

Senate Engrossed House Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 20

**HOUSE BILL 2425**

AN ACT

AMENDING SECTION 15-701.01, ARIZONA REVISED STATUTES; REPEALING SECTION 15-701.02, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-702 AND 15-741, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-744 AND 15-747, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756.01, 15-756.02, 15-756.03, 15-756.04 AND 15-756.11, ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE EDUCATION FOR CHILDREN IN PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 15-701.01. High school; graduation; requirements; community  
5 college or university courses; transfer from  
6 private schools; academic credit

7 A. The state board of education shall:

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

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

14 3. ~~Develop and adopt competency tests pursuant to section 15-741.~~  
15 ~~ENGLISH LANGUAGE LEARNERS WHO ARE SUBJECT TO ARTICLE 3.1 OF THIS CHAPTER ARE~~  
16 ~~SUBJECT TO THE ASSESSMENTS PRESCRIBED IN SECTION 15-741. for the graduation~~  
17 ~~of pupils from high school in at least the areas of reading, writing and~~  
18 ~~mathematics and shall establish passing scores for each such test. For the~~  
19 ~~purposes of satisfying the graduation requirements of this paragraph, a~~  
20 ~~minimum score as determined by the state board of education on one or more~~  
21 ~~nationally recognized college entrance examinations selected by the state~~  
22 ~~board of education, if examination information may be accessed at no cost to~~  
23 ~~this state, may be substituted for passing scores on the Arizona instrument~~  
24 ~~to measure standards test for a pupil who is in grade twelve. For the~~  
25 ~~purposes of satisfying the graduation requirements of this paragraph, a score~~  
26 ~~as determined by the state board of education on a board examination~~  
27 ~~prescribed in article 6 of this chapter may be substituted for passing scores~~  
28 ~~on the Arizona instrument to measure standards test if a pupil who is in~~  
29 ~~grade twelve has previously taken the board examination and has not achieved~~  
30 ~~the minimum score required to be eligible for a Grand Canyon diploma. A~~  
31 ~~pupil shall not be required to pass the competency test required in this~~  
32 ~~paragraph to graduate from high school if the pupil transfers into the~~  
33 ~~district from out of state and has successfully passed a statewide assessment~~  
34 ~~test on state adopted standards that are substantially equivalent to the~~  
35 ~~state board adopted academic standards.~~

36 ~~B. If the state board of education adopts a competency test as a~~  
37 ~~graduation requirement for a child with a disability as defined in section~~  
38 ~~15-761 or a child who receives special education pursuant to section 15-763,~~  
39 ~~pupils with individualized education programs shall not be required to~~  
40 ~~achieve passing scores on competency tests in order to graduate from high~~  
41 ~~school unless the pupil is learning at a level appropriate for the pupil's~~  
42 ~~grade level in a specific academic area and unless passing scores on a~~  
43 ~~competency test are specifically required in a specific academic area by the~~  
44 ~~pupil's individualized education program as mutually agreed on by the pupil's~~

1 ~~parents and the pupil's individualized education program team or the pupil,~~  
2 ~~if the pupil is at least eighteen years of age. These competency tests shall~~  
3 ~~be administered to pupils in a manner prescribed in the pupil's~~  
4 ~~individualized education program, and school districts and charter schools~~  
5 ~~shall make specific and appropriate accommodations for pupils with~~  
6 ~~individualized education programs. Pupils with section 504 plans as defined~~  
7 ~~in section 15-731 shall not be required to achieve passing scores on~~  
8 ~~competency tests in order to graduate from high school unless the pupil is~~  
9 ~~learning at a level appropriate for the pupil's grade level in a specific~~  
10 ~~academic area and unless passing scores on a competency test are specifically~~  
11 ~~required in a specific academic area by the pupil's section 504 plan that is~~  
12 ~~developed in consultation with the pupil's parents. These competency tests~~  
13 ~~shall be administered to pupils in a manner prescribed in the pupil's section~~  
14 ~~504 plan, and school districts and charter schools shall make specific and~~  
15 ~~appropriate accommodations for pupils with a section 504 plan. A pupil with~~  
16 ~~an individualized education program or a section 504 plan who graduates from~~  
17 ~~high school but who is not required to achieve a passing score on a~~  
18 ~~competency test in order to graduate from high school shall receive the~~  
19 ~~standard diploma issued by the school district or charter school.~~

20 ~~C. B. The governing board of a school district shall:~~

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

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

28 ~~D. C. The governing board may prescribe the course of study and~~  
29 ~~competency requirements for the graduation of pupils from high school that~~  
30 ~~are in addition to or higher than the course of study and competency~~  
31 ~~requirements which THAT the state board prescribes.~~

32 ~~E. D. The governing board may prescribe competency requirements for~~  
33 ~~the passage of pupils in courses that are required for graduation from high~~  
34 ~~school.~~

35 ~~F. E. A teacher shall determine whether to pass or fail a pupil in a~~  
36 ~~course in high school as provided in section 15-521, paragraph 3- 4 on the~~  
37 ~~basis of the competency requirements, if any have been prescribed. The~~  
38 ~~governing board, if it reviews the decision of a teacher to pass or fail a~~  
39 ~~pupil in a course in high school as provided in section 15-342, paragraph 11,~~  
40 ~~shall base its decision on the competency requirements, if any have been~~  
41 ~~prescribed.~~

42 ~~G. F. Graduation requirements established by the governing board may~~  
43 ~~be met by a pupil who passes courses in the required or elective subjects at~~  
44 ~~a community college or university, if the course is at a higher level than~~

1 the course taught in the high school attended by the pupil or, if the course  
2 is not taught in the high school, the level of the course is equal to or  
3 higher than the level of a high school course. The governing board shall  
4 determine if the subject matter of the community college or university course  
5 is appropriate to the specific requirement the pupil intends it to fulfill  
6 and if the level of the community college or university course is less than,  
7 equal to or higher than a high school course, and the governing board shall  
8 award one-half of a carnegie unit for each three semester hours of credit the  
9 pupil earns in an appropriate community college or university course. If a  
10 pupil is not satisfied with the decision of the governing board regarding the  
11 amount of credit granted or the subjects for which credit is granted, the  
12 pupil may request that the state board of education review the decision of  
13 the governing board, and the state board shall make the final determination  
14 of the amount of credit to be given the pupil and for which subjects. The  
15 governing board shall not limit the number of credits that is required for  
16 high school graduation and that may be met by taking community college or  
17 university courses. For the purposes of this subsection:

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

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

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

34 ~~I.~~ H. If a pupil who was previously enrolled in a charter school or  
35 school district enrolls in a school district in this state, the school  
36 district shall accept credits earned by the pupil in courses or instructional  
37 programs at the charter school or school district. The governing board of a  
38 school district may adopt a policy concerning the application of transfer  
39 credits for the purpose of determining whether a credit earned by a pupil who  
40 was previously enrolled in a school district or charter school will be  
41 assigned as an elective or core credit.

42 ~~J.~~ I. A pupil who transfers from a charter school or school district  
43 shall be provided with a list that indicates which credits have been accepted  
44 as an elective credit and which credits have been accepted as a core credit

1 by the school district. Within ten school days after receiving the list, a  
2 pupil may request to take an examination in each particular course in which  
3 core credit has been denied. The school district shall accept the credit as  
4 a core credit for each particular course in which the pupil takes an  
5 examination and receives a passing score on a test designed and evaluated by  
6 a teacher in the school district who teaches the subject matter on which the  
7 examination is based.

8 ~~K.~~ J. The state board of education shall adopt rules to allow high  
9 school pupils who can demonstrate competency in a particular academic course  
10 or subject to obtain academic credit for the course or subject without  
11 enrolling in the course or subject.

12 ~~L.~~ K. Pupils who earn a Grand Canyon diploma pursuant to article 6 of  
13 this chapter are exempt from the graduation requirements prescribed in this  
14 section, ~~including the requirement that a pupil obtain passing scores on the~~  
15 ~~Arizona instrument to measure standards test in order to graduate from high~~  
16 ~~school.~~ Pupils who earn a Grand Canyon diploma are entitled to all the  
17 rights and privileges of persons who graduate with a high school diploma  
18 issued pursuant to this section, including access to postsecondary  
19 scholarships and other forms of student financial aid and access to all forms  
20 of postsecondary education. Notwithstanding any other law, a pupil who is  
21 eligible for a Grand Canyon diploma may elect to remain in high school  
22 through grade twelve and shall not be prevented from enrolling at a high  
23 school after the pupil becomes eligible for a Grand Canyon diploma. A pupil  
24 who is eligible for a Grand Canyon diploma and who elects not to pursue one  
25 of the options prescribed in section 15-792.03 may only be readmitted to that  
26 high school or another high school in this state pursuant to policies adopted  
27 by the school district of readmission.

28 Sec. 2. Repeal

29 Section 15-701.02, Arizona Revised Statutes, is repealed.

30 Sec. 3. Section 15-702, Arizona Revised Statutes, is amended to read:

31 15-702. High school equivalency diploma; fees; rules

32 A. Any person who is sixteen years of age or older and who passes a  
33 general educational development test shall be awarded an Arizona high school  
34 equivalency diploma by the state board of education and the state  
35 superintendent of public instruction. The state board of education may  
36 establish eligibility requirements for persons wishing to take a general  
37 educational development test, except that the minimum age required to take  
38 the test may not be older than sixteen nor shall the board require the  
39 completion of any high school credits.

40 B. A person who meets the minimum course of study and competency  
41 requirements prescribed by the state board of education for graduation from  
42 high school through a combination of high school credits and community  
43 college and university credits, which are converted to high school credits in  
44 the same manner as provided in section 15-701.01, subsection ~~G~~ F by the

1 governing board or the state board of education, shall be awarded an Arizona  
2 high school equivalency diploma.

3 C. The state board of education may establish and collect fees for the  
4 issuance and reissuance of the following:

5 1. A general equivalency diploma.

6 2. A general equivalency transcript.

7 D. The state board of education shall ~~develop~~ ADOPT rules for fee  
8 waivers for the general equivalency diploma and general equivalency  
9 transcripts.

10 Sec. 4. Section 15-741, Arizona Revised Statutes, is amended to read:

11 15-741. Assessment of pupils

12 A. The state board of education shall:

13 1. Adopt rules for purposes of this article pursuant to title 41,  
14 chapter 6.

15 2. Adopt and implement an Arizona instrument to measure standards test  
16 to measure pupil achievement of the state board adopted academic standards in  
17 reading, writing and mathematics in at least four grades designated by the  
18 board. The board shall determine the manner of implementation. ~~The board~~  
19 ~~shall not require high school pupils to meet or exceed the standards measured~~  
20 ~~by the Arizona instrument to measure standards test in any standards other~~  
21 ~~than reading, writing and mathematics in order to graduate from high school.~~  
22 The board may administer assessments of the academic standards in social  
23 studies and science, except that a pupil shall not be required to meet or  
24 exceed the social studies or science standards measured by the Arizona  
25 instrument to measure standards test in order to graduate from high school.

26 ~~3. Adopt and implement a statewide nationally standardized~~  
27 ~~norm-referenced achievement test in reading, language arts and mathematics,~~  
28 ~~except that the superintendent of public instruction may determine additional~~  
29 ~~grade levels for which pupils are tested. The tests shall be consistent with~~  
30 ~~the state standards and shall be administered during the spring of each year~~  
31 ~~between March 15 and May 1.~~

32 ~~4.~~ 3. Ensure that the tests prescribed in this section are uniform  
33 throughout the state.

34 ~~5.~~ 4. Ensure that the tests prescribed in this section are able to be  
35 scored in an objective manner and that the tests are not intended to advocate  
36 any sectarian, partisan or denominational viewpoint.

37 ~~6. Ensure that the results of the nationally standardized~~  
38 ~~norm-referenced achievement tests established as provided in this article are~~  
39 ~~comparable to associated grade equivalents, percentiles and stanines derived~~  
40 ~~from a multistate sample.~~

41 ~~7.~~ 5. Include within its budget all costs pertaining to the tests  
42 prescribed in this article. If sufficient monies are appropriated, the state  
43 board may provide norm-referenced achievement test services to school

1 districts which THAT request assistance in testing pupils in grades  
2 additional to those required by this section.

3 ~~8. Use subtests of the statewide nationally standardized~~  
4 ~~norm-referenced achievement test as designated by the state board to assess~~  
5 ~~pupils in reading, language arts and mathematics, at a level appropriate for~~  
6 ~~their grade level.~~

7 ~~9.~~ 6. Survey teachers, principals and superintendents on achievement  
8 related nontest indicators, including information on graduation rates by  
9 ethnicity and dropout rates by ethnicity for each grade level. Before the  
10 survey, the state board of education shall approve at a public meeting the  
11 nontest indicators on which data will be collected. In conducting the survey  
12 and collecting data, the state board of education shall not violate the  
13 provisions of the family educational rights and privacy act (P.L. 93-380), as  
14 amended, nor disclose personally identifiable information.

15 ~~10.~~ 7. Establish a fair and consistent method and standard by which  
16 ~~norm-referenced~~ test scores from schools in a district may be evaluated  
17 taking into consideration demographic data. The board shall establish  
18 intervention strategies to assist schools with scores below the acceptable  
19 standard. The board shall annually review district and school scores and  
20 shall offer assistance to school districts in analyzing data and implementing  
21 intervention strategies. The board shall use the adopted ~~norm-referenced~~  
22 test and methods of data evaluation for a period of at least ten years.

23 ~~11.~~ 8. Participate in other assessments that provide national  
24 comparisons as needed.

25 B. The ~~standardized norm-referenced~~ achievement tests adopted by the  
26 state board as provided in subsection A OF THIS SECTION shall be given AT  
27 LEAST annually. ~~The tests shall be administered over a one week period~~  
28 ~~between March 15 and May 1.~~ Nontest indicator data and other information  
29 shall be collected at the same time as the collection of ~~standardized~~  
30 ~~norm-referenced~~ achievement test data.

31 C. Local school district governing boards shall:

32 1. Administer the tests prescribed in subsection A OF THIS SECTION.

33 2. Survey teachers, principals and superintendents on achievement  
34 related nontest indicator data as required by the state board, including  
35 information related to district graduation and dropout rates. In conducting  
36 the survey and collecting data, the governing board shall not violate the  
37 provisions of the family educational rights and privacy act (P.L. 93-380), as  
38 amended, nor disclose personally identifiable information.

39 D. Any additional assessments for high school pupils that are adopted  
40 by the state board of education after ~~the effective date of this amendment to~~  
41 ~~this section~~ NOVEMBER 24, 2009 shall be designed to measure college and  
42 career readiness of pupils.

43 E. A test for penmanship shall not be required pursuant to this  
44 article.



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

3 ~~F.~~ D. The research based models of structured English immersion shall  
4 be submitted by the ~~task-force~~ STATE BOARD OF EDUCATION to the president of  
5 the senate, the speaker of the house of representatives, the governor and the  
6 state board of education. At least thirty days before adoption, the ~~task~~  
7 ~~force~~ STATE BOARD OF EDUCATION shall submit the research based models of  
8 structured English immersion to the joint legislative budget committee for  
9 review.

10 ~~G.~~ E. The ~~task-force~~ STATE BOARD OF EDUCATION shall review research  
11 based models of structured English immersion annually and delete FROM, add TO  
12 or modify the existing models. When adopting or modifying English language  
13 learner programs, the ~~task-force~~ STATE BOARD OF EDUCATION shall review and  
14 consider the information and data obtained as a result of the department of  
15 education's monitoring of English language learner programs pursuant to  
16 section 15-756.08.

17 ~~H.~~ F. The ~~task-force~~ STATE BOARD OF EDUCATION shall establish  
18 procedures for school districts and charter schools to determine the  
19 incremental costs for implementation of the research based models of  
20 structured English immersion developed by the ~~task-force~~ STATE BOARD OF  
21 EDUCATION.

22 ~~I.~~ G. The ~~task-force~~ STATE BOARD OF EDUCATION shall establish a form  
23 for school districts and charter schools to determine the structured English  
24 immersion budget request amount. Notwithstanding any other law, the maximum  
25 amount of the budget request shall be the incremental costs of the model  
26 selected offset by the following monies:

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

29 2. The portion of title I and title IIA monies determined by the  
30 English language learner population as a percentage of the qualified  
31 population.

32 3. The portion of impact aid monies determined by the English language  
33 learner population as a percentage of the qualified population. A school  
34 district or charter school shall only apply unexpended impact aid monies to  
35 English language learner programs after it has applied its impact aid monies  
36 for other allowable uses as permitted by state law.

37 4. The portion of desegregation monies levied pursuant to section  
38 15-910 determined by the English language learner population as a percentage  
39 of the qualified population.

40 5. The ELL support level weight prescribed in section 15-943.

41 ~~J.~~ H. The difference calculated pursuant to subsection ~~I~~ G of this  
42 section shall be the maximum amount of the structured English immersion  
43 budget request pursuant to section 15-756.03 for monies from the Arizona  
44 structured English immersion fund established by section 15-756.04.

1 ~~Beginning July 15, 2008,~~ School districts and charter schools shall not  
2 include the incremental costs of any pupil who is classified as an English  
3 language learner after July 1, 2007 and who has been classified as an English  
4 language learner for more than two years in the calculation of the school  
5 district's or charter school's structured English immersion budget request.

6 ~~K.~~ I. In consultation with the auditor general, the department of  
7 education shall develop and adopt forms to be used by school districts and  
8 charter schools to submit budget requests for the Arizona structured English  
9 immersion fund, including the form prescribed in subsection ~~F~~ G of this  
10 section.

11 ~~L.~~ J. For the purposes of this section:

12 1. "Compensatory instruction" has the same meaning prescribed in  
13 section 15-756.11.

14 2. "Incremental costs" means costs that are associated with a  
15 structured English immersion program pursuant to section 15-752 or a program  
16 pursuant to section 15-753 and that are in addition to the normal costs of  
17 conducting programs for English proficient students. Incremental costs do  
18 not include costs that replace the same types of services provided to English  
19 proficient students or compensatory instruction.

20 Sec. 7. Section 15-756.02, Arizona Revised Statutes, is amended to  
21 read:

22 15-756.02. School districts and charter schools; English  
23 language learner models; adoption and  
24 implementation

25 A. Each school district governing board and each governing body of a  
26 charter school shall select one or more of the ~~task-force~~ STATE BOARD OF  
27 EDUCATION approved models for structured English immersion for implementation  
28 on a school by school basis.

29 B. If a school district or charter school wants to adopt an English  
30 language learner program that is not based on a model adopted by the ~~task-~~  
31 ~~force~~ STATE BOARD OF EDUCATION, the school district or charter school shall  
32 first submit the proposed program along with supporting documentation  
33 regarding the expected outcomes of the program on the district's or charter  
34 school's English language learner students to the ~~task-force~~ STATE BOARD OF  
35 EDUCATION for approval.

36 C. On receipt of a proposed program from a school district or charter  
37 school, the ~~task-force~~ STATE BOARD OF EDUCATION may do one of the following:

38 1. Approve the proposed program.

39 2. Provide limited approval subject to specific stipulations  
40 prescribed by the state board.

41 3. Reject the proposed program and identify a model approved by the  
42 ~~task-force~~ STATE BOARD OF EDUCATION for the school district or charter school  
43 to adopt.

1 D. School districts and charter schools shall include a copy of the  
2 adopted English language learner program in the annual report required in  
3 section 15-756.10.

4 Sec. 8. Section 15-756.03, Arizona Revised Statutes, is amended to  
5 read:

6 15-756.03. Structured English immersion; budget request

7 A. If a school district or charter school qualifies to submit a budget  
8 request based on the form prescribed in section 15-756.01, subsection ~~F~~ G,  
9 the school district or charter school shall submit a structured English  
10 immersion budget request on a school by school basis. The budget request  
11 shall be for a specific amount of supplemental monies from the Arizona  
12 structured English immersion fund established by section 15-756.04.

13 B. Each school district or charter school structured English immersion  
14 budget request shall include the signature of the superintendent of the  
15 school district and the chief financial officer of the school district or the  
16 principal of the charter school and the chief financial officer of the  
17 charter school that certifies that the information in the budget request is  
18 true to the best of that person's knowledge and has been calculated in  
19 accordance with the form prescribed in section 15-756.01, subsection ~~F~~ G and  
20 that monies from the Arizona structured English immersion fund established by  
21 section 15-756.04 will not be used to supplant any federal, state or local  
22 monies, including desegregation monies levied pursuant to section 15-910,  
23 used for English language learners that were budgeted for English language  
24 learners as of February 23, 2006.

25 C. ~~Beginning July 1, 2007,~~ Each school district and charter school  
26 that submits a structured English immersion budget request shall submit the  
27 budget request to the department of education annually on or before  
28 September 15. The department of education shall verify the budget request of  
29 each school district and charter school for accuracy and compliance with the  
30 form prescribed in section 15-756.01, subsection ~~F~~ G. The department shall  
31 collect all school district and charter school budget requests and submit  
32 them to the legislature for funding from the Arizona structured English  
33 immersion fund established by section 15-756.04 at the same time as the  
34 department's budget request.

35 Sec. 9. Section 15-756.04, Arizona Revised Statutes, is amended to  
36 read:

37 15-756.04. Arizona structured English immersion fund

38 A. The Arizona structured English immersion fund is established. The  
39 department of education shall administer the fund.

40 B. The department shall submit an annual request for an appropriation  
41 for the purposes of this section.

42 C. In addition to the ELL support level weight prescribed in section  
43 15-943, the department shall distribute monies from the fund to school  
44 districts and charter schools in an amount specified in the budget request

1 prescribed in section 15-756.03, subsection C. Monies from the fund  
2 established by this section and monies for the ELL support level weight  
3 prescribed in section 15-943 shall not be distributed for more than two  
4 fiscal years for the same pupil. ~~Nothing in This subsection shall be~~  
5 ~~construed to~~ DOES NOT prohibit a school district or charter school from  
6 receiving monies from the statewide compensatory instruction fund established  
7 by section 15-756.11 for more than two fiscal years for the same pupil.

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

11 E. Each school district and charter school shall establish a local  
12 level structured English immersion fund to receive monies distributed from  
13 the Arizona structured English immersion fund. Monies in local level  
14 structured English immersion funds shall be spent only to provide instruction  
15 to English language learners. The auditor general shall modify the budget  
16 format, financial record requirements, accounting forms and financial report  
17 forms in accordance with this subsection. In consultation with the  
18 department of education, the auditor general shall provide support and  
19 guidance to assist school districts and charter schools in complying with  
20 this subsection. Documents developed pursuant to this subsection shall be  
21 reviewed by the ~~Arizona English language learners task force established by~~  
22 ~~section 15-756.01~~ STATE BOARD OF EDUCATION and the joint legislative budget  
23 committee.

24 F. School districts and charter schools shall use monies from the fund  
25 to supplement existing programs for English language learners. Monies from  
26 the fund shall not be used to supplant available monies used to pay for the  
27 normal costs of conducting programs for English proficient students.

28 Sec. 10. Section 15-756.11, Arizona Revised Statutes, is amended to  
29 read:

30 15-756.11. Statewide compensatory instruction fund; reporting;  
31 definition

32 A. The statewide compensatory instruction fund is established. The  
33 department of education shall administer the fund.

34 B. To be eligible for monies appropriated pursuant to this section, a  
35 school district or charter school must demonstrate to the department of  
36 education that it has established a satisfactory compensatory instruction  
37 program. The department of education shall distribute monies from the fund  
38 to school districts and charter schools in an amount determined by the  
39 department for compensatory instruction costs.

40 C. School districts and charter schools shall annually submit written  
41 compensatory instruction budget requests to the department on or before July  
42 15 for monies from the fund on a form developed by the department. The  
43 requests shall include an analysis of compensatory instruction effectiveness.

1 D. The written requests submitted by school districts and charter  
2 schools shall be signed by the superintendent of the school district and the  
3 chief financial officer of the school district or the principal of the  
4 charter school and the chief financial officer of the charter school, and  
5 monies from the statewide compensatory instruction fund shall not be used to  
6 supplant any federal, state or local monies, including desegregation monies  
7 levied pursuant to section 15-910, used for English language learners that  
8 were budgeted for English language learners as of February 23, 2006.

9 E. School districts and charter schools shall use monies from the fund  
10 to supplement existing programs. Monies shall not be used to supplant any  
11 federal, state or local monies, including desegregation monies levied  
12 pursuant to section 15-910, used for compensatory instruction that were  
13 budgeted for English language learners as of February 23, 2006.

14 F. Each school district and charter school shall establish a local  
15 level compensatory instruction fund to receive monies distributed from the  
16 statewide compensatory instruction fund. Monies in local level compensatory  
17 instruction funds shall be spent only for compensatory instruction. The  
18 auditor general shall modify the budget format, financial record  
19 requirements, accounting forms and financial report forms in accordance with  
20 this subsection. In consultation with the department of education, the  
21 auditor general shall provide support and guidance to assist school districts  
22 and charter schools in complying with this subsection. Documents developed  
23 pursuant to this subsection shall be reviewed by the ~~Arizona English language~~  
24 ~~learners task force established by section 15-756.01~~ STATE BOARD OF EDUCATION  
25 and the joint legislative budget committee.

26 G. For the purposes of this section, "compensatory instruction" means  
27 programs in addition to normal classroom instruction that may include  
28 individual or small group instruction, extended day classes, summer school or  
29 intersession school and that are limited to improving the English proficiency  
30 of current English language learners and pupils who were English language  
31 learners and who have been reclassified as English proficient within the  
32 previous two years.

33 Sec. 11. Succession

34 A. As provided by this act, the state board of education succeeds to  
35 the authority, powers, duties and responsibilities of the Arizona English  
36 language learners task force.

37 B. This act does not alter the effect of any actions that were taken  
38 or impair the valid obligations of the Arizona English language learners task  
39 force in existence before the effective date of this act.

40 C. With respect to the Arizona English language learners task force,  
41 previous administrative actions continue in effect until superseded by  
42 administrative action by the state board of education.

1 D. All administrative matters, contracts and judicial and  
2 quasi-judicial actions, whether completed, pending or in process, of the  
3 Arizona English language learners task force on the effective date of this  
4 act are transferred to and retain the same status with the state board of  
5 education.

6 E. All indicia of qualification and authority that were issued by the  
7 Arizona English language learners task force retain their validity for the  
8 duration of their terms of validity as provided by law.

9 F. All equipment, records, furnishings and other property, all data  
10 and investigative findings and all appropriated monies that remain unexpended  
11 and unencumbered on the effective date of this act of the department of  
12 education with respect to the Arizona English language learners task force  
13 are transferred to the state board of education.

14 Sec. 12. Retroactivity

15 Sections 15-756.01, 15-756.02, 15-756.03, 15-756.04 and 15-756.11,  
16 Arizona Revised Statutes, as amended by this act, and section 11 of this act,  
17 relating to succession, apply retroactively to from and after December 31,  
18 2012.

APPROVED BY THE GOVERNOR MARCH 28, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 28, 2013.

Passed the House February 25, 2013

Passed the Senate March 21, 2013

by the following vote: 60 Ayes,

by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

0 Nays, 1 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

March 26, 2013,

by the following vote: 41 Ayes,

17 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26 day of March, 2013,

at 3:30 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 28<sup>th</sup> day of

March, 2013,

at 3:11 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29<sup>th</sup> day of March, 2013,

at 5:07 o'clock P M.

[Signature]  
Secretary of State

H.B. 2425