

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 284

HOUSE BILL 2658

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO SCHOOL AND PUPIL ACCOUNTABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability; failing schools

5 A. The department of education shall compile an annual achievement
6 profile for each public school, consisting of:

- 7 ~~1. Arizona instrument to measure standards scores and passage rates.~~
8 ~~2. Adequate yearly progress data.~~
9 ~~3. Dropout rate.~~

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

15 C. The department shall establish a baseline achievement profile for
16 each school by October 15, 2001 based on the achievement of pupils
17 continuously enrolled in the school during the 1999-2000 school year in the
18 categories prescribed in subsection A of this section. The baseline
19 achievement profile shall be used to determine a standard measurement of
20 acceptable student ACADEMIC progress at the FOR EACH school AND A SCHOOL
21 CLASSIFICATION PURSUANT TO SUBSECTION G OF THIS SECTION. Any disclosure of
22 educational records compiled by the department of education pursuant to this
23 section shall comply with the family educational and privacy rights act of
24 1974 (20 United States Code section 1232g).

25 D. ~~A school in which:~~

26 ~~1. The percentage of pupils who are continuously enrolled in the~~
27 ~~school and who pass the Arizona instrument to measure standards test is at~~
28 ~~least ninety per cent, or is higher than the percentage for the previous~~
29 ~~school year, is deemed to have demonstrated adequate yearly progress in this~~
30 ~~area.~~

31 ~~2. The percentage of pupils who are continuously enrolled in the~~
32 ~~school and who progress one year or more during the school year is at least~~
33 ~~ninety per cent, or is higher than the percentage for the previous school~~
34 ~~year, is deemed to have demonstrated adequate yearly progress in this area.~~

35 ~~3. The dropout rate is six per cent or less, or is lower than the~~
36 ~~dropout rate for the previous school year, is deemed to have demonstrated~~
37 ~~adequate yearly progress in this area.~~

38 E. ~~If a school fails to annually produce acceptable progress in each~~
39 ~~area, the superintendent of public instruction shall designate the school as~~
40 ~~an underperforming school, and that information shall be reported on the~~
41 ~~school report card for that school.~~

42 F. ~~If a school is designated as an underperforming school, the~~
43 ~~governing board, within thirty days of receiving notice of the designation,~~
44 ~~shall provide written notification of this fact to each residence within the~~

1 ~~attendance area of the school. The written notification shall include a~~
2 ~~detailed description of the achievement area in which the school failed to~~
3 ~~demonstrate acceptable progress.~~

4 D. THE ACHIEVEMENT PROFILE FOR SCHOOLS THAT OFFER INSTRUCTION IN
5 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH EIGHT OR ANY COMBINATION OF
6 THOSE PROGRAMS OR GRADES, SHALL INCLUDE THE FOLLOWING SCHOOL ACADEMIC
7 PERFORMANCE INDICATORS:

8 1. THE ARIZONA MEASURE OF ACADEMIC PROGRESS. THE DEPARTMENT SHALL
9 COMPUTE THE PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL FOR AT LEAST ONE
10 ACADEMIC YEAR WHO HAVE ACHIEVED ONE YEAR OF ACADEMIC PROGRESS.

11 2. THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST. THE DEPARTMENT
12 SHALL COMPUTE THE PERCENTAGE OF PUPILS WHO MEET OR EXCEED THE STANDARD ON THE
13 ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST, AS PRESCRIBED BY THE STATE
14 BOARD OF EDUCATION.

15 E. THE ACHIEVEMENT PROFILE FOR SCHOOLS THAT OFFER INSTRUCTION IN
16 GRADES NINE THROUGH TWELVE, OR ANY COMBINATION OF THOSE GRADES, SHALL INCLUDE
17 THE FOLLOWING SCHOOL ACADEMIC PERFORMANCE INDICATORS:

18 1. THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST. THE DEPARTMENT
19 SHALL COMPUTE THE PERCENTAGE OF PUPILS PURSUANT TO SUBSECTION F OF THIS
20 SECTION WHO MEET OR EXCEED THE STANDARD ON THE ARIZONA INSTRUMENT TO MEASURE
21 STANDARDS TEST, AS PRESCRIBED BY THE STATE BOARD OF EDUCATION.

22 2. THE ANNUAL DROPOUT RATE.

23 3. THE ANNUAL GRADUATION RATE.

24 F. SUBJECT TO FINAL ADOPTION BY THE STATE BOARD OF EDUCATION, THE
25 DEPARTMENT SHALL DETERMINE THE CRITERIA FOR EACH SCHOOL CLASSIFICATION USING
26 A RESEARCH BASED METHODOLOGY. THE METHODOLOGY SHALL INCLUDE THE PERFORMANCE
27 OF PUPILS AT ALL ACHIEVEMENT LEVELS, ACCOUNT FOR PUPIL MOBILITY, ACCOUNT FOR
28 THE DISTRIBUTION OF PUPIL ACHIEVEMENT AT EACH SCHOOL AND INCLUDE LONGITUDINAL
29 INDICATORS OF ACADEMIC PERFORMANCE. FOR THE PURPOSES OF THIS SUBSECTION,
30 "RESEARCH BASED METHODOLOGY" MEANS THE SYSTEMATIC AND OBJECTIVE APPLICATION
31 OF STATISTICAL AND QUANTITATIVE RESEARCH PRINCIPLES TO DETERMINE A STANDARD
32 MEASUREMENT OF ACCEPTABLE ACADEMIC PROGRESS FOR EACH SCHOOL.

33 G. THE ACHIEVEMENT PROFILE SHALL BE USED TO DETERMINE A SCHOOL
34 CLASSIFICATION THAT DESIGNATES EACH SCHOOL AS ONE OF THE FOLLOWING:

35 1. AN EXCELLING SCHOOL. A SCHOOL THAT OFFERS INSTRUCTION IN
36 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH EIGHT, OR ANY COMBINATION OF
37 THOSE PROGRAMS OR GRADES, SHALL BE DESIGNATED AN EXCELLING SCHOOL IF AT LEAST
38 NINETY PER CENT OF THE PUPILS AT THAT SCHOOL HAVE ACHIEVED ONE YEAR OF
39 ACADEMIC PROGRESS IN ALL SUBJECT AREAS AS PRESCRIBED IN SUBSECTION D,
40 PARAGRAPH 1 OF THIS SECTION AND AT LEAST NINETY PER CENT OF THE PUPILS HAVE
41 MET OR EXCEEDED THE STANDARDS IN ALL SUBJECT AREAS AS PRESCRIBED IN
42 SUBSECTION D, PARAGRAPH 2 OF THIS SECTION. A SCHOOL THAT OFFERS INSTRUCTION
43 IN GRADES NINE THROUGH TWELVE, OR ANY COMBINATION OF THOSE GRADES, SHALL BE
44 DESIGNATED AN EXCELLING SCHOOL IF AT LEAST NINETY PER CENT OF THE PUPILS HAVE

1 MET OR EXCEEDED THE STANDARDS IN ALL SUBJECT AREAS AS PRESCRIBED IN
2 SUBSECTION E, PARAGRAPH 1 OF THIS SECTION, THE SCHOOL'S ANNUAL DROPOUT RATE
3 IS NO MORE THAN SIX PER CENT AND THE SCHOOL'S GRADUATION RATE IS AT LEAST
4 NINETY PER CENT.

5 2. AN IMPROVING SCHOOL.

6 3. A MAINTAINING SCHOOL.

7 4. AN UNDERPERFORMING SCHOOL.

8 5. A FAILING SCHOOL.

9 H. THE CLASSIFICATION FOR EACH SCHOOL AND THE CRITERIA USED TO
10 DETERMINE CLASSIFICATION PURSUANT TO SUBSECTION F OF THIS SECTION SHALL BE
11 INCLUDED ON THE SCHOOL REPORT CARD PRESCRIBED IN SECTION 15-746.

12 I. SUBJECT TO FINAL ADOPTION BY THE STATE BOARD OF EDUCATION, THE
13 DEPARTMENT OF EDUCATION SHALL DEVELOP A PARALLEL ACHIEVEMENT PROFILE FOR
14 ACCOMMODATION SCHOOLS, ALTERNATIVE SCHOOLS AS DEFINED BY THE STATE BOARD OF
15 EDUCATION AND SCHOOLS WITH A STUDENT COUNT OF FEWER THAN ONE HUNDRED PUPILS.

16 ~~G.~~ J. If a school is designated as an underperforming school, within
17 ninety days after receiving notice of the designation, the governing board
18 shall develop an improvement plan for the school, submit a copy of the plan
19 to the superintendent of public instruction and supervise the implementation
20 of the plan. THE PLAN SHALL INCLUDE NECESSARY COMPONENTS AS IDENTIFIED BY
21 THE STATE BOARD OF EDUCATION. Within thirty days after submitting the
22 improvement plan to the superintendent of public instruction, the governing
23 board shall hold a special public meeting in each school that has been
24 designated as an underperforming school and shall present the respective
25 improvement plans that have been developed for each school. THE SCHOOL
26 DISTRICT GOVERNING BOARD, WITHIN THIRTY DAYS OF RECEIVING NOTICE OF THE
27 DESIGNATION, SHALL PROVIDE WRITTEN NOTIFICATION OF THE CLASSIFICATION TO EACH
28 RESIDENCE WITHIN THE ATTENDANCE AREA OF THE SCHOOL. THE NOTICE SHALL EXPLAIN
29 THE IMPROVEMENT PLAN PROCESS AND PROVIDE INFORMATION REGARDING THE PUBLIC
30 MEETING REQUIRED BY THIS SUBSECTION.

31 K. A SCHOOL THAT HAS NOT SUBMITTED AN IMPROVEMENT PLAN PURSUANT TO
32 SUBSECTION J OF THIS SECTION IS NOT ELIGIBLE TO RECEIVE MONIES FROM THE
33 CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977 FOR EVERY DAY THAT A PLAN
34 HAS NOT BEEN RECEIVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITHIN THE
35 TIME SPECIFIED IN SUBSECTION J OF THIS SECTION PLUS AN ADDITIONAL NINETY
36 DAYS. THE STATE BOARD OF EDUCATION SHALL REQUIRE THE SUPERINTENDENT OF THE
37 SCHOOL DISTRICT TO TESTIFY BEFORE THE BOARD AND EXPLAIN THE REASONS THAT AN
38 IMPROVEMENT PLAN FOR THAT SCHOOL HAS NOT BEEN SUBMITTED.

39 L. IF A CHARTER SCHOOL IS DESIGNATED AS AN UNDERPERFORMING SCHOOL,
40 WITHIN THIRTY DAYS THE SCHOOL SHALL NOTIFY THE PARENTS OF THE STUDENTS
41 ATTENDING THE SCHOOL OF THE CLASSIFICATION. THE NOTICE SHALL EXPLAIN THE
42 IMPROVEMENT PLAN PROCESS AND PROVIDE INFORMATION REGARDING THE PUBLIC MEETING
43 REQUIRED BY THIS SUBSECTION. WITHIN NINETY DAYS OF RECEIVING THE
44 CLASSIFICATION, THE CHARTER HOLDER SHALL PRESENT AN IMPROVEMENT PLAN TO THE

1 CHARTER SPONSOR AT A PUBLIC MEETING AND SUBMIT A COPY OF THE PLAN TO THE
2 SUPERINTENDENT OF PUBLIC INSTRUCTION. THE IMPROVEMENT PLAN SHALL INCLUDE
3 NECESSARY COMPONENTS AS IDENTIFIED BY THE STATE BOARD OF EDUCATION. FOR
4 EVERY DAY THAT AN IMPROVEMENT PLAN IS NOT RECEIVED BY THE SUPERINTENDENT OF
5 PUBLIC INSTRUCTION, THE SCHOOL IS NOT ELIGIBLE TO RECEIVE MONIES FROM THE
6 CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977 FOR NINETY DAYS PLUS EVERY
7 DAY THAT A PLAN IS NOT RECEIVED. THE CHARTER HOLDER SHALL APPEAR BEFORE THE
8 SPONSORING BOARD AND EXPLAIN WHY THE IMPROVEMENT PLAN HAS NOT BEEN SUBMITTED.

9 H. M. If a school remains an underperforming school ~~in the same~~
10 ~~achievement area~~ for a second consecutive year, THE DEPARTMENT OF EDUCATION
11 SHALL VISIT THE SCHOOL SITE TO CONFIRM THE DATA FOR THE CLASSIFICATION AND
12 TO REVIEW THE IMPLEMENTATION OF THE SCHOOL'S IMPROVEMENT PLAN AND the
13 superintendent of public instruction shall designate the school as a failing
14 school. ~~That designation shall be reported on the school report card for~~
15 ~~that school and either:~~ THE SCHOOL DISTRICT GOVERNING BOARD, WITHIN THIRTY
16 DAYS OF RECEIVING NOTICE OF THE DESIGNATION, SHALL PROVIDE WRITTEN
17 NOTIFICATION OF THE CLASSIFICATION TO EACH RESIDENCE WITHIN THE ATTENDANCE
18 AREA OF THE SCHOOL. THE NOTICE SHALL EXPLAIN THE IMPROVEMENT PLAN PROCESS
19 AND PROVIDE INFORMATION REGARDING THE PUBLIC MEETING REQUIRED BY THIS
20 SUBSECTION.

21 1. N. The superintendent of public instruction, based on need, shall
22 assign an ~~instructional trouble~~ A solutions team to the school comprised of
23 master teachers, fiscal analysts and curriculum assessment experts who are
24 certified by the state board of education as Arizona academic standards
25 technicians. The department of education may hire or contract with
26 administrators, principals and teachers who have demonstrated experience with
27 the characteristics and situations in the failing school and may use these
28 personnel as part of the ~~trouble~~ solutions team. The team shall work with
29 staff at the school to assist in curricula alignment and shall instruct
30 teachers on how to increase pupil academic progress, considering the school's
31 achievement profile. The team shall select two master teachers to be
32 employed by the school. THE SOLUTIONS TEAM SHALL CONSIDER THE EXISTING
33 IMPROVEMENT PLAN TO ASSESS THE NEED FOR CHANGES TO CURRICULUM, PROFESSIONAL
34 DEVELOPMENT AND RESOURCE ALLOCATION.

35 2. O. Pupils ATTENDING A SCHOOL DESIGNATED AS FAILING may select an
36 alternative tutoring program in academic standards from a provider that is
37 certified by the state board of education. To qualify, the provider must
38 guarantee in writing a stated level of academic improvement for the pupil
39 that includes a timeline for improvement that is agreed to by the parent or
40 guardian of the pupil and the provider shall agree to refund to the state the
41 standards assistance grant monies if the guaranteed level of academic
42 improvement is not met. The parent or the guardian of the pupil may apply,
43 either to the school district or the department of education, in a manner
44 determined by the department of education for reimbursement from the failing

1 schools tutoring fund established by this section. The school may apply to
2 the department STATE BOARD of education for grants from the funds provided
3 pursuant to section 42-5029, subsection E, paragraph 6- 7 to provide
4 supplemental instruction.

5 ~~1. If a school is designated as a failing school, the governing board~~
6 ~~shall:~~

7 ~~1. Within thirty days of receiving notification of this designation,~~
8 ~~provide written notification of this fact to each residence within the~~
9 ~~attendance area of the school. The written notification shall include a~~
10 ~~detailed description of the achievement area in which the school failed to~~
11 ~~demonstrate adequate yearly progress.~~

12 ~~2. P. Within sixty days of receiving notification of this~~
13 ~~designation, develop an AS A FAILING SCHOOL, THE SCHOOL DISTRICT GOVERNING~~
14 ~~BOARD SHALL EVALUATE NEEDED CHANGES TO THE EXISTING improvement plan for the~~
15 ~~school, CONSIDER RECOMMENDATIONS FROM THE SOLUTIONS TEAM, submit a copy of~~
16 ~~the plan to the superintendent of public instruction and supervise the~~
17 ~~implementation of the plan. Within thirty days after submitting the~~
18 ~~improvement plan to the department of education SUPERINTENDENT OF PUBLIC~~
19 ~~INSTRUCTION, the governing board shall hold a public meeting in each school~~
20 ~~that has been designated as a failing school and shall present the respective~~
21 ~~improvement plans that have been developed for each period SCHOOL.~~

22 ~~Q. A SCHOOL THAT HAS NOT SUBMITTED AN IMPROVEMENT PLAN PURSUANT TO~~
23 ~~SUBSECTION M 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 PLAN~~
25 ~~HAS NOT BEEN RECEIVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITHIN THE~~
26 ~~TIME SPECIFIED IN SUBSECTION M OF THIS SECTION PLUS AN ADDITIONAL NINETY~~
27 ~~DAYS. THE STATE BOARD OF EDUCATION SHALL REQUIRE THE SUPERINTENDENT OF THE~~
28 ~~SCHOOL DISTRICT TO TESTIFY BEFORE THE BOARD AND EXPLAIN THE REASONS THAT AN~~
29 ~~IMPROVEMENT PLAN FOR THAT SCHOOL HAS NOT BEEN SUBMITTED.~~

30 ~~R. IF A CHARTER SCHOOL IS DESIGNATED AS A FAILING SCHOOL, THE~~
31 ~~DEPARTMENT OF EDUCATION SHALL IMMEDIATELY NOTIFY THE CHARTER SCHOOL'S~~
32 ~~SPONSOR. THE CHARTER SCHOOL'S SPONSOR SHALL EITHER TAKE ACTION TO RESTORE~~
33 ~~THE CHARTER SCHOOL TO ACCEPTABLE PERFORMANCE OR REVOKE THE CHARTER SCHOOL'S~~
34 ~~CHARTER. WITHIN THIRTY DAYS THE SCHOOL SHALL NOTIFY THE PARENTS OF THE~~
35 ~~STUDENTS ATTENDING THE SCHOOL OF THE CLASSIFICATION AND OF ANY PENDING PUBLIC~~
36 ~~MEETINGS TO REVIEW THE ISSUE.~~

37 ~~S. A SCHOOL THAT HAS BEEN DESIGNATED AS A FAILING SCHOOL FOR TWO~~
38 ~~CONSECUTIVE YEARS SHALL BE EVALUATED BY THE DEPARTMENT OF EDUCATION TO~~
39 ~~DETERMINE IF THE SCHOOL FAILED TO PROPERLY IMPLEMENT ITS SCHOOL IMPROVEMENT~~
40 ~~PLAN, THE ALIGNMENT OF THE CURRICULUM WITH ACADEMIC STANDARDS, TEACHER~~
41 ~~TRAINING, BUDGET PRIORITIZATION OR OTHER PROVEN STRATEGIES TO IMPROVE~~
42 ~~ACADEMIC PERFORMANCE. AFTER VISITING THE SCHOOL SITE PURSUANT TO SUBSECTION~~
43 ~~L OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL SUBMIT TO THE STATE~~
44 ~~BOARD OF EDUCATION A RECOMMENDATION THAT THE SCHOOL CONTINUE TO BE DESIGNATED~~

1 AS A FAILING SCHOOL AND TO PROCEED PURSUANT TO SUBSECTIONS N THROUGH P OF
2 THIS SECTION OR THAT THE SCHOOL BE SUBJECT TO A PUBLIC HEARING TO DETERMINE
3 IF THE SCHOOL FAILED TO PROPERLY IMPLEMENT ITS IMPROVEMENT PLAN AND THE
4 REASONS FOR THE DEPARTMENT'S RECOMMENDATION.

5 T. IF THE DEPARTMENT DOES RECOMMEND A PUBLIC HEARING, THE STATE BOARD
6 OF EDUCATION SHALL MEET AND MAY PROVIDE BY A MAJORITY VOTE AT THE PUBLIC
7 HEARING FOR THE CONTINUED OPERATION OF THE SCHOOL AS ALLOWED BY THIS
8 SUBSECTION. THE STATE BOARD OF EDUCATION SHALL DETERMINE WHETHER
9 GOVERNMENTAL, NONPROFIT AND PRIVATE ORGANIZATIONS MAY SUBMIT APPLICATIONS TO
10 THE STATE BOARD TO FULLY OR PARTIALLY MANAGE THE SCHOOL. THE STATE BOARD'S
11 DETERMINATION SHALL INCLUDE:

12 1. IF AND TO WHAT EXTENT THE LOCAL GOVERNING BOARD MAY PARTICIPATE IN
13 THE OPERATION OF THE SCHOOL INCLUDING PERSONNEL MATTERS.

14 2. IF AND TO WHAT EXTENT THE STATE BOARD OF EDUCATION SHALL
15 PARTICIPATE IN THE OPERATION OF THE SCHOOL.

16 3. RESOURCE ALLOCATION PURSUANT TO SUBSECTION V OF THIS SECTION.

17 4. PROVISIONS FOR THE DEVELOPMENT AND SUBMITTAL OF A SCHOOL
18 IMPROVEMENT PLAN TO BE PRESENTED IN A PUBLIC MEETING AT THE SCHOOL.

19 5. A SUGGESTED TIME FRAME FOR THE ALTERNATIVE OPERATION OF THE SCHOOL.

20 U. THE STATE BOARD SHALL PERIODICALLY REVIEW THE STATUS OF A SCHOOL
21 THAT IS OPERATED BY AN ORGANIZATION OTHER THAN THE SCHOOL DISTRICT GOVERNING
22 BOARD TO DETERMINE WHETHER THE OPERATION OF THE SCHOOL SHOULD BE RETURNED TO
23 THE SCHOOL DISTRICT GOVERNING BOARD. WITHIN SIXTY DAYS OF THE STATE BOARD'S
24 DETERMINATION, THE SCHOOL DISTRICT GOVERNING BOARD SHALL SUBMIT AN
25 IMPROVEMENT PLAN TO THE STATE BOARD OF EDUCATION FOR REVIEW. THE STATE BOARD
26 OF EDUCATION SHALL SUBMIT WRITTEN COMMENTS ON THE PROPOSED IMPROVEMENT PLAN
27 TO THE SCHOOL DISTRICT GOVERNING BOARD.

28 V. IF AN ALTERNATIVE OPERATION PLAN IS PROVIDED PURSUANT TO SUBSECTION
29 T, THE STATE BOARD OF EDUCATION SHALL ADJUST THE SCHOOL DISTRICT'S STUDENT
30 COUNT PURSUANT TO SECTION 15-902, SOFT CAPITAL ALLOCATION PURSUANT TO SECTION
31 15-962, CAPITAL OUTLAY REVENUE LIMIT PURSUANT TO SECTION 15-961, BASE SUPPORT
32 LEVEL PURSUANT TO SECTION 15-943, MONIES DISTRIBUTED FROM THE CLASSROOM SITE
33 FUND ESTABLISHED IN SECTION 15-977 AND TRANSPORTATION SUPPORT LEVEL PURSUANT
34 TO SECTION 15-945 TO ACCURATELY REFLECT ANY REDUCTION IN DISTRICT SERVICES
35 THAT ARE NO LONGER PROVIDED TO THAT SCHOOL BY THE DISTRICT. THE STATE BOARD
36 OF EDUCATION MAY MODIFY THE SCHOOL DISTRICT'S REVENUE CONTROL LIMIT, THE
37 DISTRICT SUPPORT LEVEL AND GENERAL BUDGET LIMIT CALCULATED PURSUANT TO
38 SECTION 15-947 BY AN AMOUNT THAT CORRESPONDS TO THIS REDUCTION IN
39 SERVICES. THE STATE BOARD OF EDUCATION SHALL RETAIN THE PORTION OF STATE AID
40 THAT WOULD OTHERWISE BE DUE THE SCHOOL DISTRICT FOR THE SCHOOL AND SHALL
41 DISTRIBUTE THAT PORTION OF STATE AID DIRECTLY TO THE ORGANIZATION THAT
42 CONTRACTS WITH THE STATE BOARD OF EDUCATION TO OPERATE THE SCHOOL.

1 W. IF THE STATE BOARD OF EDUCATION DETERMINES THAT A CHARTER SCHOOL
2 FAILED TO PROPERLY IMPLEMENT ITS IMPROVEMENT PLAN, THE SPONSOR OF THE CHARTER
3 SCHOOL SHALL REVOKE THE CHARTER SCHOOL'S CHARTER.

4 J. X. If there are more than two schools in a district and more than
5 one-half, or in any case more than five, schools in the district are
6 designated as failing schools for more than two consecutive years, in the
7 next election of members of the governing board the election ballot shall
8 contain the following statement immediately above the listing of governing
9 board candidates:

10 Within the last five years, (number of schools) schools in the
11 _____ school district have been designated as "failing
12 schools" by the superintendent of public instruction.

13 ~~K. If a charter school is designated as a failing school, the~~
14 ~~department of education shall immediately notify the charter school's~~
15 ~~sponsor. The charter school's sponsor shall either take action to restore~~
16 ~~the charter school to acceptable performance or revoke the charter school's~~
17 ~~charter.~~

18 L. Y. At least twice each year the department of education shall
19 publish in a newspaper of general circulation in each county of this state
20 a list of schools that are designated as failing schools.

21 M. Z. The failing schools tutoring fund is established consisting of
22 monies collected pursuant to section 42-5029, subsection E as designated for
23 this purpose. The department of education shall administer the fund.

24 Sec. 2. Report; purpose

25 The department of education shall submit an annual report to the
26 legislature on the average progress of pupils expressed as a percentage of
27 one year's academic progress and shall provide a copy of this report to the
28 chairpersons of the senate and the house of representatives education
29 committees. The department of education shall also submit an annual report
30 to the legislature on the actual versus the predicted academic performance
31 of schools based on school level, socioeconomic variables such as
32 demographics and income and shall provide a copy of this report to the
33 chairpersons of the senate and the house of representatives education
34 committees. The publication of these reports is subject to the availability
35 of funds and shall not interfere with other state or federal reporting
36 requirements.

37 Sec. 3. Delayed repeal

38 Section 2 of this act, relating to reports on the average progress of
39 pupils and the academic performance of schools, is repealed from and after
40 December 31, 2004.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House April 8, 2002,

Passed the Senate May 8, 2002,

by the following vote: 50 Ayes,

by the following vote: 20 Ayes,

0 Nays, 10 Not Voting

8 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

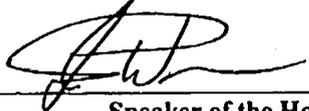
H.B. 2658

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 54 Ayes,

2 Nays, 4 Not Voting



Speaker of the House

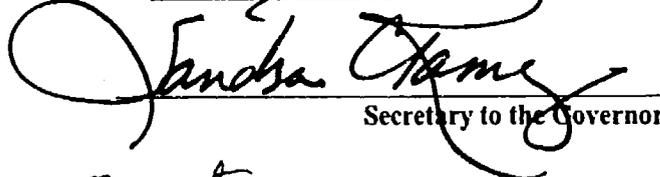
Norman L. Foose
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

at 3:00 o'clock P M.



Secretary to the Governor

Approved this 16 day of

May, 2002,

at 10:45 o'clock A M.

Janet Napolitano
Governor of Arizona

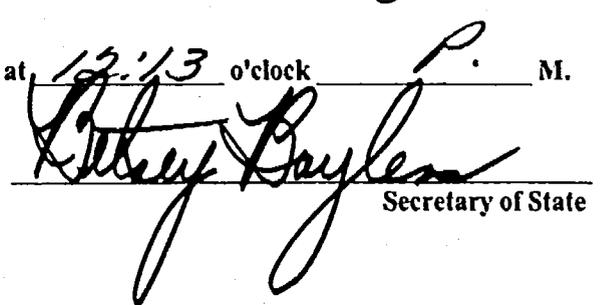
H.B. 2658

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 2002

at 12:13 o'clock P M.



Secretary of State