

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 147

HOUSE BILL 2277

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO SCHOOL
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; schools failing to meet academic
5 standards

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

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

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department
18 of education pursuant to this section shall comply with the family
19 educational and privacy rights act of 1974 (20 United States Code section
20 1232g).

21 D. The achievement profile for schools that offer instruction in
22 kindergarten programs and grades one through eight, or any combination of
23 those programs or grades, shall include the following school academic
24 performance indicators:

25 1. The Arizona measure of academic progress. The department shall
26 compute the percentage of pupils enrolled in the school for at least one
27 academic year who have achieved one year of academic progress.

28 2. The Arizona instrument to measure standards test. The department
29 shall compute the percentage of pupils who meet or exceed the standard on the
30 Arizona instrument to measure standards test, as prescribed by the state
31 board of education.

32 E. The achievement profile for schools that offer instruction in
33 grades nine through twelve, or any combination of those grades, shall include
34 the following school academic performance indicators:

35 1. The Arizona instrument to measure standards test. The department
36 shall compute the percentage of pupils pursuant to subsection F of this
37 section who meet or exceed the standard on the Arizona instrument to measure
38 standards test, as prescribed by the state board of education.

39 2. The annual dropout rate.

40 3. The annual graduation rate.

41 F. Subject to final adoption by the state board of education, the
42 department shall determine the criteria for each school classification using
43 a research based methodology. The methodology shall include the performance
44 of pupils at all achievement levels, account for pupil mobility, account for
45 the distribution of pupil achievement at each school and include longitudinal

1 indicators of academic performance. For the purposes of this subsection,
2 "research based methodology" means the systematic and objective application
3 of statistical and quantitative research principles to determine a standard
4 measurement of acceptable academic progress for each school.

5 G. The achievement profile shall be used to determine a school
6 classification that designates each school as one of the following:

7 1. An excelling school. ~~A school that offers instruction in
8 kindergarten programs and grades one through eight, or any combination of
9 those programs or grades, shall be designated an excelling school if at least
10 ninety per cent of the pupils at that school have achieved one year of
11 academic progress in all subject areas as prescribed in subsection D,
12 paragraph 1 of this section and at least ninety per cent of the pupils have
13 met or exceeded the standards in all subject areas as prescribed in
14 subsection D, paragraph 2 of this section. A school that offers instruction
15 in grades nine through twelve, or any combination of those grades, shall be
16 designated an excelling school if at least ninety per cent of the pupils have
17 met or exceeded the standards in all subject areas as prescribed in
18 subsection E, paragraph 1 of this section, the school's annual dropout rate
19 is no more than six per cent and the school's graduation rate is at least
20 ninety per cent.~~

21 2. An improving A HIGHLY PERFORMING school.

22 3. A maintaining PERFORMING school.

23 4. An underperforming school.

24 5. A failing school FAILING TO MEET ACADEMIC STANDARDS.

25 H. The classification for each school and the criteria used to
26 determine classification pursuant to subsection F of this section shall be
27 included on the school report card prescribed in section 15-746.

28 I. Subject to final adoption by the state board of education, the
29 department of education shall develop a parallel achievement profile for
30 accommodation schools, alternative schools as defined by the state board of
31 education and schools with a student count of fewer than one hundred pupils.

32 J. If a school is designated as an underperforming school, within
33 ninety days after receiving notice of the designation, the governing board
34 shall develop an improvement plan for the school, submit a copy of the plan
35 to the superintendent of public instruction and supervise the implementation
36 of the plan. The plan shall include necessary components as identified by
37 the state board of education. Within thirty days after submitting the
38 improvement plan to the superintendent of public instruction, the governing
39 board shall hold a special public meeting in each school that has been
40 designated as an underperforming school and shall present the respective
41 improvement plans that have been developed for each school. The school
42 district governing board, within thirty days of receiving notice of the
43 designation, shall provide written notification of the classification to each
44 residence within the attendance area of the school. The notice shall explain

1 the improvement plan process and provide information regarding the public
2 meeting required by this subsection.

3 K. A school that has not submitted an improvement plan pursuant to
4 subsection J of this section is not eligible to receive monies from the
5 classroom site fund established by section 15-977 for every day that a plan
6 has not been received by the superintendent of public instruction within the
7 time specified in subsection J of this section plus an additional ninety
8 days. The state board of education shall require the superintendent of the
9 school district to testify before the board and explain the reasons that an
10 improvement plan for that school has not been submitted.

11 L. If a charter school is designated as an underperforming school,
12 within thirty days the school shall notify the parents of the students
13 attending the school of the classification. The notice shall explain the
14 improvement plan process and provide information regarding the public meeting
15 required by this subsection. Within ninety days of receiving the
16 classification, the charter holder shall present an improvement plan to the
17 charter sponsor at a public meeting and submit a copy of the plan to the
18 superintendent of public instruction. The improvement plan shall include
19 necessary components as identified by the state board of education. For
20 every day that an improvement plan is not received by the superintendent of
21 public instruction, the school is not eligible to receive monies from the
22 classroom site fund established by section 15-977 for ninety days plus every
23 day that a plan is not received. The charter holder shall appear before the
24 sponsoring board and explain why the improvement plan has not been submitted.

25 ~~M. If a school remains an underperforming school for a second~~
26 ~~consecutive year, the department of education shall visit the school site to~~
27 ~~confirm the data for the classification and to review the implementation of~~
28 ~~the school's improvement plan and the superintendent of public instruction~~
29 ~~shall designate the school as a failing school. The school district~~
30 ~~governing board, within thirty days of receiving notice of the designation,~~
31 ~~shall provide written notification of the classification to each residence~~
32 ~~within the attendance area of the school. The notice shall explain the~~
33 ~~improvement plan process and provide information regarding the public meeting~~
34 ~~required by this subsection.~~

35 M. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH AN APPEALS PROCESS, TO
36 BE APPROVED BY THE STATE BOARD OF EDUCATION FOR A SCHOOL TO APPEAL DATA USED
37 TO DETERMINE THE ACHIEVEMENT PROFILE OF THE SCHOOL. THE CRITERIA ESTABLISHED
38 SHALL BE BASED ON MITIGATING FACTORS AND MAY INCLUDE A VISIT TO THE SCHOOL
39 SITE BY THE DEPARTMENT OF EDUCATION.

40 N. IF A SCHOOL REMAINS CLASSIFIED AS AN UNDERPERFORMING SCHOOL FOR A
41 THIRD CONSECUTIVE YEAR, THE DEPARTMENT OF EDUCATION SHALL VISIT THE SCHOOL
42 SITE TO CONFIRM THE CLASSIFICATION DATA AND TO REVIEW THE IMPLEMENTATION OF
43 THE SCHOOL'S IMPROVEMENT PLAN. THE SCHOOL SHALL BE CLASSIFIED AS FAILING TO
44 MEET ACADEMIC STANDARDS UNLESS AN ALTERNATE CLASSIFICATION IS MADE PURSUANT
45 TO SUBSECTION M OF THIS SECTION.

1 O. THE SCHOOL DISTRICT GOVERNING BOARD, WITHIN THIRTY DAYS OF
2 RECEIVING NOTICE OF THE SCHOOL FAILING TO MEET ACADEMIC STANDARDS
3 CLASSIFICATION, SHALL PROVIDE WRITTEN NOTIFICATION OF THE CLASSIFICATION TO
4 EACH RESIDENCE IN THE ATTENDANCE AREA OF THE SCHOOL. THE NOTICE SHALL
5 EXPLAIN THE IMPROVEMENT PLAN PROCESS AND PROVIDE INFORMATION REGARDING THE
6 PUBLIC MEETING REQUIRED BY SUBSECTION R OF THIS SECTION.

7 ~~N.~~ P. The superintendent of public instruction, based on need, shall
8 assign a solutions team to ~~the school~~ AN UNDERPERFORMING SCHOOL OR A SCHOOL
9 FAILING TO MEET ACADEMIC STANDARDS comprised of master teachers, fiscal
10 analysts and curriculum assessment experts who are certified by the state
11 board of education as Arizona academic standards technicians. The department
12 of education may hire or contract with administrators, principals and
13 teachers who have demonstrated experience with the characteristics and
14 situations in ~~the failing~~ AN UNDERPERFORMING SCHOOL OR A school FAILING TO
15 MEET ACADEMIC STANDARDS and may use these personnel as part of the solutions
16 team. The team shall work with staff at the school to assist in curricula
17 alignment and shall instruct teachers on how to increase pupil academic
18 progress, considering the school's achievement profile. The team shall
19 select two master teachers to be employed by the school. The solutions team
20 shall consider the existing improvement plan to assess the need for changes
21 to curriculum, professional development and resource allocation.

22 ~~O.~~ Q. THE PARENT OR THE GUARDIAN OF THE PUPIL MAY APPLY, EITHER TO
23 THE SCHOOL DISTRICT OR THE DEPARTMENT OF EDUCATION, IN A MANNER DETERMINED
24 BY THE DEPARTMENT OF EDUCATION FOR REIMBURSEMENT FROM THE FAILING SCHOOLS
25 TUTORING FUND ESTABLISHED BY THIS SECTION. THE SCHOOL MAY APPLY TO THE STATE
26 BOARD OF EDUCATION FOR GRANTS FROM THE FUNDS PROVIDED PURSUANT TO SECTION
27 42-5029, SUBSECTION E, PARAGRAPH 7 TO PROVIDE SUPPLEMENTAL INSTRUCTION.
28 Pupils attending a school designated as AN UNDERPERFORMING SCHOOL OR A SCHOOL
29 failing TO MEET ACADEMIC STANDARDS may select an alternative tutoring program
30 in academic standards from a provider that is certified by the state board
31 of education. To qualify, the provider must guarantee in writing a stated
32 level of academic improvement for the pupil that includes a timeline for
33 improvement that is agreed to by the parent or guardian of the pupil and the
34 provider shall agree to refund to the state the standards assistance grant
35 monies if the guaranteed level of academic improvement is not met. ~~The~~
36 ~~parent or the guardian of the pupil may apply, either to the school district~~
37 ~~or the department of education, in a manner determined by the department of~~
38 ~~education for reimbursement from the failing schools tutoring fund~~
39 ~~established by this section. The school may apply to the state board of~~
40 ~~education for grants from the funds provided pursuant to section 42-5029,~~
41 ~~subsection E, paragraph 7 to provide supplemental instruction.~~

42 P. R. Within sixty days of receiving notification of designation as
43 a failing school FAILING TO MEET ACADEMIC STANDARDS, the school district
44 governing board shall evaluate needed changes to the existing improvement
45 plan for the school, consider recommendations from the solutions team, submit

1 a copy of the plan to the superintendent of public instruction and supervise
2 the implementation of the plan. Within thirty days after submitting the
3 improvement plan to the superintendent of public instruction, the governing
4 board shall hold a public meeting in each school that has been designated as
5 a failing school FAILING TO MEET ACADEMIC STANDARDS and shall present the
6 respective improvement plans that have been developed for each school.

7 Q. S. A school that has not submitted an improvement plan pursuant
8 to subsection M- R of this section is not eligible to receive monies from the
9 classroom site fund established by section 15-977 for every day that a plan
10 has not been received by the superintendent of public instruction within the
11 time specified in subsection M- R of this section plus an additional ninety
12 days. The state board of education shall require the superintendent of the
13 school district to testify before the board and explain the reasons that an
14 improvement plan for that school has not been submitted.

15 R. T. If a charter school is designated as a failing school FAILING
16 TO MEET ACADEMIC STANDARDS, the department of education shall immediately
17 notify the charter school's sponsor. The charter school's sponsor shall
18 either take action to restore the charter school to acceptable performance
19 or revoke the charter school's charter. Within thirty days the school shall
20 notify the parents of the students attending the school of the classification
21 and of any pending public meetings to review the issue.

22 S. U. A school that has been designated as a failing school FAILING
23 TO MEET ACADEMIC STANDARDS ~~for two consecutive years~~ shall be evaluated by
24 the department of education to determine if the school failed to properly
25 implement its school improvement plan, the alignment of the curriculum with
26 academic standards, teacher training, budget prioritization or other proven
27 strategies to improve academic performance. After visiting the school site
28 pursuant to subsection ~~t- M~~ of this section, the department of education
29 shall submit to the state board of education a recommendation ~~that the school~~
30 ~~continue to be designated as a failing school and to proceed pursuant to~~
31 ~~subsections N through P, Q AND R of this section or that the school be~~
32 ~~subject to a public hearing to determine if the school failed to properly~~
33 ~~implement its improvement plan and the reasons for the department's~~
34 ~~recommendation.~~

35 T. V. If the department does recommend a public hearing, the state
36 board of education shall meet and may provide by a majority vote at the
37 public hearing for the continued operation of the school as allowed by this
38 subsection. The state board of education shall determine whether
39 governmental, nonprofit and private organizations may submit applications to
40 the state board to fully or partially manage the school. The state board's
41 determination shall include:

42 1. If and to what extent the local governing board may participate in
43 the operation of the school including personnel matters.

1 2. If and to what extent the state board of education shall
2 participate in the operation of the school.

3 3. Resource allocation pursuant to subsection ~~V~~- X of this section.

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

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

7 ~~U~~. W. The state board shall periodically review the status of a
8 school that is operated by an organization other than the school district
9 governing board to determine whether the operation of the school should be
10 returned to the school district governing board. ~~Within sixty days of the~~
11 ~~state board's determination, the school district governing board shall submit~~
12 ~~an improvement plan to the state board of education for review. The state~~
13 ~~board of education shall submit written comments on the proposed improvement~~
14 ~~plan to the school district governing board.~~ BEFORE THE STATE BOARD MAKES
15 A DETERMINATION, THE STATE BOARD OR ITS DESIGNEE SHALL MEET WITH THE SCHOOL
16 DISTRICT GOVERNING BOARD OR ITS DESIGNEE TO DETERMINE THE TIME FRAME,
17 OPERATIONAL CONSIDERATIONS AND THE APPROPRIATE CONTINUATION OF EXISTING
18 IMPROVEMENTS THAT ARE NECESSARY TO ASSURE A SMOOTH TRANSITION OF AUTHORITY
19 FROM THE OTHER ORGANIZATION BACK TO THE SCHOOL DISTRICT GOVERNING BOARD.

20 ~~V~~. X. If an alternative operation plan is provided pursuant to
21 subsection ~~F~~- V OF THIS SECTION, the state board of education shall PAY FOR
22 THE OPERATION OF THE SCHOOL AND SHALL adjust the school district's student
23 count pursuant to section 15-902, soft capital allocation pursuant to section
24 15-962, capital outlay revenue limit pursuant to section 15-961, base support
25 level pursuant to section 15-943, monies distributed from the classroom site
26 fund established in section 15-977 and transportation support level pursuant
27 to section 15-945 to accurately reflect any reduction in district services
28 that are no longer provided to that school by the district. The state board
29 of education may modify the school district's revenue control limit, the
30 district support level and general budget limit calculated pursuant to
31 section 15-947 by an amount that corresponds to this reduction in
32 services. The state board of education shall retain the portion of state aid
33 that would otherwise be due the school district for the school and shall
34 distribute that portion of state aid directly to the organization that
35 contracts with the state board of education to operate the school.

36 ~~W~~. Y. If the state board of education determines that a charter
37 school failed to properly implement its improvement plan, the sponsor of the
38 charter school shall revoke the charter school's charter.

39 ~~X~~. Z. If there are more than two schools in a district and more than
40 one-half, or in any case more than five, schools in the district are
41 designated as failing schools FAILING TO MEET ACADEMIC STANDARDS for more
42 than two consecutive years, in the next election of members of the governing
43 board the election ballot shall contain the following statement immediately
44 above the listing of governing board candidates:

1 Within the last five years, (number of schools) schools in the
2 _____ school district have been designated as "failing
3 schools FAILING TO MEET ACADEMIC STANDARDS" by the
4 superintendent of public instruction.

5 Y. AA. At least twice each year the department of education shall
6 publish in a newspaper of general circulation in each county of this state
7 a list of schools that are designated as failing schools FAILING TO MEET
8 ACADEMIC STANDARDS.

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

APPROVED BY THE GOVERNOR MAY 5, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2003.

Passed the House March 5, 2003

Passed the Senate April 28, 2003,

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

0 Nays, 4 Not Voting

0 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Ken Plummer
President of the Senate

Norman L. Moore
Chief Clerk of the House

Norma Chastain
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of April, 2003

at 11:00 o'clock A M.

Sandra Ramirez
Secretary to the Governor

Approved this 5 day of

May, 2003,

at 10⁵⁰ o'clock A. M.

J. N. Noyes
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of May, 2003

at 3:59 o'clock P M.

James K. Brewer
Secretary of State