Conference Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 304

SENATE BILL 1038

AN ACT

AMENDING SECTION 15-701.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-701.02; PROVIDING FOR DELAYED REPEAL OF SECTION 15-701.02, ARIZONA REVISED STATUTES; RELATING TO EDUCATION TESTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-701.01, Arizona Revised Statutes, is amended to read:

15-701.01. <u>High school; graduation; requirements; community college or university courses; transfer from private schools; academic credit</u>

A. The state board of education shall:

1. Prescribe a minimum course of study, as defined in section 15-101 and incorporating the academic standards adopted by the state board of education, for the graduation of pupils from high school.

2. Prescribe competency requirements for the graduation of pupils from high school incorporating the academic standards in at least the areas of reading, writing, mathematics, science and social studies.

3. Develop and adopt competency tests pursuant to section 15-741 for the graduation of pupils from high school in at least the areas of reading, writing and mathematics and shall establish passing scores for each such test.

4. A PUPIL NOT SUCCESSFULLY PASSING THE REQUIRED COMPETENCY TEST SHALL GRADUATE FROM HIGH SCHOOL WITH A RECOGNIZED DIPLOMA IF THE PUPIL MEETS THE ALTERNATIVE GRADUATION REQUIREMENTS ESTABLISHED BY SECTION 15-701.02.

5. A PUPIL SHALL NOT BE REQUIRED TO PASS THE COMPETENCY TEST REQUIRED IN PARAGRAPH 3 OF THIS SECTION TO GRADUATE FROM HIGH SCHOOL IF THE PUPIL TRANSFERS INTO THE DISTRICT FROM OUT-OF-STATE AND HAS SUCCESSFULLY PASSED A STATEWIDE ASSESSMENT TEST ON STATE ADOPTED STANDARDS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE STATE BOARD ADOPTED ACADEMIC STANDARDS.

B. The governing board of a school district shall:

1. Prescribe curricula that include the academic standards in the required subject areas pursuant to subsection A, paragraph 1 of this section.

2. Prescribe criteria for the graduation of pupils from the high schools in the school district. These criteria shall include accomplishment of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by district assessment. Other criteria may include additional measures of academic achievement and attendance.

C. The governing board may prescribe the course of study and competency requirements for the graduation of pupils from high school which are in addition to or higher than the course of study and competency requirements which the state board prescribes.

D. The governing board may prescribe competency requirements for the passage of pupils in courses which are required for graduation from high school.

E. A teacher shall determine whether to pass or fail a pupil in a course in high school as provided in section 15-521, paragraph 3 on the basis of the competency requirements, if any have been prescribed. The governing board, if it reviews the decision of a teacher to pass or fail a pupil in a

course in high school as provided in section 15-342, paragraph 11, shall base its decision on the competency requirements, if any have been prescribed.

F. Graduation requirements established by the governing board may be met by a pupil who passes courses in the required or elective subjects at a community college or university, if the course is at a higher level than the course taught in the high school attended by the pupil or, if the course is not taught in the high school, the level of the course is equal to or higher than the level of a high school course. The governing board shall determine if the subject matter of the community college or university course is appropriate to the specific requirement the pupil intends it to fulfill and if the level of the community college or university course is less than, equal to or higher than a high school course, and the governing board shall award one-half of a carnegie unit for each three semester hours of credit the pupil earns in an appropriate community college or university course. If a pupil is not satisfied with the decision of the governing board regarding the amount of credit granted or the subjects for which credit is granted, the pupil may request that the state board of education review the decision of the governing board, and the state board shall make the final determination of the amount of credit to be given the pupil and for which subjects. The governing board shall not limit the number of credits THAT IS required for high school graduation ~~which~~ AND THAT may be met by taking community college or university courses. For the purposes of this subsection:

1. "Community college" means an educational institution that is operated by a community college district as defined in section 15-1401 or a postsecondary educational institution under the jurisdiction of an Indian tribe recognized by the United States department of the interior.

2. "University" means a university under the jurisdiction of the Arizona board of regents.

G. A pupil who transfers from a private school shall be provided with a list that indicates those credits that have been accepted and denied by the school district. A pupil may request to take an examination in each particular course in which credit has been denied. The school district shall accept the credit for each particular course in which the pupil takes an examination and receives a passing score on a test designed and evaluated by a teacher in the school district who teaches the subject matter on which the examination is based. In addition to the above requirements, the governing board of a school district may prescribe requirements for the acceptance of the credits of pupils who transfer from a private school.

H. The state board of education shall adopt rules to allow high school pupils who can demonstrate competency in a particular academic course or subject to obtain academic credit for the course or subject without enrolling in the course or subject.

1 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes, is
2 amended by adding section 15-701.02, to read:
3 15-701.02. Alternative high school graduation requirement;
4 definition
5 A. A PUPIL WHO FAILS TO ACHIEVE A PASSING SCORE ON A COMPETENCY TEST
6 REQUIRED FOR GRADUATION DURING 2006 OR 2007 OF PUPILS FROM HIGH SCHOOL MAY
7 GRADUATE IF THE PUPIL MEETS THE ALTERNATIVE GRADUATION REQUIREMENTS
8 ESTABLISHED PURSUANT TO THIS SECTION.
9 B. A PUPIL IS ELIGIBLE FOR THE ALTERNATIVE GRADUATION REQUIREMENTS
10 ESTABLISHED PURSUANT TO THIS SECTION IF ALL OF THE FOLLOWING APPLY:
11 1. THE PUPIL HAS TAKEN THE COMPETENCY TEST EACH TIME THE TEST WAS
12 OFFERED WHEN THE PUPIL WAS ELIGIBLE TO TAKE THE TEST.
13 2. THE PUPIL HAS COMPLETED WITH A PASSING GRADE ALL COURSEWORK AND
14 CREDITS PRESCRIBED FOR THE GRADUATION OF PUPILS FROM HIGH SCHOOL BY THE
15 GOVERNING BOARD OF THE PUPIL'S SCHOOL DISTRICT PURSUANT TO SECTION 15-701.01.
16 3. THE PUPIL HAS PARTICIPATED IN ANY ACADEMIC REMEDIATION PROGRAMS
17 AVAILABLE IN THE PUPIL'S SCHOOL IN THOSE SUBJECT AREAS WHERE THE PUPIL FAILED
18 TO ACHIEVE A PASSING SCORE ON THE COMPETENCY TEST.
19 C. PUPILS WHO FAIL TO ACHIEVE A PASSING SCORE ON A COMPETENCY TEST
20 REQUIRED FOR GRADUATION FROM HIGH SCHOOL MAY AUGMENT THE SCORE WITH
21 ADDITIONAL CREDIT AS PROVIDED IN SUBSECTION D OF THIS SECTION. A PUPIL SHALL
22 AUGMENT THE SCORE OF EACH AREA WHERE THE PUPIL FAILED TO ACHIEVE A PASSING
23 SCORE SEPARATELY AND CONCURRENTLY IN AN AMOUNT NOT TO EXCEED ONE QUARTER OF
24 THE PUPIL'S ACHIEVED SCORE IN EACH AREA. FOR THE PURPOSES OF THIS SECTION, A
25 PUPIL MAY USE THE HIGHEST ACHIEVED SCORE IN EACH AREA OF ANY TIME THE
26 COMPETENCY TEST WAS TAKEN.
27 D. THE STATE BOARD OF EDUCATION SHALL PROVIDE FOR THE AUGMENTING OF
28 COMPETENCY TEST SCORES OF PUPILS WHO FAIL TO ACHIEVE A PASSING SCORE ON THE
29 COMPETENCY TEST REQUIRED FOR GRADUATION FROM HIGH SCHOOL. THE BOARD SHALL,
30 BY RULE, ESTABLISH THE MANNER THAT ADDITIONAL CREDIT MAY BE USED TO AUGMENT
31 THE SCORE OF THE PUPIL. THE BOARD SHALL USE THE AUGMENTED SCORES ONLY FOR
32 THE PURPOSE OF DETERMINING WHETHER THE PUPIL MEETS THE ALTERNATIVE GRADUATION
33 REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION. IF THE AUGMENTED SCORE OF
34 THE PUPIL EXCEEDS THE PASSING SCORE ON THE COMPETENCY TEST, THE PUPIL SHALL
35 BE CONSIDERED TO HAVE PASSED THE COMPETENCY TEST IN THAT AREA FOR GRADUATION
36 PURPOSES.
37 E. ADDITIONAL CREDITS APPLIED TO THE PUPIL'S SCORE PURSUANT TO
38 SUBSECTIONS C AND D OF THIS SECTION SHALL BE BASED ONLY ON THE PERFORMANCE OF
39 THE PUPIL IN THOSE COURSES THAT MEET THE REQUIREMENTS FOR GRADUATION
40 ESTABLISHED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-203,
41 SUBSECTION A, PARAGRAPH 13. EACH COURSE THAT RECEIVES ADDITIONAL CREDIT
42 PURSUANT TO THIS SECTION SHALL RECEIVE EQUIVALENT ADDITIONAL CREDIT
43 REGARDLESS OF SUBJECT AREA, EXCEPT THAT GREATER ADDITIONAL CREDIT SHALL BE
44 GRANTED FOR COURSES WITH MORE ADVANCED ACADEMIC CONTENT RELATED TO THE

1 ACADEMIC STANDARDS PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO
2 SECTION 15-701.01.
3 F. IN ESTABLISHING ITS RULES REGARDING ADDITIONAL CREDIT FOR SPECIFIC
4 PERFORMANCE IN COURSES PURSUANT TO SUBSECTIONS C, D AND E OF THIS SECTION,
5 THE STATE BOARD OF EDUCATION SHALL PROVIDE VARYING AMOUNTS OF ADDITIONAL
6 CREDIT FOR EACH PERFORMANCE LEVEL ACHIEVED IN THE COURSE AS FOLLOWS:
7 1. A GRADE OF A OR ITS EQUIVALENT SHALL BE PROPORTIONALLY HIGHER THAN
8 A GRADE OF B OR ITS EQUIVALENT.
9 2. A GRADE OF B OR ITS EQUIVALENT SHALL BE PROPORTIONALLY HIGHER THAN
10 A GRADE OF C OR ITS EQUIVALENT.
11 3. GRADES LOWER THAN C OR ITS EQUIVALENT SHALL NOT BE ELIGIBLE FOR
12 ADDITIONAL CREDIT.
13 G. FOR THE PURPOSES OF THIS SECTION, "COMPETENCY TEST" MEANS A
14 COMPETENCY TEST REQUIRED FOR GRADUATION OF A PUPIL FROM HIGH SCHOOL
15 ESTABLISHED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-701.01,
16 SUBSECTION A, PARAGRAPH 3.
17 Sec. 3. Delayed repeal
18 Section 15-701.02, Arizona Revised Statutes, is repealed from and after
19 December 31, 2007.
20 Sec. 4. State board of education rules; exemption
21 The board shall adopt rules to implement section 15-701.02, Arizona
22 Revised Statutes, as soon as possible but no later than September 1, 2005.
23 For the purposes of this section, the board is exempt from the rule making
24 process required pursuant to title 41, articles 2, 3, 4 and 5, Arizona
25 Revised Statutes, except that the board shall provide for notice of and
26 opportunity for comment on the policies and rules established pursuant to
27 this section as appropriate under the circumstances.
28 Sec. 5. Review of standards and performance measures; review of
29 test scores; reporting
30 A. The state board of education shall undertake a review of the
31 academic competency standards and performance measurements mechanisms used in
32 at least ten other states that are identified as having the most effective
33 K-12 educational systems by one or more nationally recognized education
34 performance rankings. Such review shall at a minimum include an examination
35 of the adopted academic standards for high school graduation, performance
36 measurement methods utilized to determine achievement of such standards and
37 any comprehensive academic competency tests utilized in each of the states
38 reviewed.
39 B. On the basis of the information gathered during the review required
40 in subsection A, the state board of education shall review the passing score
41 established for the mathematics portion of the AIMS test with the passing
42 scores established for similar tests in states with academic standards that
43 are similar to Arizona's among the states reviewed under subsection A.

1 C. The state board shall report its findings and conclusions resulting
2 from the review required in subsection A to the president of the senate and
3 the speaker of the house of representatives by January 31, 2006.
4 D. On the basis of the reviews required in subsections A and B, on or
5 before January 31, 2006 the state board of education shall confirm or modify
6 the passing score established for the mathematics portion of the AIMS test
7 for school year 2006 and thereafter so that the score is statistically
8 comparable to the passing scores established for similar tests in states with
9 academic standards that are similar to Arizona's among the states reviewed
10 under subsection A.
11 Sec. 6. Delayed repeal
12 Section 5 of this act, relating to the review of standards and
13 performance measures, is repealed from and after July 31, 2006.
14 Sec. 7. Emergency
15 This act is an emergency measure that is necessary to preserve the
16 public peace, health or safety and is operative immediately as provided by
17 law.

NOT ENACTED

APPROVED BY THE GOVERNOR MAY 20, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.

STATE OF ARIZONA SENATE

Passed the House April 4, 2005,

by the following vote: 38 Ayes,

16 Nays, 6 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate February 15, 2005,

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

Ken Bennett

President of the Senate

Lena Scott

Assistant 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

S.B. 1038

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 13, 2005,

by the following vote: 32 Ayes,

21 Nays, 7 Not Voting

Speaker of the House

Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 12, 2005,

by the following vote: 16 Ayes,

8 Nays, 6 Not Voting

without Emergency

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor

this 13th day of May, 2005

at 8:38 o'clock a. M.

Secretary to the Governor

Approved this 20 day of

May, 2005,

at 9:05 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE
This Bill was received by the Secretary of State

this 20 day of May, 2005,

at 3:03 o'clock P. M.

Secretary of State

S.B. 1038