

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 34

# HOUSE BILL 2353

AN ACT

AMENDING SECTION 15-241, 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 accountability; schools failing to meet academic  
5 standards; failing schools tutoring fund

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.~~ EXTENT OF  
28 ACADEMIC PROGRESS MADE BY THE PUPILS IN EACH SCHOOL DURING THE COURSE OF EACH  
29 YEAR.

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

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

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

41 2. The annual dropout rate.

42 3. The annual graduation rate.

43 F. Subject to final adoption by the state board of education, the  
44 department shall determine the criteria for each school classification using  
45 a research based methodology. The methodology shall include the performance

1 of pupils at all achievement levels, account for pupil mobility, account for  
2 the distribution of pupil achievement at each school and include longitudinal  
3 indicators of academic performance. For the purposes of this subsection,  
4 "research based methodology" means the systematic and objective application  
5 of statistical and quantitative research principles to determine a standard  
6 measurement of acceptable academic progress for each school.

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

- 9 1. An excelling school.
- 10 2. A highly performing school.
- 11 3. A performing school.
- 12 4. An underperforming school.
- 13 5. A school failing to meet academic standards.

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

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

21 J. If a school is designated as an underperforming school, within  
22 ninety days after receiving notice of the designation, the governing board  
23 shall develop an improvement plan for the school, submit a copy of the plan  
24 to the superintendent of public instruction and supervise the implementation  
25 of the plan. The plan shall include necessary components as identified by  
26 the state board of education. Within thirty days after submitting the  
27 improvement plan to the superintendent of public instruction, the governing  
28 board shall hold a special public meeting in each school that has been  
29 designated as an underperforming school and shall present the respective  
30 improvement plans that have been developed for each school. The school  
31 district governing board, within thirty days of receiving notice of the  
32 designation, shall provide written notification of the classification to each  
33 residence within the attendance area of the school. The notice shall explain  
34 the improvement plan process and provide information regarding the public  
35 meeting required by this subsection.

36 K. A school that has not submitted an improvement plan pursuant to  
37 subsection J of this section is not eligible to receive monies from the  
38 classroom site fund established by section 15-977 for every day that a plan  
39 has not been received by the superintendent of public instruction within the  
40 time specified in subsection J of this section plus an additional ninety  
41 days. The state board of education shall require the superintendent of the  
42 school district to testify before the board and explain the reasons that an  
43 improvement plan for that school has not been submitted.

44 L. If a charter school is designated as an underperforming school,  
45 within thirty days the school shall notify the parents of the students

1 attending the school of the classification. The notice shall explain the  
2 improvement plan process and provide information regarding the public meeting  
3 required by this subsection. Within ninety days of receiving the  
4 classification, the charter holder shall present an improvement plan to the  
5 charter sponsor at a public meeting and submit a copy of the plan to the  
6 superintendent of public instruction. The improvement plan shall include  
7 necessary components as identified by the state board of education. For  
8 every day that an improvement plan is not received by the superintendent of  
9 public instruction, the school is not eligible to receive monies from the  
10 classroom site fund established by section 15-977 for ninety days plus every  
11 day that a plan is not received. The charter holder shall appear before the  
12 sponsoring board and explain why the improvement plan has not been submitted.

13 M. The department of education shall establish an appeals process, to  
14 be approved by the state board of education, for a school to appeal data used  
15 to determine the achievement profile of the school. The criteria established  
16 shall be based on mitigating factors and may include a visit to the school  
17 site by the department of education.

18 N. If a school remains classified as an underperforming school for a  
19 third consecutive year, the department of education shall visit the school  
20 site to confirm the classification data and to review the implementation of  
21 the school's improvement plan. The school shall be classified as failing to  
22 meet academic standards unless an alternate classification is made AFTER AN  
23 APPEAL pursuant to subsection M. of this section.

24 O. The school district governing board, within thirty days of  
25 receiving notice of the school failing to meet academic standards  
26 classification, shall provide written notification of the classification to  
27 each residence in the attendance area of the school. The notice shall  
28 explain the improvement plan process and provide information regarding the  
29 public meeting required by subsection R of this section.

30 P. The superintendent of public instruction, based on need, shall  
31 assign a solutions team to an underperforming school or a school failing to  
32 meet academic standards comprised of master teachers, fiscal analysts and  
33 curriculum assessment experts who are certified by the state board of  
34 education as Arizona academic standards technicians. The department of  
35 education may hire or contract with administrators, principals and teachers  
36 who have demonstrated experience with the characteristics and situations in  
37 an underperforming school or a school failing to meet academic standards and  
38 may use these personnel as part of the solutions team. The team shall work  
39 with staff at the school to assist in curricula alignment and shall instruct  
40 teachers on how to increase pupil academic progress, considering the school's  
41 achievement profile. The team shall select two master teachers to be  
42 employed by the school. The solutions team shall consider the existing  
43 improvement plan to assess the need for changes to curriculum, professional  
44 development and resource allocation.

1 Q. The parent or the guardian of the pupil may apply, either to the  
2 school district or the department of education, in a manner determined by the  
3 department of education for reimbursement from the failing schools tutoring  
4 fund established by this section. The school may apply to the state board  
5 of education for grants from the funds provided pursuant to section 42-5029,  
6 subsection E, paragraph 7 to provide supplemental instruction. Pupils  
7 attending a school designated as an underperforming school or a school  
8 failing to meet academic standards may select an alternative tutoring program  
9 in academic standards from a provider that is certified by the state board  
10 of education. To qualify, the provider must guarantee in writing a stated  
11 level of academic improvement for the pupil that includes a timeline for  
12 improvement that is agreed to by the parent or guardian of the pupil and the  
13 provider shall agree to refund to the state the standards assistance grant  
14 monies if the guaranteed level of academic improvement is not met.

15 R. Within sixty days of receiving notification of designation as a  
16 school failing to meet academic standards, the school district governing  
17 board shall evaluate needed changes to the existing improvement plan for the  
18 school, consider recommendations from the solutions team, submit a copy of  
19 the plan to the superintendent of public instruction and supervise the  
20 implementation of the plan. Within thirty days after submitting the  
21 improvement plan to the superintendent of public instruction, the governing  
22 board shall hold a public meeting in each school that has been designated as  
23 a school failing to meet academic standards and shall present the respective  
24 improvement plans that have been developed for each school.

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

33 T. If a charter school is designated as a school failing to meet  
34 academic standards, the department of education shall immediately notify the  
35 charter school's sponsor. The charter school's sponsor shall either take  
36 action to restore the charter school to acceptable performance or revoke the  
37 charter school's charter. Within thirty days the school shall notify the  
38 parents of the students attending the school of the classification and of any  
39 pending public meetings to review the issue.

40 U. A school that has been designated as a school failing to meet  
41 academic standards shall be evaluated by the department of education to  
42 determine if the school failed to properly implement its school improvement  
43 plan, the alignment of the curriculum with academic standards, teacher  
44 training, budget prioritization or other proven strategies to improve  
45 academic performance. After visiting the school site pursuant to subsection

1 M- N of this section, the department of education shall submit to the state  
2 board of education a recommendation to proceed pursuant to subsections P, Q  
3 and R of this section or that the school be subject to a public hearing to  
4 determine if the school failed to properly implement its improvement plan and  
5 the reasons for the department's recommendation.

6 V. If the department does recommend a public hearing, the state board  
7 of education shall meet and may provide by a majority vote at the public  
8 hearing for the continued operation of the school as allowed by this  
9 subsection. The state board of education shall determine whether  
10 governmental, nonprofit and private organizations may submit applications to  
11 the state board to fully or partially manage the school. The state board's  
12 determination shall include:

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

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

17 3. Resource allocation pursuant to subsection X of this section.

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

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

21 W. The state board shall periodically review the status of a school  
22 that is operated by an organization other than the school district governing  
23 board to determine whether the operation of the school should be returned to  
24 the school district governing board. Before the state board makes a  
25 determination, the state board or its designee shall meet with the school  
26 district governing board or its designee to determine the time frame,  
27 operational considerations and the appropriate continuation of existing  
28 improvements that are necessary to assure a smooth transition of authority  
29 from the other organization back to the school district governing board.

30 X. If an alternative operation plan is provided pursuant to subsection  
31 V of this section, the state board of education shall pay for the operation  
32 of the school and shall adjust the school district's student count pursuant  
33 to section 15-902, soft capital allocation pursuant to section 15-962,  
34 capital outlay revenue limit pursuant to section 15-961, base support level  
35 pursuant to section 15-943, monies distributed from the classroom site fund  
36 established in section 15-977 and transportation support level pursuant to  
37 section 15-945 to accurately reflect any reduction in district services that  
38 are no longer provided to that school by the district. The state board of  
39 education may modify the school district's revenue control limit, the  
40 district support level and THE general budget limit calculated pursuant to  
41 section 15-947 by an amount that corresponds to this reduction in  
42 services. The state board of education shall retain the portion of state aid  
43 that would otherwise be due the school district for the school and shall  
44 distribute that portion of state aid directly to the organization that  
45 contracts with the state board of education to operate the school.

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

10 Within the last five years, (number of schools) schools in the  
11 \_\_\_\_\_ school district have been designated as "schools  
12 failing to meet academic standards" by the superintendent of  
13 public instruction.

14 AA. At least twice each year the department of education shall publish  
15 in a newspaper of general circulation in each county of this state a list of  
16 schools that are designated as schools failing to meet academic standards.

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

APPROVED BY THE GOVERNOR APRIL 1, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2004.

Passed the House February 16, 2004,

Passed the Senate March 29, 2004,

by the following vote: 57 Ayes,

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting

0 Nays, 0 Not Voting

Jake Flake  
Speaker of the House

Klu Blumett  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29th day of March, 2004,

at 3:26 o'clock P. M.

Jennifer Ybarra  
Secretary to the Governor

Approved this 1 day of

April, 2004,

at 11:05 o'clock A. M.

J. Nagel  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of April, 2004,

at 12:30 o'clock P. M.

Price K. Brewer  
Secretary of State

H.B. 2353