House Engrossed Senate Bill

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MICHELE REAGAN
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CHAPTER 226

SENATE BILL 1430

AN ACT

AMENDING SECTIONS 15-211 AND 15-241, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-241.02; AMENDING SECTIONS 15-704, 15-901.06 AND 15-973.01, ARIZONA REVISED STATUTES; RELATING TO SCHOOL ACCOUNTABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-211, Arizona Revised Statutes, is amended to read:

15-211. K-3 reading program; receipt and use of monies; additional funding; program termination

A. The state board of education, in collaboration with the department of education, shall establish a K-3 reading program to improve the reading proficiency of pupils in kindergarten programs and grades one, two and three in the public schools of this state.

B. On or before October 1, 2012, each school district and charter school shall submit to the state board of education a plan for improving the reading proficiency of its pupils in kindergarten programs and grades one, two and three. The plan shall include baseline data on the reading proficiency of its pupils in kindergarten programs and grades one, two and three and a budget for spending monies from both the K-3 support level weight and the K-3 reading support level weight established in section 15-943. Beginning in fiscal year 2013-2014 and each fiscal year thereafter, each school district and charter school shall submit to the state board of education on or before October 1 an updated K-3 reading program plan that includes data on program expenditures and results.

C. School districts and charter schools shall use monies generated by the K-3 reading support level weight established in section 15-943 only on reading programs for pupils in kindergarten programs and grades one, two and three with particular emphasis on pupils in kindergarten programs and grades one and two.

D. Each school district and charter school that is assigned a letter grade of C, D or F pursuant to section 15-241~~, subsection H~~ or that has more than ten ~~per cent~~ PERCENT of its pupils in grade three reading far below the third grade level according to the reading portion of the Arizona instrument to measure standards test, or a successor test, shall receive monies generated by the K-3 reading support level weight established in section 15-943 only after the K-3 reading program plan of the school district or charter school has been approved by the state board of education.

E. Pupils in a charter school that is in its first year of operation and that is sponsored by the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts are eligible for the K-3 reading support level weight.

F. The department of education shall solicit gifts, grants and donations from any lawful public or private source in order to provide additional funding for the K-3 reading program.

G. The program established by this section ends on July 1, 2022 pursuant to section 41-3102.

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

15-241. School, charter school and school district accountability; annual achievement profiles; classification; letter grade system; profiles; appeals process; failing schools tutoring fund; definition

A. The department of education shall compile an annual achievement profile for each public school ~~and school district~~ AND LOCAL EDUCATION AGENCY.

B. Each school, CHARTER HOLDER and school district shall submit to the department any data that is required and requested and that is necessary to compile the achievement profile. A school ~~or school district~~ OR LOCAL EDUCATION AGENCY that fails to submit the information that is necessary is not eligible to receive monies from the classroom site fund established by section 15-977.

C. ~~The department shall establish a baseline achievement profile for each school and school district. The baseline achievement profile~~ THE ANNUAL ACHIEVEMENT PROFILE COMPILED BY THE DEPARTMENT shall be used to determine a standard measurement of acceptable academic progress for each school ~~and school district~~ AND LOCAL EDUCATION AGENCY and a school ~~and school district~~ AND LOCAL EDUCATION AGENCY classification pursuant to subsection ~~H~~ F of this section. Any disclosure of educational records compiled by the department of education pursuant to this section shall comply with the family educational rights and privacy act of 1974 (20 United States Code section 1232g).

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

~~1. The Arizona measure of academic progress. The department shall compute the extent of academic progress made by the pupils in each school and school district during the course of each year.~~

~~2. The Arizona instrument to measure standards test. The department shall compute the percentage of pupils who meet or exceed the standard on the Arizona instrument to measure standards test, as prescribed by the state board of education. The superintendent of public instruction and the department may calculate academic gain on the Arizona instrument to measure standards test according to each of the school classifications prescribed in subsection G of this section on a statewide basis, for each school district in this state and for each school by determining the average scale scores for students in the current academic year as compared to the average scale scores for the previous academic year for the same students.~~

~~3. Academic performance and academic gain on the science portion of the Arizona instrument to measure standards test.~~

~~4. The results of English language learners tests administered pursuant to section 15-756, subsection B, section 15-756.05 and section 15-756.06.~~

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

~~1. The Arizona measure of academic progress. The department shall compute the extent of academic progress made by the pupils at each school.~~

~~2. The Arizona instrument to measure standards test. The department shall compute the percentage of pupils pursuant to subsection G of this section who meet or exceed the standard on the Arizona instrument to measure standards test, as prescribed by the state board of education. The superintendent of public instruction and the department may calculate academic gain on the Arizona instrument to measure standards test according to each of the school classifications prescribed in subsection G of this section on a statewide basis, for each school district in this state and for each school by determining the average scale scores for students in the current academic year as compared to the average scale scores for the previous academic year for the same students.~~

~~3. Academic performance and academic gain on the science portion of the Arizona instrument to measure standards test.~~

~~4. The annual dropout rate.~~

~~5. The annual graduation rate.~~

~~6. The results of English language learners tests administered pursuant to section 15-756, subsection B, section 15-756.05 and section 15-756.06.~~

~~F. Schools and school districts that offer instruction in all or a combination of the grades specified in subsections D and E of this section shall include a single achievement profile for that school and school district that includes the school academic performance indicators specified in subsections D and E of this section.~~

D. THE ANNUAL ACHIEVEMENT PROFILE FOR SCHOOLS AND LOCAL EDUCATION AGENCIES SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING ACADEMIC PERFORMANCE INDICATORS:

1. MULTIPLE MEASURES OF ACADEMIC PERFORMANCE OR OTHER ACADEMICALLY RELEVANT INDICATORS OF SCHOOL QUALITY THAT ARE APPROPRIATE TO ASSESS THE EDUCATIONAL IMPACT OF A SCHOOL DURING THE ACADEMIC YEAR AS DETERMINED BY THE STATE BOARD OF EDUCATION.

2. ACADEMIC PROGRESS ON STATEWIDE ASSESSMENTS ADOPTED PURSUANT TO SECTION 15-741 IN ENGLISH LANGUAGE ARTS AND MATHEMATICS.

3. ACADEMIC PROGRESS ON THE ENGLISH LANGUAGE LEARNER ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 15-756, SUBSECTION B AND SECTIONS 15-756.05 AND 15-756.06.

4. PROGRESS TOWARD COLLEGE AND CAREER READINESS FOR ALL SCHOOLS AND LOCAL EDUCATION AGENCIES THAT OFFER INSTRUCTION IN ANY OF GRADES NINE THROUGH TWELVE.

~~G.~~ E. Subject to final adoption by the state board of education, the department shall determine the criteria for each school and ~~school district~~ LOCAL EDUCATION AGENCY classification LABEL using a ~~research based~~ RESEARCHED-BASED methodology. The methodology DEVELOPED IN COLLABORATION WITH A COALITION OF QUALIFIED TECHNICAL AND POLICY STAKEHOLDERS, AT A MINIMUM, shall include the performance of pupils at all achievement levels, account for pupil mobility, account for the distribution of pupil achievement at each school ~~and school district~~ AND LOCAL EDUCATION AGENCY and include longitudinal indicators of academic performance. ~~The methodology may include a measure of the perception of educational quality at the school or school district by parents, pupils, staff and community stakeholders. Fifty per cent of the school and school district classification determination shall consist of academic performance measurements. Fifty per cent of the academic performance measurement shall consist of a measurement of academic gain for all pupils enrolled at the school or school district and fifty per cent of the academic performance measurements shall consist of a measurement of the twenty-five per cent of pupils with the lowest academic performance measurement enrolled at the school or school district.~~ For the purposes of this subsection, "~~research based~~ RESEARCHED-BASED methodology" means the systematic and objective application of statistical and quantitative research principles to ~~determine a standard measurement of acceptable academic progress for each school and school district~~ CALCULATE THE INDICATORS USED TO DETERMINE A THROUGH F LETTER GRADES.

~~H.~~ F. ~~Except as provided in subsection EE of this section,~~ The ANNUAL achievement profile shall be used to determine a school ~~and school district~~ AND LOCAL EDUCATION AGENCY classification ~~that uses a~~ BASED ON AN A THROUGH F letter grade system ~~as follows:~~

~~1. A school or school district assigned a letter grade of A shall demonstrate an excellent level of performance.~~

~~2. A school or school district assigned a letter grade of B shall demonstrate an above average level of performance.~~

~~3. A school or school district assigned a letter grade of C shall demonstrate an average level of performance.~~

~~4. A school or school district assigned a letter grade of D shall demonstrate a below average level of performance.~~

~~5. A school or school district assigned a letter grade of F shall demonstrate a failing level of performance.~~ ADOPTED BY THE STATE BOARD OF EDUCATION IN WHICH A LETTER GRADE OF A REFLECTS AN EXCELLENT LEVEL OF PERFORMANCE AND A LETTER GRADE OF F REFLECTS A FAILING LEVEL OF PERFORMANCE. THE A THROUGH F LETTER GRADE SYSTEM SHALL INDICATE EXPECTED STANDARDS OF PERFORMANCE FOR ALL SCHOOLS AND THE MANNER IN WHICH SCHOOLS MAY RISE ABOVE OR FALL BELOW THOSE EXPECTED STANDARDS OF PERFORMANCE. The state board of

education may also assign a school a letter grade of F if the state board of education determines that the school is among the "persistently lowest-achieving schools" in the state under the federal school accountability requirements pursuant to section 1003(g) of the elementary and secondary education act (20 United States Code section 6303).

~~I.~~ G. The classification for each school and the criteria used to determine classification pursuant to ~~subsection G~~ SUBSECTIONS E AND F of this section shall be included on the school report card prescribed in section 15-746.

~~J.~~ H. Subject to final adoption by the state board of education, the department of education shall ~~develop a parallel achievement profile for~~ USE ACHIEVEMENT PROFILES APPROPRIATELY TO ASSESS THE EDUCATIONAL IMPACT OF accommodation schools, alternative schools ~~as defined by the state board of education~~ and extremely small schools, MAY DEVELOP PROFILES FOR SCHOOLS THAT PARTICIPATE IN THE BOARD EXAMINATION SYSTEM PRESCRIBED IN CHAPTER 7, ARTICLE 6 OF THIS TITLE AND SCHOOLS THAT PARTICIPATE IN ARIZONA ONLINE INSTRUCTION PURSUANT TO SECTION 15-808 AND MAY DEVELOP OTHER EXCEPTIONS as ~~defined~~ PRESCRIBED by the state board of education for the purposes of this section.

~~K. If a school is assigned a letter grade of D, within ninety days after receiving notice of the designation, the governing board shall develop an improvement plan for the school, submit a copy of the plan to the superintendent of public instruction and the county educational service agency and supervise the implementation of the plan. The plan shall include necessary components as identified by the state board of education. Within thirty days after submitting the improvement plan to the superintendent of public instruction and the county educational service agency, the governing board shall hold a special public meeting in each school that has been assigned a letter grade of D and shall present the respective improvement plans that have been developed for each school. The school district governing board, within thirty days of receiving notice of the designation, shall provide written notification of the classification to each residence within the attendance area of the school. The notice shall explain the improvement plan process and provide information regarding the public meeting required by this subsection.~~

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

~~M. If a charter school is assigned a letter grade of D, within thirty days the school shall notify the parents of the students attending the school of the classification. The notice shall explain the improvement plan process~~

~~and provide information regarding the public meeting required by this subsection. Within ninety days of receiving the classification, the charter holder shall present an improvement plan to the charter sponsor at a public meeting and submit a copy of the plan to the superintendent of public instruction. The improvement plan shall include necessary components as identified by the state board of education. For every day that an improvement plan is not received by the superintendent of public instruction and the county educational service agency, the school is not eligible to receive monies from the classroom site fund established by section 15-977 for every day that a plan has not been received by the superintendent of public instruction within the time specified in subsection K of this section plus an additional ninety days. The charter holder shall appear before the sponsoring board and explain why the improvement plan has not been submitted.~~

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

~~O. If a school is assigned a letter grade of D for a third consecutive year, the department of education shall visit the school site to confirm the classification data and to review the implementation of the school's improvement plan. The school shall be assigned a letter grade of F unless an alternate letter grade is assigned after an appeal pursuant to subsection N of this section. A school that is assigned a letter grade of D for less than three consecutive years may also be assigned a letter grade of F if the state board of education determines that there is no reasonable likelihood that the school will achieve an average level of performance within the next two years.~~

~~P. The school district governing board, within thirty days of receiving notice of the school being assigned a letter grade of F, shall provide written notification of the classification to each residence in the attendance area of the school. The notice shall explain the improvement plan process and provide information regarding the public meeting required by subsection S of this section.~~

~~Q. The superintendent of public instruction in collaboration with the county educational service agency, based on need, shall assign a solutions team to a school assigned a letter grade of D, a school assigned a letter grade of F or any other school pursuant to a mutual agreement between the department of education and the school composed of master teachers, fiscal analysts and curriculum assessment experts who are certified by the state board of education as Arizona academic standards technicians. The department of education or the county educational service agency may hire or contract with administrators, principals and teachers who have demonstrated experience with the characteristics and situations in a school assigned a letter grade of D or F and may use these personnel as part of the solutions team. The~~

~~department of education shall work with staff at the school to assist in curricula alignment and shall instruct teachers on how to increase pupil academic progress, considering the school's achievement profile. The solutions team shall consider the existing improvement plan to assess the need for changes to curriculum, professional development and resource allocation and shall present a statement of its findings to the school administrator and district superintendent. Within forty-five days after the presentation of the solutions team's statement of findings, the school district governing board, in cooperation with each school within the school district that is assigned a letter grade of D and its assigned solutions team representative, shall develop and submit to the department of education and the county educational service agency an action plan that details the manner in which the school district will assist the school as the school incorporates the findings of the solutions team into the improvement plan. The department of education shall review the action plan and shall either accept the action plan or return the action plan to the school district for modification. If the school district does not submit an approved action plan within forty-five days, the state board of education may direct the superintendent of public instruction to withhold up to ten per cent of state monies that the school district would otherwise be entitled to receive each month until the plan is submitted to the department of education and the county educational service agency, at which time those monies shall be returned to the school district.~~

~~R. The parent or the guardian of the pupil may apply to the department of education, in a manner determined by the department of education, for a certificate of supplemental instruction from the failing schools tutoring fund established by this section. Pupils attending a school assigned a letter grade of D or F or a pupil who has failed to pass one or more portions of the Arizona instrument to measure standards test in grades eight through twelve in order to graduate from high school may select an alternative tutoring program in academic standards from a provider that is certified by the state board of education. To qualify, the provider must state in writing a level of academic improvement for the pupil that includes a timeline for improvement that is agreed to by the parent or guardian of the pupil. The state board of education shall annually review academic performance levels for providers certified pursuant to this subsection and may remove a provider at a public hearing from an approved list of providers if that provider fails to meet its stated level of academic improvement. The state board of education shall determine the application guidelines and the maximum value for each certificate of supplemental instruction. The state board of education shall annually complete a market survey in order to determine the maximum value for each certificate of supplemental instruction. This subsection shall not be construed to require the state to provide additional monies beyond the monies provided pursuant to section 42-5029, subsection E, paragraph 7.~~

~~S. Within sixty days of receiving notification of a school being assigned a letter grade of F, the school district governing board shall evaluate needed changes to the existing improvement plan for the school, consider recommendations from the solutions team, submit a copy of the plan to the superintendent of public instruction and the county educational service agency and supervise the implementation of the plan. Within thirty days after submitting the improvement plan to the superintendent of public instruction, the governing board shall hold a public meeting in each school that has been assigned a letter grade of F and shall present the respective improvement plans that have been developed for each school.~~

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

~~U. If a charter school is assigned a letter grade of F, the department of education shall immediately notify the charter school's sponsor. The charter school's sponsor shall either take action to restore the charter school to acceptable performance or revoke the charter school's charter. Within thirty days the school shall notify the parents of the students attending the school of the classification and of any pending public meetings to review the issue.~~

~~V. A school that has been assigned a letter grade of F shall be evaluated by the department of education to determine if the school failed to properly implement its school improvement plan, align the curriculum with academic standards, provide teacher training, prioritize the budget or implement other proven strategies to improve academic performance. After visiting the school site pursuant to subsection Q of this section, the department of education shall submit to the state board of education a recommendation to proceed pursuant to subsections Q, R and S of this section or that the school be subject to a public hearing to determine if the school failed to properly implement its improvement plan and the reasons for the department's recommendation.~~

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

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

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

~~3. Resource allocation pursuant to subsection Y of this section.~~

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

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

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

~~Y. If an alternative operation plan is provided pursuant to subsection W of this section, the state board of education shall pay for the operation of the school and shall adjust the school district's district additional assistance pursuant to section 15-961, base support level pursuant to section 15-943, monies distributed from the classroom site fund established by section 15-977 and transportation support level pursuant to section 15-945 to accurately reflect any reduction in district services that are no longer provided to that school by the district. The state board of education may modify the school district's revenue control limit, the district support level and the general budget limit calculated pursuant to section 15-947 by an amount that corresponds to this reduction in services. The state board of education shall retain the portion of state aid that would otherwise be due the school district for the school and shall distribute that portion of state aid directly to the organization that contracts with the state board of education to operate the school.~~

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

~~AA. If there are more than two schools in a district and more than one-half, or in any case more than five, of the schools in the district are assigned a letter grade of F for more than two consecutive years, in the next election of members of the governing board the election ballot shall contain the following statement immediately above the listing of governing board candidates:~~

~~Within the last five years, (number of schools) schools in the _____ school district have been assigned a letter grade of F or designated as "schools failing to meet academic standards" by the superintendent of public instruction.~~

~~BB. At least twice each year the department of education shall publish in a newspaper of general circulation in each county of this state a list of schools that are assigned a letter grade of F.~~

I. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A PROCESS FOR A SCHOOL OR LOCAL EDUCATION AGENCY TO CORRECT STUDENT DATA USED TO DETERMINE THE SCHOOL'S OR LOCAL EDUCATION AGENCY'S ANNUAL ACHIEVEMENT PROFILE. THE STATE BOARD OF EDUCATION SHALL ESTABLISH AN APPEALS PROCESS TO ALLOW A SCHOOL OR LOCAL EDUCATION AGENCY TO APPEAL THE SCHOOL'S OR LOCAL EDUCATION AGENCY'S FINAL LETTER GRADE BASED ON MITIGATING FACTORS IDENTIFIED BY THE BOARD. THE BOARD MAY DELEGATE THE ADMINISTRATION OF THE APPEALS PROCESS TO THE DEPARTMENT OF EDUCATION.

~~CC.~~ J. The failing schools tutoring fund is established consisting of monies collected pursuant to section 42-5029, subsection E as designated for this purpose. The department of education shall administer the fund. The department of education may use monies from the fund to purchase materials designed to assist students to meet the Arizona academic standards and to achieve a passing score on ~~the Arizona instrument to measure standards test in order to graduate from high school~~ ASSESSMENTS ADOPTED BY THE STATE BOARD OF EDUCATION.

~~DD. The department of education may develop a classification label for school districts and charter school operators. If the department of education develops a classification label for school districts and charter school operators, the classification label may be developed from the following components:~~

~~1. Measures of academic progress.~~

~~2. Pupil assessment data.~~

~~3. The attendance rates and graduation rates of pupils who are educated in that charter school operator's charter schools or in that school district's schools.~~

~~4. The percentage of the parents of pupils enrolled in that charter school operator's charter schools or in that school district's schools that categorizes the quality of their child's education as excellent on a parental rating of school quality.~~

~~EE. The state board of education shall determine appropriate modifications to the criteria used to calculate achievement profiles for schools that participate in the board examination system prescribed in chapter 7, article 6 of this title.~~

~~FF. The state board of education shall adopt guidelines to include supplementary training in reading instruction for teachers who provide instruction to pupils in a kindergarten program or grade one, two or three in an improvement plan pursuant to subsection K of this section.~~

~~GG. In addition to any other corrective procedures prescribed in this section and section 15-241.01, a school that has been assigned a letter grade of D or F for two consecutive years shall implement a science, technology,~~

~~engineering and mathematics intervention strategy under the supervision of the state board of education.~~

~~HH. In addition to any other corrective procedures prescribed in this section a school district that has been assigned a letter grade of D or F for two consecutive years shall implement a parent involvement strategy. The parent involvement strategy shall be included in the school improvement plan for each applicable school within the district, as prescribed in subsection K of this section.~~

~~II. The department of education shall publish criteria for a school or school district's exit status from a previous assignment of a letter grade of F in accordance with this section. The criteria shall prescribe the actions and results necessary to be deemed to have complied with this section regarding school improvement, including the proper implementation of a school improvement plan pursuant to subsection V of this section. These criteria shall be provided to a school or school district if it is assigned a letter grade of F pursuant to this section.~~

K. FOR THE PURPOSES OF THIS SECTION, "ACADEMIC PROGRESS" MEANS MEASURES OF BOTH PROFICIENCY AND ACADEMIC GAIN.

Sec. 3. Title 15, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 15-241.02, to read:

15-241.02. School improvement plans; solutions teams; withholding of state monies

A. IF A SCHOOL IS ASSIGNED A LETTER GRADE OF D PURSUANT TO SECTION 15-241, WITHIN NINETY DAYS AFTER RECEIVING NOTICE OF THE CLASSIFICATION, THE SCHOOL DISTRICT GOVERNING BOARD SHALL DEVELOP AN IMPROVEMENT PLAN FOR THE SCHOOL, SUBMIT A COPY OF THE PLAN TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE COUNTY EDUCATIONAL SERVICE AGENCY AND SUPERVISE THE IMPLEMENTATION OF THE PLAN. THE GOVERNING BOARD SHALL INCLUDE IN THE PLAN NECESSARY COMPONENTS AS IDENTIFIED BY THE STATE BOARD OF EDUCATION. WITHIN THIRTY DAYS AFTER SUBMITTING THE IMPROVEMENT PLAN TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE COUNTY EDUCATIONAL SERVICE AGENCY, THE GOVERNING BOARD SHALL HOLD A PUBLIC MEETING IN EACH SCHOOL THAT HAS BEEN ASSIGNED A LETTER GRADE OF D AND SHALL PRESENT THE RESPECTIVE IMPROVEMENT PLANS THAT HAVE BEEN DEVELOPED FOR EACH SCHOOL. THE GOVERNING BOARD, WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF THE CLASSIFICATION, SHALL PROVIDE WRITTEN NOTIFICATION OF THE CLASSIFICATION TO EACH RESIDENCE WITHIN THE ATTENDANCE AREA OF THE SCHOOL. THE NOTICE SHALL EXPLAIN THE IMPROVEMENT PLAN PROCESS AND PROVIDE INFORMATION REGARDING THE PUBLIC MEETING REQUIRED BY THIS SUBSECTION.

B. A SCHOOL THAT HAS NOT SUBMITTED AN IMPROVEMENT PLAN PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT ELIGIBLE TO RECEIVE MONIES FROM THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977 FOR EVERY DAY THAT A PLAN HAS NOT BEEN RECEIVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITHIN THE TIME SPECIFIED IN SUBSECTION A OF THIS SECTION PLUS AN ADDITIONAL NINETY DAYS. THE STATE BOARD OF EDUCATION SHALL REQUIRE THE SUPERINTENDENT OF THE

SCHOOL DISTRICT TO TESTIFY BEFORE THE BOARD AND EXPLAIN THE REASONS THAT AN IMPROVEMENT PLAN FOR THAT SCHOOL HAS NOT BEEN SUBMITTED.

C. IF A CHARTER SCHOOL IS ASSIGNED A LETTER GRADE OF D PURSUANT TO SECTION 15-241, WITHIN THIRTY DAYS THE SCHOOL SHALL NOTIFY THE PARENTS OF THE STUDENTS ATTENDING THE SCHOOL OF THE CLASSIFICATION. THE NOTICE SHALL EXPLAIN THE IMPROVEMENT PLAN PROCESS AND PROVIDE INFORMATION REGARDING THE PUBLIC MEETING REQUIRED BY THIS SUBSECTION. WITHIN NINETY DAYS AFTER RECEIVING THE CLASSIFICATION, THE CHARTER HOLDER SHALL PRESENT AN IMPROVEMENT PLAN TO THE CHARTER SPONSOR AT A PUBLIC MEETING AND SUBMIT A COPY OF THE PLAN TO THE SPONSOR OF THE CHARTER SCHOOL. THE CHARTER HOLDER SHALL INCLUDE IN THE IMPROVEMENT PLAN NECESSARY COMPONENTS AS IDENTIFIED BY THE STATE BOARD OF EDUCATION. THE SCHOOL IS NOT ELIGIBLE TO RECEIVE MONIES FROM THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977 FOR EVERY DAY THAT AN IMPROVEMENT PLAN HAS NOT BEEN RECEIVED BY THE SPONSOR OF THE CHARTER SCHOOL WITHIN THE TIME SPECIFIED IN THIS SUBSECTION PLUS AN ADDITIONAL NINETY DAYS. THE CHARTER HOLDER SHALL APPEAR BEFORE THE SPONSORING BOARD AND EXPLAIN WHY THE IMPROVEMENT PLAN HAS NOT BEEN SUBMITTED.

D. IF A SCHOOL IS ASSIGNED A LETTER GRADE OF D PURSUANT TO SECTION 15-241 FOR A THIRD CONSECUTIVE YEAR, THE DEPARTMENT OF EDUCATION SHALL VISIT THE SCHOOL SITE TO CONFIRM THE CLASSIFICATION DATA AND TO REVIEW THE IMPLEMENTATION OF THE SCHOOL'S IMPROVEMENT PLAN. THE SCHOOL SHALL BE ASSIGNED A LETTER GRADE OF F UNLESS AN ALTERNATE LETTER GRADE IS ASSIGNED AFTER AN APPEAL PURSUANT TO SECTION 15-241, SUBSECTION I. A SCHOOL THAT IS ASSIGNED A LETTER GRADE OF D FOR FEWER THAN THREE CONSECUTIVE YEARS MAY ALSO BE ASSIGNED A LETTER GRADE OF F IF THE STATE BOARD OF EDUCATION DETERMINES THAT THERE IS NO REASONABLE LIKELIHOOD THAT THE SCHOOL WILL ACHIEVE AN AVERAGE LEVEL OF PERFORMANCE WITHIN THE NEXT TWO YEARS.

E. THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE COUNTY EDUCATIONAL SERVICE AGENCY SHALL COLLABORATE TO ASSIGN A SOLUTIONS TEAM TO A SCHOOL ASSIGNED A LETTER GRADE OF D PURSUANT TO SECTION 15-241 OR A SCHOOL ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241 BASED ON ACADEMIC NEED AND AVAILABLE RESOURCES. COUNTY EDUCATIONAL SERVICE AGENCIES MAY ENTER INTO AGREEMENTS TO PROVIDE SERVICES TO SCHOOLS FROM OTHER COUNTIES. ANY OTHER SCHOOL, SUBJECT TO AVAILABLE RESOURCES, MAY BE ASSIGNED A SOLUTIONS TEAM PURSUANT TO A MUTUAL AGREEMENT BETWEEN THE DEPARTMENT OF EDUCATION OR THE COUNTY EDUCATION SERVICE AGENCY, OR BOTH, AND THE SCHOOL. THE SOLUTIONS TEAM SHALL BE COMPOSED OF MASTER TEACHERS, FISCAL ANALYSTS AND CURRICULUM ASSESSMENT EXPERTS WHO ARE CERTIFIED BY THE STATE BOARD OF EDUCATION AS ARIZONA ACADEMIC STANDARDS TECHNICIANS. THE DEPARTMENT OF EDUCATION OR THE COUNTY EDUCATIONAL SERVICE AGENCY MAY HIRE OR CONTRACT WITH ADMINISTRATORS, PRINCIPALS AND TEACHERS WHO HAVE DEMONSTRATED EXPERIENCE IN IMPROVING ACADEMIC OUTCOMES AND MAY USE THESE PERSONNEL AS PART OF THE SOLUTIONS TEAM. THE DEPARTMENT OF EDUCATION SHALL WORK WITH STAFF AT THE SCHOOL TO ASSIST IN CURRICULA ALIGNMENT AND SHALL INSTRUCT TEACHERS ON HOW TO INCREASE PUPIL ACADEMIC PROGRESS, CONSIDERING THE SCHOOL'S ANNUAL ACHIEVEMENT PROFILE. THE

SOLUTIONS TEAM SHALL CONSIDER THE EXISTING IMPROVEMENT PLAN TO ASSESS THE NEED FOR CHANGES TO CURRICULA, PROFESSIONAL DEVELOPMENT AND RESOURCE ALLOCATION AND SHALL PRESENT A STATEMENT OF ITS FINDINGS TO THE SCHOOL ADMINISTRATOR AND DISTRICT SUPERINTENDENT. WITHIN FORTY-FIVE DAYS AFTER THE PRESENTATION OF THE SOLUTIONS TEAM'S STATEMENT OF FINDINGS, THE SCHOOL DISTRICT GOVERNING BOARD, IN COOPERATION WITH EACH SCHOOL WITHIN THE SCHOOL DISTRICT THAT IS ASSIGNED A LETTER GRADE OF D AND ITS ASSIGNED SOLUTIONS TEAM REPRESENTATIVE, SHALL DEVELOP AND SUBMIT TO THE DEPARTMENT OF EDUCATION AND THE COUNTY EDUCATIONAL SERVICE AGENCY AN ACTION PLAN THAT DETAILS THE MANNER IN WHICH THE SCHOOL DISTRICT WILL ASSIST THE SCHOOL AS THE SCHOOL INCORPORATES THE FINDINGS OF THE SOLUTIONS TEAM INTO THE IMPROVEMENT PLAN. THE DEPARTMENT OF EDUCATION SHALL REVIEW THE ACTION PLAN AND SHALL EITHER ACCEPT THE ACTION PLAN OR RETURN THE ACTION PLAN TO THE SCHOOL DISTRICT FOR MODIFICATION. IF THE SCHOOL DISTRICT DOES NOT SUBMIT AN APPROVED ACTION PLAN WITHIN FORTY-FIVE DAYS, THE STATE BOARD OF EDUCATION MAY DIRECT THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO WITHHOLD UP TO TEN PERCENT OF STATE MONIES THAT THE SCHOOL DISTRICT WOULD OTHERWISE BE ENTITLED TO RECEIVE EACH MONTH UNTIL THE PLAN IS SUBMITTED TO THE DEPARTMENT OF EDUCATION AND THE COUNTY EDUCATIONAL SERVICE AGENCY, AT WHICH TIME THOSE MONIES SHALL BE RETURNED TO THE SCHOOL DISTRICT.

F. THE PARENT OR GUARDIAN OF A PUPIL MAY APPLY TO THE DEPARTMENT OF EDUCATION, IN A MANNER DETERMINED BY THE DEPARTMENT OF EDUCATION, FOR A CERTIFICATE OF SUPPLEMENTAL INSTRUCTION FROM THE FAILING SCHOOLS TUTORING FUND ESTABLISHED BY SECTION 15-241. PUPILS ATTENDING A SCHOOL ASSIGNED A LETTER GRADE OF D OR F MAY SELECT AN ALTERNATIVE TUTORING PROGRAM IN ACADEMIC STANDARDS FROM A PROVIDER THAT IS CERTIFIED BY THE STATE BOARD OF EDUCATION. TO QUALIFY, THE PROVIDER MUST STATE IN WRITING A LEVEL OF ACADEMIC IMPROVEMENT FOR THE PUPIL THAT INCLUDES A TIMELINE FOR IMPROVEMENT THAT IS AGREED TO BY THE PARENT OR GUARDIAN OF THE PUPIL. THE STATE BOARD OF EDUCATION SHALL ANNUALLY REVIEW ACADEMIC PERFORMANCE LEVELS FOR CERTIFIED PROVIDERS AND MAY REMOVE A PROVIDER AT A PUBLIC HEARING FROM AN APPROVED LIST OF PROVIDERS IF THAT PROVIDER FAILS TO MEET ITS STATED LEVEL OF ACADEMIC IMPROVEMENT. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE APPLICATION GUIDELINES AND THE MAXIMUM VALUE FOR EACH CERTIFICATE OF SUPPLEMENTAL INSTRUCTION. THE STATE BOARD OF EDUCATION SHALL ANNUALLY COMPLETE A MARKET SURVEY IN ORDER TO DETERMINE THE MAXIMUM VALUE FOR EACH CERTIFICATE OF SUPPLEMENTAL INSTRUCTION. THIS SUBSECTION DOES NOT REQUIRE THIS STATE TO PROVIDE ADDITIONAL MONIES BEYOND THE MONIES PROVIDED PURSUANT TO SECTION 42-5029, SUBSECTION E, PARAGRAPH 7.

G. WITHIN SIXTY DAYS AFTER RECEIVING NOTIFICATION OF A SCHOOL BEING ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241, THE SCHOOL DISTRICT GOVERNING BOARD SHALL EVALUATE NEEDED CHANGES TO THE EXISTING SCHOOL IMPROVEMENT PLAN, CONSIDER RECOMMENDATIONS FROM THE SOLUTIONS TEAM, SUBMIT A COPY OF THE PLAN TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE COUNTY EDUCATIONAL SERVICE AGENCY AND SUPERVISE THE IMPLEMENTATION OF THE PLAN.

WITHIN THIRTY DAYS AFTER SUBMITTING THE IMPROVEMENT PLAN TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE COUNTY EDUCATIONAL SERVICE AGENCY, THE GOVERNING BOARD SHALL HOLD A PUBLIC MEETING IN EACH SCHOOL THAT HAS BEEN ASSIGNED A LETTER GRADE OF F AND SHALL PRESENT THE RESPECTIVE IMPROVEMENT PLANS THAT HAVE BEEN DEVELOPED FOR EACH SCHOOL. THE GOVERNING BOARD, WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF THE CLASSIFICATION, SHALL PROVIDE WRITTEN NOTIFICATION OF THE CLASSIFICATION TO EACH RESIDENCE IN THE ATTENDANCE AREA OF THE SCHOOL. THE NOTICE SHALL EXPLAIN THE IMPROVEMENT PLAN PROCESS AND PROVIDE INFORMATION REGARDING THE PUBLIC MEETING REQUIRED BY THIS SUBSECTION.

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

I. IF A CHARTER SCHOOL IS ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241, THE DEPARTMENT OF EDUCATION SHALL IMMEDIATELY NOTIFY THE CHARTER SCHOOL'S SPONSOR. THE CHARTER SCHOOL'S SPONSOR SHALL EITHER TAKE ACTION TO RESTORE THE CHARTER SCHOOL TO ACCEPTABLE PERFORMANCE OR REVOKE THE CHARTER SCHOOL'S CHARTER. WITHIN THIRTY DAYS, THE CHARTER SCHOOL SHALL NOTIFY THE PARENTS OF THE STUDENTS ATTENDING THE SCHOOL OF THE CLASSIFICATION AND OF ANY PENDING PUBLIC MEETINGS TO REVIEW THE ISSUE.

J. THE DEPARTMENT OF EDUCATION SHALL EVALUATE A SCHOOL THAT HAS BEEN ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241 TO DETERMINE WHETHER THE SCHOOL, CHARTER HOLDER OR SCHOOL DISTRICT FAILED TO PROPERLY IMPLEMENT ITS SCHOOL IMPROVEMENT PLAN, ALIGN THE CURRICULA WITH ACADEMIC STANDARDS, PROVIDE TEACHER TRAINING, PRIORITIZE THE BUDGET OR IMPLEMENT OTHER PROVEN STRATEGIES TO IMPROVE ACADEMIC PERFORMANCE. AFTER VISITING THE SCHOOL SITE PURSUANT TO SUBSECTION D OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL SUBMIT TO THE STATE BOARD OF EDUCATION A RECOMMENDATION EITHER TO PROCEED PURSUANT TO SUBSECTIONS E, F AND G OF THIS SECTION OR THAT THE SCHOOL BE SUBJECT TO A PUBLIC HEARING TO DETERMINE WHETHER THE SCHOOL FAILED TO PROPERLY IMPLEMENT ITS IMPROVEMENT PLAN AND THE REASONS FOR THE DEPARTMENT'S RECOMMENDATION. IF THE SCHOOL IS A CHARTER SCHOOL, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE SPONSOR OF THE CHARTER SCHOOL. THE SPONSOR SHALL MAKE A DETERMINATION PURSUANT TO SUBSECTION N OF THIS SECTION.

K. IF THE DEPARTMENT RECOMMENDS A PUBLIC HEARING, THE STATE BOARD OF EDUCATION SHALL MEET AND MAY PROVIDE BY A MAJORITY VOTE AT THE PUBLIC HEARING FOR THE CONTINUED OPERATION OF THE SCHOOL AS ALLOWED BY THIS SUBSECTION. THE STATE BOARD OF EDUCATION SHALL DETERMINE WHETHER GOVERNMENTAL, NONPROFIT AND PRIVATE ORGANIZATIONS MAY SUBMIT APPLICATIONS TO THE STATE BOARD TO FULLY OR PARTIALLY MANAGE THE SCHOOL. THE STATE BOARD'S DETERMINATION SHALL INCLUDE:

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

2. IF AND TO WHAT EXTENT THE STATE BOARD WILL PARTICIPATE IN THE OPERATION OF THE SCHOOL.

3. RESOURCE ALLOCATION PURSUANT TO SUBSECTION M OF THIS SECTION.

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

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

L. THE STATE BOARD OF EDUCATION SHALL PERIODICALLY REVIEW THE STATUS OF A SCHOOL THAT IS OPERATED BY AN ORGANIZATION OTHER THAN THE SCHOOL DISTRICT GOVERNING BOARD TO DETERMINE WHETHER THE OPERATION OF THE SCHOOL SHOULD BE RETURNED TO THE SCHOOL DISTRICT GOVERNING BOARD. BEFORE THE STATE BOARD MAKES A DETERMINATION, THE STATE BOARD OR ITS DESIGNEE SHALL MEET WITH THE SCHOOL DISTRICT GOVERNING BOARD OR ITS DESIGNEE TO DETERMINE THE TIME FRAME, OPERATIONAL CONSIDERATIONS AND APPROPRIATE CONTINUATION OF EXISTING IMPROVEMENTS THAT ARE NECESSARY TO ENSURE A SMOOTH TRANSITION OF AUTHORITY FROM THE OTHER ORGANIZATION BACK TO THE SCHOOL DISTRICT GOVERNING BOARD.

M. IF AN ALTERNATIVE OPERATION PLAN IS PROVIDED PURSUANT TO SUBSECTION L OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL PAY FOR THE OPERATION OF THE SCHOOL AND SHALL ADJUST THE SCHOOL DISTRICT'S DISTRICT ADDITIONAL ASSISTANCE PURSUANT TO SECTION 15-961, BASE SUPPORT LEVEL PURSUANT TO SECTION 15-943, MONIES DISTRIBUTED FROM THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977 AND TRANSPORTATION SUPPORT LEVEL PURSUANT TO SECTION 15-945 TO ACCURATELY REFLECT ANY REDUCTION IN DISTRICT SERVICES THAT ARE NO LONGER PROVIDED TO THAT SCHOOL BY THE DISTRICT. THE STATE BOARD MAY MODIFY THE SCHOOL DISTRICT'S REVENUE CONTROL LIMIT, THE DISTRICT SUPPORT LEVEL AND THE GENERAL BUDGET LIMIT CALCULATED PURSUANT TO SECTION 15-947 BY AN AMOUNT THAT CORRESPONDS TO THIS REDUCTION IN SERVICES. THE STATE BOARD SHALL RETAIN THE PORTION OF STATE AID THAT WOULD OTHERWISE BE DUE THE SCHOOL DISTRICT FOR THE SCHOOL AND SHALL DISTRIBUTE THAT PORTION OF STATE AID DIRECTLY TO THE ORGANIZATION THAT CONTRACTS WITH THE STATE BOARD TO OPERATE THE SCHOOL.

N. IF THE SPONSOR OF A CHARTER SCHOOL DETERMINES THAT A CHARTER HOLDER FAILED TO PROPERLY IMPLEMENT ITS IMPROVEMENT PLAN, THE SPONSOR OF THE CHARTER SCHOOL SHALL REVOKE THE CHARTER SCHOOL'S CHARTER.

O. IF THERE ARE MORE THAN TWO SCHOOLS IN A DISTRICT AND MORE THAN ONE-HALF, OR IN ANY CASE MORE THAN FIVE, OF THE SCHOOLS IN THE DISTRICT ARE ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241 FOR MORE THAN TWO CONSECUTIVE YEARS, IN THE NEXT ELECTION OF GOVERNING BOARD MEMBERS THE ELECTION BALLOT SHALL CONTAIN THE FOLLOWING STATEMENT IMMEDIATELY ABOVE THE LISTING OF GOVERNING BOARD CANDIDATES:

WITHIN THE LAST FIVE YEARS, (NUMBER OF SCHOOLS) SCHOOLS IN THE _____ SCHOOL DISTRICT HAVE BEEN ASSIGNED A LETTER GRADE OF D OR F.

P. AT LEAST TWICE EACH YEAR THE DEPARTMENT OF EDUCATION SHALL PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY OF THIS STATE A LIST OF SCHOOLS THAT ARE ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241.

Q. THE STATE BOARD OF EDUCATION SHALL ADOPT GUIDELINES TO INCLUDE SUPPLEMENTARY TRAINING IN READING INSTRUCTION FOR TEACHERS WHO PROVIDE INSTRUCTION TO PUPILS IN A KINDERGARTEN PROGRAM OR GRADE ONE, TWO OR THREE IN AN IMPROVEMENT PLAN PURSUANT TO SUBSECTION A OF THIS SECTION.

R. IN ADDITION TO ANY OTHER CORRECTIVE PROCEDURES PRESCRIBED IN THIS SECTION AND SECTIONS 15-241 AND 15-241.01, A SCHOOL THAT HAS BEEN ASSIGNED A LETTER GRADE OF D OR F FOR TWO CONSECUTIVE YEARS SHALL IMPLEMENT A SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS INTERVENTION STRATEGY UNDER THE SUPERVISION OF THE STATE BOARD OF EDUCATION.

S. IN ADDITION TO ANY OTHER CORRECTIVE PROCEDURES PRESCRIBED IN THIS SECTION, A SCHOOL DISTRICT THAT HAS BEEN ASSIGNED A LETTER GRADE OF D OR F PURSUANT TO SECTION 15-241 FOR TWO CONSECUTIVE YEARS SHALL IMPLEMENT A PARENT INVOLVEMENT STRATEGY. THE PARENT INVOLVEMENT STRATEGY SHALL BE INCLUDED IN THE SCHOOL IMPROVEMENT PLAN FOR EACH APPLICABLE SCHOOL WITHIN THE DISTRICT, AS PRESCRIBED IN SUBSECTION A OR G OF THIS SECTION, AS APPLICABLE.

T. THE DEPARTMENT OF EDUCATION SHALL PUBLISH CRITERIA FOR A SCHOOL'S OR SCHOOL DISTRICT'S EXIT STATUS FROM A PREVIOUS ASSIGNMENT OF A LETTER GRADE OF F IN ACCORDANCE WITH THIS SECTION. THE CRITERIA SHALL PRESCRIBE THE ACTIONS AND RESULTS NECESSARY TO BE DEEMED TO HAVE COMPLIED WITH THIS SECTION REGARDING SCHOOL IMPROVEMENT, INCLUDING THE PROPER IMPLEMENTATION OF A SCHOOL IMPROVEMENT PLAN PURSUANT TO SUBSECTION J OF THIS SECTION. THESE CRITERIA SHALL BE PROVIDED TO A SCHOOL OR SCHOOL DISTRICT IF IT IS ASSIGNED A LETTER GRADE OF F PURSUANT TO SECTION 15-241.

Sec. 4. Section 15-704, Arizona Revised Statutes, is amended to read:

15-704. Reading proficiency; definitions

A. Each school district or charter school that provides instruction in kindergarten programs and grades one through three shall select and administer screening, ongoing diagnostic and classroom based instructional reading assessments, including a motivational assessment, as defined by the state board of education, to monitor student progress. Each school shall use the diagnostic information to plan appropriate and effective intervention.

B. Each school district or charter school that provides instruction for pupils in kindergarten programs and grades one through three shall conduct a curriculum evaluation and adopt a scientifically based reading curriculum that includes the essential components of reading instruction. All school districts and charter schools that offer instruction in kindergarten programs and grades one through three shall provide ongoing teacher training based on scientifically based reading research.

C. Each school district or charter school that provides instruction in kindergarten programs and grades one through three shall devote reasonable amounts of time to explicit instruction and independent reading in grades one through three.

D. A pupil in grade three who does not meet or exceed the reading standards measured by the Arizona instrument to measure standards test administered pursuant to section 15-741 shall be provided intensive reading instruction as defined by the state board of education until the pupil meets these standards.

E. The governing board of each school district and the governing body of each charter school shall determine the percentage of pupils at each school in grade three who do not meet the reading standards prescribed by the state board of education and measured by the Arizona instrument to measure standards test administered pursuant to section 15-741. If more than twenty ~~per cent~~ PERCENT of students in grade three at either the individual school level or at the school district level do not meet the standards, the governing board or governing body shall conduct a review of its reading program that includes curriculum and professional development in light of current, scientifically based reading research.

F. Based on the review required in subsection E of this section, the governing board or governing body and the school principal of each school that does not meet the reading standards, in conjunction with school council members, if applicable, shall develop methods of best practices for teaching reading based on essential components of reading instruction and supported by scientifically based reading research. These methods shall be adopted at a public meeting and shall be implemented the following academic year.

G. Subsections E and F of this section shall be coordinated with efforts to develop and implement an improvement plan if required pursuant to section ~~15-241~~ 15-241.02.

H. For the purposes of this section:

1. "Essential components of reading instruction" means explicit and systematic instruction in the following:

(a) Phonemic awareness.

(b) Phonics.

(c) Vocabulary development.

(d) Reading fluency.

(e) Reading comprehension.

2. "Reading" means a complex system of deriving meaning from print that requires all of the following:

(a) The skills and knowledge to understand how phonemes or speech sounds are connected to print.

(b) The ability to decode unfamiliar words.

(c) The ability to read fluently.

(d) Sufficient background information and vocabulary to foster reading comprehension.

(e) The development of appropriate active strategies to construct meaning from print.

(f) The development and maintenance of a motivation to read.

3. "Scientifically based reading research" means research that meets all of the following:

(a) Applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to reading development, reading instruction and reading difficulties.

(b) Employs systematic empirical methods that draw on observation or experiment.

(c) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn.

(d) Relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations.

(e) Has been accepted by a peer reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective and scientific review.

(f) Contains all of the elements of the essential components of reading instruction.

Sec. 5. Section 15-901.06, Arizona Revised Statutes, is amended to read:

15-901.06. Dropout recovery programs; written learning plan; requirements; definitions

A. Each school district and charter school that provides instruction to high school pupils may offer a dropout recovery program for eligible pupils.

B. The state board of education shall prescribe standards and achievement testing requirements for dropout recovery programs that attempt to ensure that the programs are compatible with public school education goals and requirements. The standards shall require dropout recovery programs to do all of the following:

1. Provide ~~curriculum~~ CURRICULA aligned to the academic standards adopted by the state board of education. The ~~curriculum~~ CURRICULA may be delivered online. A provider of Arizona online instruction pursuant to section 15-808 may not also operate a dropout recovery program pursuant to this section.

2. Provide standardized tests required by federal and state law.

3. Make available appropriate and sufficient supports for pupils, including tutoring, career counseling and college counseling.

4. Comply with federal and state laws governing pupils with disabilities.

5. Meet state requirements for high school graduation.

C. Each eligible pupil WHO IS enrolled in a dropout recovery program shall have a written learning plan developed by the pupil's assigned mentor. The written learning plan shall include the following elements:

1. The start date and anticipated end date of the plan.

2. Courses to be completed by the pupil during the academic year.

3. Whether courses will be taken sequentially or concurrently.
4. State competency exams to be taken, as necessary.
5. Expectations for satisfactory monthly progress.
6. Expectations for contact with the pupil's assigned mentor.

D. The monthly participation in a dropout recovery program shall be recorded on or before the tenth school day of each month and shall be reported to the department of education at the same time as other data required pursuant to section 15-1042. Monthly participation calculations shall include:

1. Newly enrolled pupils who have a written learning plan on file on or before the first school day of the previous month.
2. Pupils who met the expectations for satisfactory monthly progress in the previous month.
3. Pupils who did not meet the expectations for satisfactory monthly progress in the previous month but did meet the expectations in the month before the previous month.
4. Pupils who met expectations for program reentry in the revised written learning plan in the previous month.

E. Because dropout recovery pupils are not expected to regularly attend classes at the district facilities, standard procedures for recording pupil attendance cannot be effectively applied to those students. For pupils participating in a dropout recovery program, an eligible pupil shall be counted as being in attendance in the school's average daily attendance calculations pursuant to subsection F of this section if the pupil meets one of the following conditions:

1. Is in the first month of enrollment in the program and completes the program orientation during that month.
2. Is enrolled in teacher-facilitated courses and meets the expectations for satisfactory monthly progress for the current or previous month. A pupil who does not meet expectations for monthly progress for two or more consecutive months shall not be reported as being in attendance until the pupil meets the expectations for program reentry.
3. Meets the expectations for program reentry in the revised written learning plan.

F. If a pupil is enrolled in a school district or charter school other than the school district or charter school that participates in the dropout recovery program and also participates in a dropout recovery program in the same fiscal year, the average daily membership as prescribed in section 15-901, subsection A, paragraph 1, subdivisions (a) and (b) for that pupil in the school district or charter school and in a dropout recovery program shall not exceed 1.0, except that if the pupil is enrolled in a dropout recovery program and a joint technical education district, the average daily membership provisions of section 15-393 apply. If the pupil is enrolled in both a school district or charter school and a dropout recovery program in the same fiscal year and the sum of the average daily membership and average

daily attendance for that pupil is greater than 1.0 or the amount prescribed in section 15-393 if the pupil is enrolled in a joint technical education district, the sum shall be reduced to 1.0 or to the amount specified in section 15-393 if the pupil is enrolled in a joint technical education district and shall be apportioned between the school district or charter school and the joint technical education district, if applicable, and the dropout recovery program based on the proportionate shares of average daily membership in the school district or charter school and the average daily attendance in the dropout recovery program. The uniform system of financial records shall include guidelines for the apportionment of pupil enrollment and attendance as provided in this subsection. Pupils in a dropout recovery program do not incur absences for purposes of this subsection and may generate average daily attendance for attendance during any hour of the day, during any day of the week and at any time between July 1 and June 30 of each fiscal year. The average daily attendance of a pupil who participates in a dropout recovery program shall not exceed 1.0 or the amount prescribed in section 15-393 if the pupil is enrolled in a joint technical education district, and shall be calculated by fulfilling the requirements of subsection E of this section. Average daily membership shall not be calculated on the one hundredth day of instruction for the purposes of this section.

G. Notwithstanding section 15-901, subsection A, paragraph 1, the average daily membership for pupils enrolled in a dropout recovery program shall equal the average daily attendance of the pupils.

H. School districts and charter schools shall be responsible for tuition charges and fees related to pupil participation in a dropout recovery program, including course materials and access to technology for use with online courses.

I. School districts and charter schools may contract with an educational management organization to provide a dropout recovery program. If contracting with an educational management organization, the school district or charter school shall ensure that all of the following requirements are met:

1. The educational management organization is accredited by a regional accrediting body.

2. Teachers provided by the educational management organization hold a current teaching license from any state and a valid Arizona fingerprint clearance card pursuant to section 15-534, and teachers of core subjects are highly qualified in the subjects to which they are assigned.

J. Dropout recovery programs shall be classified as alternative schools and shall be subject to the accountability provisions of section 15-241~~, subsection J~~.

K. Entities that are contracted to provide dropout recovery programs may conduct outreach to encourage pupils who are not currently enrolled in a school district or charter school in this state to return to school.

Entities that are contracted to provide dropout recovery programs shall not conduct advertising or marketing campaigns directed at pupils who are currently enrolled in a school district or charter school, or undertake any other activity that encourages pupils who are currently enrolled in a school district or charter school to stop attending school in order to qualify for a dropout recovery program.

L. For the purposes of this section:

1. "Eligible pupil" means a pupil who, if enrolled, would be eligible for placement in an alternative school but who is not currently enrolled in a school district or charter school and who has been withdrawn from a school district or charter school for at least thirty days, unless the district determines that the student is unable to participate in other district programs.

2. "Satisfactory monthly progress" means an amount of progress that is measurable on a monthly basis and that, if continued for twelve months, would result in the same amount of academic credit being awarded to the pupil as would be awarded to a pupil in a traditional education program who completes a full school year. Satisfactory monthly progress may include a lesser required amount of progress for the first two months that a pupil participates in the program.

Sec. 6. Section 15-973.01, Arizona Revised Statutes, is amended to read:

15-973.01. Assistance for education fund

A. The assistance for education fund is established consisting of monies received pursuant to section 43-617.

B. The state board of education shall administer the fund. On notice from the state board, the state treasurer shall invest and divest monies in the fund as provided by section 35-313 and monies earned from investments shall be credited to the fund. Monies in the fund:

1. Are continuously appropriated to the state board of education.

2. Are exempt from the provisions of section 35-190, relating to lapsing of appropriations.

C. The state board of education shall distribute monies in the fund to the department of education to fund solutions teams assigned to schools pursuant to section ~~15-241~~ 15-241.02.

Sec. 7. Letter grades; data; school years 2016-2017 and 2017-2018

A. For the 2016-2017 school year, the department of education may release data for school districts, schools and charter schools based on assessments conducted during the 2015-2016 school year and school districts, schools and charter schools may publish letter grades pursuant to the methodology adopted by the state board of education.

B. For the 2017-2018 school year, the department of education shall publish letter grades based on data collected during the 2016-2017 school year.

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.

Passed the House March 30, 2016,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Acting Speaker of the House Pro Tempore

Chief Clerk of the House

Passed the Senate February 25, 2016,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

President of the Senate

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. 1430

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Susan Reeves
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:21 o'clock P. M.

Secretary to the Governor

Approved this 12th day of

May

at 8:45 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of May, 2016

at 8:21 o'clock A M.

Secretary of State

S.B. 1430