

REFERENCE TITLE: English language learners; instruction; budgeting

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

# SB 1014

Introduced by  
Senators Boyer: Allen S, Alston, Brophy McGee, Carter, Gray, Kerr,  
Navarrete, Rios; Representatives Barto, Bolding, Cobb, Dunn

## 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, 15-756.10, 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. On or before November 1 of each year, the department of  
10 education shall compile for each public school and local education agency,  
11 and shall recommend to the state board of education, an annual achievement  
12 profile that consists of an educational dashboard that reflects the  
13 achievement for each public school and local education agency on the  
14 academic and educational performance indicators prescribed in subsection D  
15 of this section. The department shall provide any technical assistance  
16 needed by the state board ~~of education~~ to make final adoption of the  
17 annual achievement profile.

18 B. Each school, charter holder and school district shall submit to  
19 the department ~~OF EDUCATION~~ any data that is required and requested and  
20 that is necessary to compile the achievement profile. A school or local  
21 education agency that fails to submit the information that is necessary is  
22 not 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 ~~OF~~  
25 ~~EDUCATION~~ and recommended to the ~~STATE~~ board ~~OF EDUCATION~~ shall be used to  
26 determine a standard measurement of acceptable academic progress for each  
27 school and local education agency and a school and local education agency  
28 classification pursuant to subsection G of this section. Any disclosure  
29 of educational records compiled by the department ~~of education~~ pursuant to  
30 this section shall comply with the family educational rights and privacy  
31 act of 1974 (20 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 assessments adopted pursuant to sections  
40 15-741 and 15-741.02 in English language arts and mathematics.

41 3. Academic progress on the English language learner assessments  
42 administered pursuant to section 15-756, subsection B and ~~sections~~ ~~SECTION~~  
43 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 OF EDUCATION and approved  
11 by the state board of education for any of the performance indicators  
12 prescribed in subsection D of this section, ~~then~~ the performance indicator  
13 shall not be factored into the letter grade assigned pursuant to this  
14 section.

15           F. Subject to final adoption by the state board of education, the  
16 department OF EDUCATION shall determine the criteria for each school and  
17 local education agency classification on each performance indicator of the  
18 annual achievement profile prescribed in subsection D of this section  
19 using a researched-based methodology and shall recommend to the state  
20 board ~~of education~~ for final adoption the criteria for each school and  
21 local education agency classification. The department ~~of education~~ shall  
22 develop the methodology ~~developed~~ in collaboration with a coalition of  
23 qualified technical and policy stakeholders appointed by the STATE board.  
24 The department shall provide technical assistance and ~~upon~~, ON request,  
25 student or statewide performance indicator data needed to determine and  
26 calculate the methodology and final letter grades. At a minimum, the  
27 methodology shall include the performance of pupils at all achievement  
28 levels, account for pupil mobility, account for the distribution of pupil  
29 achievement at each school and local education agency and include  
30 longitudinal indicators of academic performance. For the purposes of this  
31 subsection, "researched-based methodology" means the systematic and  
32 objective application of statistical and quantitative research principles  
33 to calculate the indicators used to determine A through F letter grades.

34           G. The annual achievement profile shall 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 THE STATE BOARD shall assign an overall  
41 letter grade for the public school or local education agency. The A  
42 through F letter grade system shall indicate expected standards of  
43 performance for all schools on each performance indicator of the annual  
44 achievement profile prescribed in subsection D of this section and the  
45 manner in which schools may rise above or fall below those expected

1 standards of performance. The state board ~~of education~~ may also assign a  
2 school a letter grade of F on each performance indicator of the annual  
3 achievement profile prescribed in subsection D of this section if the  
4 state board determines that the school is among the persistently  
5 lowest-achieving schools in the state on the majority of the performance  
6 indicators of the annual achievement profile under the federal school  
7 accountability requirements pursuant to section 1003(g) of the elementary  
8 and secondary education act (20 United States Code section 6303).

9 H. The classification on each performance indicator of the annual  
10 achievement profile for each school and the criteria used to determine  
11 classification pursuant to subsections F and G of this section shall be  
12 included on the school report card prescribed in section 15-746.

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

22 J. The department of education shall establish a process, including  
23 a deadline for when requests must be submitted, for a school or local  
24 education agency to correct student data used to determine the school's or  
25 local education agency's annual achievement profile. If a correction to  
26 student data is required, the department shall notify the school or local  
27 education agency of the data correction process and shall annually process  
28 student data correction requests. The state board of education shall  
29 establish an appeals process to allow a school or local education agency  
30 to appeal the school's or local education agency's final letter grade, or  
31 a letter grade applied to a performance indicator prescribed in subsection  
32 D of this section, based on mitigating factors, including achievement  
33 profile designations based on incorrect data, identified by the  
34 department.

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

42 L. For the purposes of this section, "academic progress" means  
43 measures of both proficiency and academic gain.

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

3 15-756.01. State board of education; research-based models of  
4 structured English immersion; alternative  
5 English instruction models; English language  
6 learners; budget requests; definitions

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

26 1. **ONE HUNDRED TWENTY MINUTES PER DAY, SIX HUNDRED MINUTES PER WEEK**  
27 **OR THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR FOR PUPILS IN KINDERGARTEN**  
28 **PROGRAMS AND GRADES ONE THROUGH SIX.**

29 2. **ONE HUNDRED MINUTES PER DAY, FIVE HUNDRED MINUTES PER WEEK OR**  
30 **THREE HUNDRED HOURS PER SCHOOL YEAR FOR PUPILS IN GRADES SEVEN THROUGH**  
31 **TWELVE.**

32 **B. THE STATE BOARD OF EDUCATION SHALL ADOPT ALTERNATIVE ENGLISH**  
33 **INSTRUCTION MODELS PURSUANT TO SECTION 15-753 THAT ARE BASED ON EVIDENCE**  
34 **AND RESEARCH.**

35 **C. PURSUANT TO SECTION 15-756.02, SCHOOL DISTRICTS AND CHARTER**  
36 **SCHOOLS MAY SUBMIT MODELS OF STRUCTURED ENGLISH IMMERSION AND ALTERNATIVE**  
37 **ENGLISH INSTRUCTION TO THE STATE BOARD OF EDUCATION FOR APPROVAL.**

38 ~~B.~~ **D.** The ~~research based~~ **RESEARCH-BASED** models of structured  
39 English immersion adopted **AND APPROVED** by the state board of education  
40 shall be the most cost-efficient models that meet all state and federal  
41 laws.

42 ~~C.~~ **E.** The ~~research based~~ **RESEARCH-BASED** models of structured  
43 English immersion **AND THE ALTERNATIVE ENGLISH INSTRUCTION MODELS** shall be  
44 limited to a regular school year and school day. Instruction outside the  
45 regular school year or school day shall be provided with compensatory

1 instruction and may be eligible for funding from the statewide  
2 compensatory instruction fund established by section 15-756.11.

3 ~~D.~~ F. The ~~research-based~~ STATE BOARD OF EDUCATION SHALL SUBMIT THE  
4 RESEARCH-BASED models of structured English immersion ~~shall be submitted~~  
5 ~~by the state board of education~~ AND THE ALTERNATIVE ENGLISH INSTRUCTION  
6 MODELS to the president of the senate, the speaker of the house of  
7 representatives, ~~AND the governor and the state board of education~~. At  
8 least thirty days before adoption OR APPROVAL, the state board of  
9 ~~education~~ shall submit the ~~research-based~~ RESEARCH-BASED models of  
10 structured English immersion AND THE ALTERNATIVE ENGLISH INSTRUCTION  
11 MODELS to the joint legislative budget committee for review.

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

20 ~~F.~~ H. The state board of education shall establish procedures for  
21 school districts and charter schools to determine the incremental costs  
22 ~~for implementation of~~ TO IMPLEMENT the ~~research-based~~ RESEARCH-BASED  
23 models of structured English immersion ~~developed by~~ AND THE ALTERNATIVE  
24 ENGLISH INSTRUCTION MODELS THAT the state board of ~~education~~ ADOPTS OR  
25 APPROVES.

26 I. THE STATE BOARD OF EDUCATION SHALL ESTABLISH A FRAMEWORK TO  
27 EVALUATE THE MODELS PRESCRIBED IN THIS SECTION THAT ARE SUBMITTED FOR  
28 APPROVAL. THE STATE BOARD SHALL SOLICIT INPUT FROM EXPERIENCED EDUCATORS.  
29 THE FRAMEWORK SHALL ENSURE THAT THE ADOPTED OR APPROVED MODELS MEET ALL OF  
30 THE FOLLOWING CRITERIA:

31 1. PROVIDE COHERENT INSTRUCTION ALIGNED WITH THIS STATE'S ENGLISH  
32 LANGUAGE PROFICIENCY STANDARDS.

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

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

38 4. INCLUDE PARENTAL ENGAGEMENT STRATEGIES.

39 ~~G.~~ J. The state board of education shall establish a form for  
40 school districts and charter schools to determine the structured English  
41 immersion AND ALTERNATIVE ENGLISH INSTRUCTION budget request amount.  
42 Notwithstanding any other law, the maximum amount of the budget request  
43 shall be the incremental costs of the model selected offset by ~~the~~  
44 ~~following monies:~~

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

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

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

11 ~~4. the portion of desegregation monies levied pursuant to section~~  
12 ~~15-910 determined by the English language learner population as a~~  
13 ~~percentage of the qualified population.~~

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

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

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

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

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

34 1. "Compensatory instruction" has the same meaning prescribed in  
35 section 15-756.11.

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

6           A. Each school district governing board and each ~~governing body~~  
7 ~~of a~~ charter school GOVERNING BODY shall select AND IMPLEMENT ON A  
8 SCHOOL-BY-SCHOOL BASIS one or more ~~of the state board of education~~  
9 ~~approved~~ models for structured English immersion ~~for implementation on a~~  
10 ~~school by school basis~~ AND ALTERNATIVE ENGLISH INSTRUCTION THAT THE STATE  
11 BOARD OF EDUCATION ADOPTS OR APPROVES PURSUANT TO SECTION 15-756.01.

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

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

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

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

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

32           15-756.03. English language learner budget requests:  
33   requirements

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

41           B. Each school district or charter school ~~structured~~ English  
42 ~~immersion~~ LANGUAGE LEARNER budget request shall include the signature of  
43 the superintendent of the school district and the chief financial officer  
44 of the school district or the principal of the charter school and the  
45 chief financial officer of the charter school. ~~that~~ THE SIGNATURE

1 certifies that the information in the budget request is true to the best  
 2 of that person's knowledge and has been calculated in accordance with the  
 3 form prescribed in section 15-756.01, subsection ~~Ⓐ~~ J and that monies from  
 4 the Arizona ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established  
 5 by section 15-756.04 will not be used to supplant any federal, state or  
 6 local monies, including desegregation monies levied pursuant to section  
 7 15-910, used for English language learners that were budgeted for English  
 8 language learners as of February 23, 2006.

9 C. Each school district and charter school that submits  
 10 ~~a structured~~ AN English ~~immersion~~ LANGUAGE LEARNER budget request shall  
 11 submit the budget request to the department of education annually on or  
 12 before September 15. The department ~~of education~~ shall verify the budget  
 13 request of each school district and charter school for accuracy and  
 14 compliance with the form prescribed in section 15-756.01, subsection ~~Ⓐ~~ J.  
 15 The department shall collect all school district and charter school budget  
 16 requests and submit them to the legislature for funding from the Arizona  
 17 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established by section  
 18 15-756.04 at the same time as the department's budget request.

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

21 15-756.04. Arizona English language learner fund; local-level  
 22 funds

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

25 B. The department OF EDUCATION shall submit an annual request for  
 26 an appropriation for the purposes of this section.

27 C. In addition to the ELL support level weight prescribed in  
 28 section 15-943, the department OF EDUCATION shall distribute monies from  
 29 the fund to school districts and charter schools in an amount specified in  
 30 the budget request prescribed in section 15-756.03, subsection C. ~~Monies~~  
 31 ~~from the fund established by this section and monies for the ELL support~~  
 32 ~~level weight prescribed in section 15-943 shall not be distributed for~~  
 33 ~~more than two fiscal years for the same pupil.~~ This subsection does not  
 34 prohibit a school district or charter school from receiving monies from  
 35 the statewide compensatory instruction fund established by section  
 36 15-756.11 for more than two fiscal years for the same pupil.

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

40 E. Each school district and charter school shall establish a ~~total~~  
 41 ~~level structured~~ LOCAL-LEVEL English ~~immersion~~ LANGUAGE LEARNER fund to  
 42 receive monies distributed from the Arizona ~~structured~~ English ~~immersion~~  
 43 LANGUAGE LEARNER fund. Monies in ~~total level structured~~ LOCAL-LEVEL  
 44 English ~~immersion~~ LANGUAGE LEARNER funds shall be spent only to provide  
 45 instruction to English language learners. The auditor general shall

1 modify the budget format, financial record requirements, accounting forms  
2 and financial report forms in accordance with this subsection. In  
3 consultation with the department of education, the auditor general shall  
4 provide support and guidance to assist school districts and charter  
5 schools in complying with this subsection. Documents developed pursuant  
6 to this subsection shall be reviewed by the state board of education and  
7 the joint legislative budget committee.

8 F. EACH school ~~districts~~ DISTRICT and charter ~~schools~~ SCHOOL shall  
9 use monies from ~~the~~ ITS LOCAL-LEVEL ENGLISH LANGUAGE LEARNER fund to  
10 supplement existing programs for English language learners. Monies from  
11 the fund shall not be used to supplant available monies used to pay for  
12 the normal costs of conducting programs for English proficient students.

13 Sec. 6. Repeal

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

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

17 15-756.07. Office of English language acquisition services;  
18 duties; annual report

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

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

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

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

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

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

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

1 (b) THE LENGTH OF TIME STUDENTS ARE CLASSIFIED AS ENGLISH LANGUAGE  
2 LEARNERS.

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

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

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

11 15-756.08. Monitoring; report; corrective action plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           15-756.10. Reporting requirements

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. ANALYZE THE EFFECTIVENESS OF ALL MODELS ADOPTED OR APPROVED BY  
18 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~~ THIS state has complied with laws and regulations

1 that 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 ~~WHETHER~~ the monies are being spent as provided in section 28-6533,  
37 subsection B.

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

43 9. Establish a schoolwide audit team in the office of the auditor  
44 general to conduct performance audits and monitor school districts to  
45 determine the percentage of every dollar spent in the classroom by the

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

32 10. Annually review per diem compensation and reimbursement of  
33 expenses for employees of ~~the~~ THIS state and members of a state board,  
34 commission, council or advisory committee by judgmentally selecting  
35 samples and evaluating the propriety of per diem compensation and expense  
36 reimbursements.

37 B. The auditor general may:

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

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

42 C. If approved by the committee, the auditor general may charge a  
43 reasonable fee for the cost of performing audits or providing accounting  
44 services for auditing federal funds, special audits or special services  
45 requested by political subdivisions of ~~the~~ THIS state. Monies collected

1 pursuant to this subsection shall be deposited in the audit services  
2 revolving fund.

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

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

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

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