section 15-808 and may develop other exceptions as
21 prescribed by the state board of education for the purposes of this
22 section.

23 ~~I.~~ J. The department of education shall establish a process,
24 INCLUDING A DEADLINE FOR WHEN REQUESTS MUST BE SUBMITTED, for a school or
25 local education agency to correct student data used to determine the
26 school's or local education agency's annual achievement profile. IF A
27 CORRECTION TO STUDENT DATA IS REQUIRED, THE DEPARTMENT SHALL NOTIFY THE
28 SCHOOL OR LOCAL EDUCATION AGENCY OF THE DATA CORRECTION PROCESS AND SHALL
29 ANNUALLY PROCESS STUDENT DATA CORRECTION REQUESTS. The state board of
30 education shall establish an appeals process to allow a school or local
31 education agency to appeal the school's or local education agency's final
32 letter grade, OR A LETTER GRADE APPLIED TO A PERFORMANCE INDICATOR
33 PRESCRIBED IN SUBSECTION D OF THIS SECTION, based on mitigating factors,
34 INCLUDING ACHIEVEMENT PROFILE DESIGNATIONS BASED ON INCORRECT DATA,
35 identified by the board DEPARTMENT. ~~The board may delegate the~~
36 ~~administration of the appeals process to the department of education.~~

37 ~~J.~~ K. The failing schools tutoring fund is established consisting
38 of monies collected pursuant to section 42-5029, subsection E and section
39 42-5029.02, subsection A, paragraph 8 as designated for this purpose. The
40 department of education shall administer the fund. The department of
41 education may use monies from the fund to purchase materials designed to
42 assist students to meet the Arizona academic standards and to achieve a
43 passing score on assessments adopted by the state board of education.

44 ~~K.~~ L. For the purposes of this section, "academic progress" means
45 measures of both proficiency and academic gain.

1 Sec. 2. Section 15-241.02, Arizona Revised Statutes, is amended to
2 read:

3 15-241.02. School improvement plans; solutions teams;
4 withholding of state monies

5 A. If a school is assigned a letter grade of D pursuant to section
6 15-241, within ninety days after receiving notice of the classification,
7 the school district governing board shall develop an improvement plan for
8 the school, submit a copy of the plan to the superintendent of public
9 instruction and the county educational service agency and supervise the
10 implementation of the plan. The governing board shall include in the plan
11 necessary components as identified by the state board of education.
12 Within thirty days after submitting the improvement plan to the
13 superintendent of public instruction and the county educational service
14 agency, the governing board shall hold a public meeting in each school
15 that has been assigned a letter grade of D and shall present the
16 respective improvement plans that have been developed for each school.
17 The governing board, within thirty days after receiving notice of the
18 classification, shall provide written notification of the classification
19 to each residence within the attendance area of the school. The notice
20 shall explain the improvement plan process and provide information
21 regarding the public meeting required by this subsection.

22 B. A school that has not submitted an improvement plan pursuant to
23 subsection A of this section is not eligible to receive monies from the
24 classroom site fund established by section 15-977 for every day that a
25 plan has not been received by the superintendent of public instruction
26 within the time specified in subsection A of this section plus an
27 additional ninety days. The state board of education shall require the
28 superintendent of the school district to testify before the board and
29 explain the reasons that an improvement plan for that school has not been
30 submitted.

31 C. If a charter school is assigned a letter grade of D pursuant to
32 section 15-241, within thirty days the school shall notify the parents of
33 the students attending the school of the classification. The notice shall
34 explain the improvement plan process and provide information regarding the
35 public meeting required by this subsection. Within ninety days after
36 receiving the classification, the charter holder shall present an
37 improvement plan to the charter sponsor at a public meeting and submit a
38 copy of the plan to the sponsor of the charter school. The charter holder
39 shall include in the improvement plan necessary components as identified
40 by the state board of education. The school is not eligible to receive
41 monies from the classroom site fund established by section 15-977 for
42 every day that an improvement plan has not been received by the sponsor of
43 the charter school within the time specified in this subsection plus an
44 additional ninety days. The charter holder shall appear before the

1 sponsoring board and explain why the improvement plan has not been
2 submitted.

3 D. If a school is assigned a letter grade of D pursuant to section
4 15-241 for a third consecutive year, the department of education shall
5 visit the school site to confirm the classification data and to review the
6 implementation of the school's improvement plan. The school shall be
7 assigned a letter grade of F unless an alternate letter grade is assigned
8 after an appeal pursuant to section 15-241, subsection ~~†~~ J. A school that
9 is assigned a letter grade of D for fewer than three consecutive years may
10 also be assigned a letter grade of F if the state board of education
11 determines that there is no reasonable likelihood that the school will
12 achieve an average level of performance within the next two years.

13 E. The superintendent of public instruction and the county
14 educational service agency shall collaborate to assign a solutions team to
15 a school assigned a letter grade of D pursuant to section 15-241 or a
16 school assigned a letter grade of F pursuant to section 15-241 based on
17 academic need and available resources. County educational service
18 agencies may enter into agreements to provide services to schools from
19 other counties. Any other school, subject to available resources, may be
20 assigned a solutions team pursuant to a mutual agreement between the
21 department of education or the county education service agency, or both,
22 and the school. The solutions team shall be composed of master teachers,
23 fiscal analysts and curriculum assessment experts who are certified by the
24 state board of education as Arizona academic standards technicians. The
25 department of education or the county educational service agency may hire
26 or contract with administrators, principals and teachers who have
27 demonstrated experience in improving academic outcomes and may use these
28 personnel as part of the solutions team. The department of education shall
29 work with staff at the school to assist in curricula alignment and shall
30 instruct teachers on how to increase pupil academic progress, considering
31 the school's annual achievement profile. The solutions team shall
32 consider the existing improvement plan to assess the need for changes to
33 curricula, professional development and resource allocation and shall
34 present a statement of its findings to the school administrator and
35 district superintendent. Within forty-five days after the presentation of
36 the solutions team's statement of findings, the school district governing
37 board, in cooperation with each school within the school district that is
38 assigned a letter grade of D and its assigned solutions team
39 representative, shall develop and submit to the department of education
40 and the county educational service agency an action plan that details the
41 manner in which the school district will assist the school as the school
42 incorporates the findings of the solutions team into the improvement plan.
43 The department of education shall review the action plan and shall either
44 accept the action plan or return the action plan to the school district
45 for modification. If the school district does not submit an approved

1 action plan within forty-five days, the state board of education may
2 direct the superintendent of public instruction to withhold up to ten
3 percent of state monies that the school district would otherwise be
4 entitled to receive each month until the plan is submitted to the
5 department of education and the county educational service agency, at
6 which time those monies shall be returned to the school district.

7 F. The parent or guardian of a pupil may apply to the department of
8 education, in a manner determined by the department of education, for a
9 certificate of supplemental instruction from the failing schools tutoring
10 fund established by section 15-241. Pupils attending a school assigned a
11 letter grade of D or F may select an alternative tutoring program in
12 academic standards from a provider that is certified by the state board of
13 education. To qualify, the provider must state in writing a level of
14 academic improvement for the pupil that includes a timeline for
15 improvement that is agreed to by the parent or guardian of the pupil. The
16 state board of education shall annually review academic performance levels
17 for certified providers and may remove a provider at a public hearing from
18 an approved list of providers if that provider fails to meet its stated
19 level of academic improvement. The state board of education shall
20 determine the application guidelines and the maximum value for each
21 certificate of supplemental instruction. The state board of education
22 shall annually complete a market survey in order to determine the maximum
23 value for each certificate of supplemental instruction. This subsection
24 does not require this state to provide additional monies beyond the monies
25 provided pursuant to section 42-5029, subsection E, paragraph 7 or section
26 42-5029.02, subsection A, paragraph 7.

27 G. Within sixty days after receiving notification of a school being
28 assigned a letter grade of F pursuant to section 15-241, the school
29 district governing board shall evaluate needed changes to the existing
30 school improvement plan, consider recommendations from the solutions team,
31 submit a copy of the plan to the superintendent of public instruction and
32 the county educational service agency and supervise the implementation of
33 the plan. Within thirty days after submitting the improvement plan to the
34 superintendent of public instruction and the county educational service
35 agency, the governing board shall hold a public meeting in each school
36 that has been assigned a letter grade of F and shall present the
37 respective improvement plans that have been developed for each school.
38 The governing board, within thirty days after receiving notice of the
39 classification, shall provide written notification of the classification
40 to each residence in the attendance area of the school. The notice shall
41 explain the improvement plan process and provide information regarding the
42 public meeting required by this subsection.

43 H. A school that has not submitted an improvement plan pursuant to
44 subsection G of this section is not eligible to receive monies from the
45 classroom site fund established by section 15-977 for every day that a

1 plan has not been received by the superintendent of public instruction
2 within the time specified in subsection G of this section plus an
3 additional ninety days. The state board of education shall require the
4 superintendent of the school district to testify before the board and
5 explain the reasons that an improvement plan for that school has not been
6 submitted.

7 I. If a charter school is assigned a letter grade of F pursuant to
8 section 15-241, the department of education shall immediately notify the
9 charter school's sponsor. The charter school's sponsor shall either take
10 action to restore the charter school to acceptable performance or revoke
11 the charter school's charter. Within thirty days, the charter school
12 shall notify the parents of the students attending the school of the
13 classification and of any pending public meetings to review the issue.

14 J. The department of education shall evaluate a school that has
15 been assigned a letter grade of F pursuant to section 15-241 to determine
16 whether the school, charter holder or school district failed to properly
17 implement its school improvement plan, align the curricula with academic
18 standards, provide teacher training, prioritize the budget or implement
19 other proven strategies to improve academic performance. After visiting
20 the school site pursuant to subsection D of this section, the department
21 of education shall submit to the state board of education a recommendation
22 either to proceed pursuant to subsections E, F and G of this section or
23 that the school be subject to a public hearing to determine whether the
24 school failed to properly implement its improvement plan and the reasons
25 for the department's recommendation. If the school is a charter school,
26 the department shall submit a report to the sponsor of the charter school.
27 The sponsor shall make a determination pursuant to subsection N of this
28 section.

29 K. If the department recommends a public hearing, the state board
30 of education shall meet and may provide by a majority vote at the public
31 hearing for the continued operation of the school as allowed by this
32 subsection. The state board of education shall determine whether
33 governmental, nonprofit and private organizations may submit applications
34 to the state board to fully or partially manage the school. The state
35 board's determination shall include:

36 1. Whether and to what extent the local governing board may
37 participate in the operation of the school, including personnel matters.

38 2. Whether and to what extent the state board will participate in
39 the operation of the school.

40 3. Resource allocation pursuant to subsection M of this section.

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

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

1 L. The state board of education shall periodically review the
2 status of a school that is operated by an organization other than the
3 school district governing board to determine whether the operation of the
4 school should be returned to the school district governing board. Before
5 the state board makes a determination, the state board or its designee
6 shall meet with the school district governing board or its designee to
7 determine the time frame, operational considerations and appropriate
8 continuation of existing improvements that are necessary to ensure a
9 smooth transition of authority from the other organization back to the
10 school district governing board.

11 M. If an alternative operation plan is provided pursuant to
12 subsection K of this section, the state board of education shall pay for
13 the operation of the school and shall adjust the school district's
14 district additional assistance pursuant to section 15-961, base support
15 level pursuant to section 15-943, monies distributed from the classroom
16 site fund established by section 15-977 and transportation support level
17 pursuant to section 15-945 to accurately reflect any reduction in district
18 services that are no longer provided to that school by the district. The
19 state board may modify the school district's revenue control limit, the
20 district support level and the general budget limit calculated pursuant to
21 section 15-947 by an amount that corresponds to this reduction in
22 services. The state board shall retain the portion of state aid that
23 would otherwise be due the school district for the school and shall
24 distribute that portion of state aid directly to the organization that
25 contracts with the state board to operate the school.

26 N. If the sponsor of a charter school determines that a charter
27 holder failed to properly implement its improvement plan, the sponsor of
28 the charter school shall revoke the charter school's charter.

29 O. If there are more than two schools in a district and more than
30 one-half, or in any case more than five, of the schools in the district
31 are assigned a letter grade of F pursuant to section 15-241 for more than
32 two consecutive years, in the next election of governing board members the
33 election ballot shall contain the following statement immediately above
34 the listing of governing board candidates:

35 Within the last five years, (number of schools) schools
36 in the _____ school district have been assigned a letter
37 grade of D or F.

38 P. At least twice each year the department of education shall
39 publish in a newspaper of general circulation in each county of this state
40 a list of schools that are assigned a letter grade of F pursuant to
41 section 15-241.

42 Q. The state board of education shall adopt guidelines to include
43 supplementary training in reading instruction for teachers who provide
44 instruction to pupils in a kindergarten program or grade one, two or three
45 in an improvement plan pursuant to subsection A of this section.

1 R. In addition to any other corrective procedures prescribed in
2 this section and sections 15-241 and 15-241.01, a school that has been
3 assigned a letter grade of D or F for two consecutive years shall
4 implement a science, technology, engineering and mathematics intervention
5 strategy under the supervision of the state board of education.

6 S. In addition to any other corrective procedures prescribed in
7 this section, a school district that has been assigned a letter grade of D
8 or F pursuant to section 15-241 for two consecutive years shall implement
9 a parent involvement strategy. The parent involvement strategy shall be
10 included in the school improvement plan for each applicable school within
11 the district, as prescribed in subsection A or G of this section, as
12 applicable.

13 T. The department of education shall publish criteria for a
14 school's or school district's exit status from a previous assignment of a
15 letter grade of F in accordance with this section. The criteria shall
16 prescribe the actions and results necessary to be deemed to have complied
17 with this section regarding school improvement, including the proper
18 implementation of a school improvement plan pursuant to subsection J of
19 this section. These criteria shall be provided to a school or school
20 district if it is assigned a letter grade of F pursuant to section 15-241.

APPROVED BY THE GOVERNOR MAY 2, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2018.