Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 330

HOUSE BILL 2088

AN ACT

AMENDING SECTION 15-101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-117; AMENDING SECTIONS 15-249 AND 15-741, ARIZONA REVISED STATUTES; RELATING TO PUPIL INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-101, Arizona Revised Statutes, is amended to read:

15-101. Definitions

In this title, unless the context otherwise requires:

1. "Accommodation school" means either:

(a) A school that is operated through the county board of supervisors and the county school superintendent and that the county school superintendent administers to serve a military reservation or territory that is not included within the boundaries of a school district.

(b) A school that provides educational services to homeless children or alternative education programs as provided in section 15-308, subsection B.

(c) A school that is established to serve a military reservation, the boundaries of which are coterminous with the boundaries of the military reservation on which the school is located.

2. "Assessed valuation" means the valuation derived by applying the applicable percentage as provided in title 42, chapter 15, article 1 to the full cash value or limited property value, whichever is applicable, of the property.

3. "Charter holder" means a person that enters into a charter with the state board for charter schools. For the purposes of this paragraph, "person" means an individual, partnership, corporation, association or public or private organization of any kind.

4. "Charter school" means a public school established by contract with a district governing board, 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 with enrollment of more than fifteen thousand full-time equivalent students or a group of community college districts with a combined enrollment of more than fifteen thousand full-time equivalent students pursuant to article 8 of this chapter to provide learning that will improve pupil achievement.

5. "Child with a disability" means a child with a disability as defined in section 15-761.

6. "Class A bonds" means general obligation bonds approved by a vote of the qualified electors of a school district at an election held on or before December 31, 1998.

7. "Class B bonds" means general obligation bonds approved by a vote of the qualified electors of a school district at an election held from and after December 31, 1998.

8. "Competency" means a demonstrated ability in a skill at a specified performance level.

9. "Course" means organized subject matter in which instruction is offered within a given period of time and for which credit toward promotion,

graduation or certification is usually given. A course consists of knowledge selected from a subject for instructional purposes in the schools.

10. "Course of study" means a list of required and optional subjects to be taught in the schools.

11. "Dual enrollment course" means a ~~college level~~ COLLEGE-LEVEL course that is conducted on the campus of a high school or on the campus of a joint technical education district, that is applicable to an established community college academic degree or certificate program and that is transferable to a university under the jurisdiction of the Arizona board of regents. A dual enrollment course that is applicable to a community college occupational degree or certificate program may be transferable to a university under the jurisdiction of the Arizona board of regents.

12. "Elementary grades" means kindergarten programs and grades one through eight.

13. "Fiscal year" means the year beginning July 1 and ending June 30.

14. "Governing board" means a body organized for the government and management of the schools within a school district or a county school superintendent in the conduct of an accommodation school.

15. "Lease" means an agreement for conveyance and possession of real or personal property.

16. "Limited property value" means the value determined pursuant to title 42, chapter 13, article 7. Limited property value shall be used as the basis for assessing, fixing, determining and levying primary property taxes.

17. "NONTEST" MEANS NOT RELATING TO KNOWLEDGE OR SKILLS IN READING, WRITING, MATHEMATICS, SOCIAL STUDIES, SCIENCE OR ANY OTHER COURSE.

~~17.~~ 18. "Parent" means the natural or adoptive parent of a child or a person who has custody of a child.

~~18.~~ 19. "Person who has custody" means a parent or legal guardian of a child, a person to whom custody of the child has been given by order of a court or a person who stands in loco parentis to the child.

~~19.~~ 20. "Primary property taxes" means all ad valorem taxes except for secondary property taxes.

~~20.~~ 21. "Private school" means a nonpublic institution where instruction is imparted.

~~21.~~ 22. "School" or "public school" means any public institution established for the purposes of offering instruction to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of elementary grades or secondary grades one through twelve.

~~22.~~ 23. "School district" means a political subdivision of this state with geographic boundaries organized for the purpose of the administration, support and maintenance of the public schools or an accommodation school.

~~23.~~ 24. "Secondary grades" means grades nine through twelve.

~~24.~~ 25. "Secondary property taxes" means ad valorem taxes used to pay the principal of and the interest and redemption charges on any bonded indebtedness or other lawful long-term obligation issued or incurred for a

specific purpose by a school district or a community college district and amounts levied pursuant to an election to exceed a budget, expenditure or tax limitation.

~~25.~~ 26. "Subject" means a division or field of organized knowledge, such as English or mathematics, or a selection from an organized body of knowledge for a course or teaching unit, such as the English novel or elementary algebra.

Sec. 2. Title 15, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 15-117, to read:

15-117. Surveys; pupil information; parental permission and informed consent; exceptions; penalties; definitions

A. NOTWITHSTANDING ANY OTHER LAW, EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL OBTAIN WRITTEN INFORMED CONSENT FROM THE PARENT OF A PUPIL BEFORE ADMINISTERING ANY SURVEY THAT IS RETAINED BY A SCHOOL DISTRICT, A CHARTER SCHOOL OR THE DEPARTMENT OF EDUCATION FOR LONGER THAN ONE YEAR AND THAT SOLICITS PERSONAL INFORMATION ABOUT THE PUPIL REGARDING ANY OF THE FOLLOWING:

1. CRITICAL APPRAISALS OF ANOTHER PERSON WITH WHOM A PUPIL HAS A CLOSE RELATIONSHIP.
2. GUN OR AMMUNITION OWNERSHIP.
3. ILLEGAL, ANTISOCIAL OR SELF-INCRIMINATING BEHAVIOR.
4. INCOME OR OTHER FINANCIAL INFORMATION.
5. LEGALLY RECOGNIZED PRIVILEGED OR ANALOGOUS RELATIONSHIPS, SUCH AS RELATIONSHIPS WITH A LAWYER, PHYSICIAN OR MEMBER OF THE CLERGY.
6. MEDICAL HISTORY OR MEDICAL INFORMATION.
7. MENTAL HEALTH HISTORY OR MENTAL HEALTH INFORMATION.
8. POLITICAL AFFILIATIONS, OPINIONS OR BELIEFS.
9. PUPIL BIOMETRIC INFORMATION.
10. THE QUALITY OF HOME INTERPERSONAL RELATIONSHIPS.
11. RELIGIOUS PRACTICES, AFFILIATIONS OR BELIEFS.
12. SELF-SUFFICIENCY AS IT PERTAINS TO EMERGENCY, DISASTER AND ESSENTIAL SERVICES INTERRUPTION PLANNING.
13. SEXUAL BEHAVIOR OR ATTITUDES.
14. VOTING HISTORY.

B. AT THE BEGINNING OF EVERY SCHOOL YEAR, EVERY SCHOOL DISTRICT AND CHARTER SCHOOL SHALL OBTAIN WRITTEN INFORMED CONSENT FROM THE PARENT OF A PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION FOR THE ENTIRE YEAR. A PARENT OF A PUPIL MAY AT ANY TIME REVOKE CONSENT FOR THE PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION. FOR ANY PUPIL WHO IS AT LEAST EIGHTEEN YEARS OF AGE, THE PERMISSION OR CONSENT THAT WOULD OTHERWISE BE REQUIRED FROM THE PUPIL'S PARENT PURSUANT TO THIS SECTION IS REQUIRED ONLY FROM THE PUPIL. ALL SURVEYS CONDUCTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE APPROVED AND AUTHORIZED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE SCHOOL DISTRICT OR CHARTER SCHOOL IS SUBJECT TO THE PENALTIES PRESCRIBED IN SUBSECTION L OF THIS SECTION. A

TEACHER OR OTHER SCHOOL EMPLOYEE MAY NOT ADMINISTER ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION WITHOUT WRITTEN AUTHORIZATION FROM THE SCHOOL DISTRICT OR CHARTER SCHOOL.

C. THIS SECTION APPLIES TO ALL SURVEYS CONDUCTED PURSUANT TO SUBSECTION A OF THIS SECTION:

1. REGARDLESS OF THE STATED PURPOSE OF THE SURVEY.

2. REGARDLESS OF THE QUANTITY OR PERCENTAGE OF QUESTIONS THAT SOLICIT DATA PURSUANT TO SUBSECTION A OF THIS SECTION.

3. INCLUDING WRITTEN OR DIGITAL SURVEYS.

D. THIS SECTION DOES NOT APPLY TO:

1. MENTAL HEALTH SCREENING PURSUANT TO SECTION 15-104 OR THE IDENTIFICATION OF OR PROGRAMMING FOR CHILDREN WITH DISABILITIES OR GIFTED PUPILS PURSUANT TO CHAPTER 7, ARTICLES 4 AND 4.1 OF THIS TITLE.

2. CLASS INSTRUCTION, DISCUSSION OR ASSIGNMENTS ON SUBJECTS WITHIN THE PURVIEW OF THE COURSE.

3. PRIVATE SCHOOLS.

4. ANY NATIONALLY RECOGNIZED COLLEGE ENTRANCE EXAM THAT A STUDENT CHOOSES TO TAKE REGARDLESS IF THE ADMINISTRATION OF THE EXAM TAKES PLACE ON PUBLIC SCHOOL PROPERTY.

5. ANY SURVEY CONDUCTED THAT CONTAINS QUESTIONS SOLICITING INFORMATION PURSUANT TO SUBSECTION A OF THIS SECTION IF THE SURVEY DOES NOT REQUIRE A STUDENT'S NAME OR ANY OTHER PERSONALLY IDENTIFIABLE INFORMATION.

6. ANY SURVEY CONDUCTED OR IMPLEMENTED BY THE ARIZONA CRIMINAL JUSTICE COMMISSION.

7. ANY METHOD OF SURVEYING A STUDENT THAT IS CONDUCTED BECAUSE A PERSON HAS A REASONABLE BELIEF THAT A MINOR IS OR HAS BEEN A VICTIM OF ABUSE PURSUANT TO SECTION 13-3620.

E. A PENALTY MAY NOT BE IMPOSED ON A PUPIL OR THE PARENT OF A PUPIL WHO DOES NOT PARTICIPATE IN ANY SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF THIS SECTION. PARTICIPATION IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT REQUIRED:

1. TO DEMONSTRATE THAT A PUPIL HAS MET COMPETENCY REQUIREMENTS FOR ANY GRADE LEVEL, COURSE OR SUBJECT.

2. FOR A PUPIL TO QUALIFY FOR PLACEMENT INTO ANY GRADE LEVEL, COURSE OR SUBJECT.

3. FOR A PUPIL TO BE PROMOTED TO THE NEXT GRADE.

4. FOR A PUPIL TO RECEIVE CREDIT FOR ANY COURSE OR AS PART OF A LETTER GRADE FOR ANY COURSE.

5. FOR A PUPIL TO GRADUATE FROM HIGH SCHOOL.

6. FOR A PUPIL TO OBTAIN A HIGH SCHOOL EQUIVALENCY DIPLOMA.

F. A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL PROVIDE AN ALTERNATIVE EDUCATIONAL ACTIVITY FOR ANY PUPIL WHOSE PARENT DOES NOT CONSENT FOR THAT PUPIL TO PARTICIPATE IN A SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF THIS SECTION.

G. ANY PUPIL WHOSE PARENT DOES NOT GIVE WRITTEN INFORMED CONSENT FOR THAT PUPIL TO PARTICIPATE IN ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION AND WHO ATTENDS THE ALTERNATIVE EDUCATIONAL ACTIVITY PURSUANT TO THIS SECTION SHALL BE COUNTED TOWARD DAILY ATTENDANCE AND AVERAGE DAILY MEMBERSHIP FOR THE SCHOOL PURSUANT TO SECTION 15-901 AND MAY NOT BE COUNTED ABSENT FROM SCHOOL.

H. RESPONSES TO ANY SURVEY PURSUANT TO SUBSECTION A OF THIS SECTION MAY NOT BE INCLUDED:

1. AS PART OF A SCHOOL ACADEMIC PERFORMANCE INDICATOR PURSUANT TO SECTION 15-241, OR AS PART OF ANY OTHER SIMILAR SCHOOL RATING SYSTEM.

2. IN THE EDUCATION LEARNING AND ACCOUNTABILITY SYSTEM PURSUANT TO SECTION 15-249, OR IN ANY OTHER SIMILAR SYSTEM.

3. IN THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM PURSUANT TO SECTION 15-756.10 OR 15-1041, OR IN ANY OTHER SIMILAR SYSTEM.

4. IN ANY SCHOOL, ADMINISTRATOR OR TEACHER RATING SYSTEM.

I. A PENALTY MAY NOT BE IMPOSED ON AND A REWARD MAY NOT BE GRANTED TO A TEACHER, ADMINISTRATOR, OTHER SCHOOL EMPLOYEE, SCHOOL DISTRICT, SCHOOL OR CHARTER SCHOOL BASED ON THE PUPIL PARTICIPATION RATE IN ANY SURVEY CONDUCTED PURSUANT TO SUBSECTION A OF THIS SECTION.

J. ON REQUEST, A CHARTER SCHOOL OR SCHOOL DISTRICT SHALL PROVIDE ANY AVAILABLE INFORMATION IN A TIMELY MANNER TO THE PARENT OF A PUPIL REGARDING A SURVEY ADMINISTERED PURSUANT TO SUBSECTION A OF THIS SECTION INCLUDING:

1. THE NAME OF THE SURVEY.

2. THE DATE OR DATES ON WHICH THE SURVEY WILL BE ADMINISTERED.

3. THE METHOD OR METHODS OF ADMINISTERING THE SURVEY.

4. THE AMOUNT OF TIME REQUIRED TO ADMINISTER THE SURVEY.

5. THE TYPE OF INFORMATION COLLECTED BY THE SURVEY.

6. THE REASONS FOR ADMINISTERING THE SURVEY.

K. A PARENT OF A PUPIL THAT HAS A REASONABLE BELIEF THAT A SCHOOL DISTRICT OR CHARTER SCHOOL HAS VIOLATED THIS SECTION MAY FILE A COMPLAINT WITH THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURRED. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURRED MAY INITIATE A SUIT IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL DISTRICT OR CHARTER SCHOOL IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION. AFTER RECEIVING WRITTEN NOTICE OF AN ALLEGED FAILURE TO COMPLY WITH THIS SECTION, A SCHOOL DISTRICT OR CHARTER SCHOOL THAT DETERMINES THAT A VIOLATION HAS OCCURRED IS NOT SUBJECT TO A PENALTY OR CAUSE OF ACTION UNDER THIS SECTION IF THE SCHOOL DISTRICT OR CHARTER SCHOOL CURES THE VIOLATION. FOR THE PURPOSES OF THIS SUBSECTION, "CURE" MEANS TO DESTROY ANY INFORMATION GATHERED IN VIOLATION OF THIS SECTION AND TO PROVIDE WRITTEN INSTRUCTION TO THE INDIVIDUAL CIRCULATING THE SURVEY, TO BE KEPT ON FILE FOR ONE YEAR AFTER RECEIPT OF THE WRITTEN NOTICE OF THE ALLEGED FAILURE TO COMPLY.

L. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS. THE SCHOOL DISTRICT OR CHARTER SCHOOL DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL PENALTIES.

M. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A LEGAL OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER THE PUBLIC SCHOOL WOULD VIOLATE THIS SECTION.

N. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION. ALL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

O. FOR THE PURPOSES OF THIS SECTION:

1. "PARENT" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-101, EXCEPT THAT PARENT DOES NOT MEAN THIS STATE IF THE PUPIL IS A WARD OF THE STATE.

2. "SURVEY" MEANS:

(a) WHEN USED AS A NOUN, AN INSTRUMENT THAT INVESTIGATES THE ATTITUDES, BEHAVIORS, BELIEFS, EXPERIENCES, OPINIONS OR THOUGHTS OF A PUPIL OR GROUP OF PUPILS.

(b) WHEN USED AS A VERB, TO USE AN INSTRUMENT TO INVESTIGATE THE ATTITUDES, BEHAVIORS, BELIEFS, EXPERIENCES, OPINIONS OR THOUGHTS OF A PUPIL OR GROUP OF PUPILS.

Sec. 3. Section 15-249, Arizona Revised Statutes, is amended to read:

15-249. Department of education; education learning and accountability system; reports; reviews

A. Subject to THE appropriation of state monies~~,~~ or THE receipt of federal monies, private donations or grants from any lawful public or private source for this purpose, the department of education, in coordination with the data governance commission established by section 15-249.01, shall develop and implement the education learning and accountability system to collect, compile, maintain and report student level data for students attending public educational institutions that provide instruction to pupils in preschool programs, kindergarten programs, grades one through twelve and postsecondary educational programs in this state.

B. The education learning and accountability system shall:

1. Maintain longitudinal, student level data, including student demographic, grade level, assessment, teacher assignment and other data required to meet state and federal reporting requirements.

2. Incorporate the student accountability information system prescribed in chapter 9, article 8 of this title.

3. Be accessible through commonly used internet web browsers to carry out the data collection, compilation and reporting duties prescribed in this title.

C. STUDENT LEVEL NONTEST DATA IS PROHIBITED FROM INCLUSION IN LONGITUDINAL, STUDENT LEVEL DATA UNLESS APPROVED IN A PUBLIC MEETING OF THE STATE BOARD OF EDUCATION AND LINKED ON THE STATE BOARD'S HOME PAGE PURSUANT TO SECTION 15-741, SUBSECTION A, PARAGRAPH 7.

~~C.~~ D. The department of education may contract with a third party to carry out the purposes of this section.

~~D.~~ E. The department of education, in coordination with the data governance commission, shall develop a detailed plan to develop and implement the education learning and accountability system.

~~E.~~ F. The department of education shall present the plan developed pursuant to subsection ~~D~~ E of this section to the state board of education for review and approval. The department of education shall continue to provide quarterly reports to the state board of education, or on request, for review and approval of the state board of education, on the development and implementation of the education learning and accountability system. All reports provided shall include progress and expenditures to date, timelines and cost estimates for completion.

~~F.~~ G. Any contract awarded pursuant to subsection ~~E~~ D of this section shall allow the superintendent of public instruction to renew the contracts for two subsequent periods of not more than three years each and shall prescribe the circumstances under which the superintendent of public instruction may terminate the contracts. The contracts shall allow this state to cancel any contract at any time after the first year of operation, without penalty to this state, on ninety days' written notice and shall require the contractor to be in compliance at all times with state and federal law.

~~G.~~ H. Any contract awarded pursuant to subsection ~~E~~ D of this section may provide for annual contract price or cost adjustments, except that any adjustments may be made only once each year effective on the anniversary of the contract's effective date. Any adjustment made pursuant to the terms of the contract must be applied to the total payments made to the contractor for the previous contract year and shall not exceed the percentage change in the average consumer price index as published by the United States department of labor, bureau of labor statistics between that figure for the latest calendar year and the next previous calendar year. Any price or cost adjustments that are different than those authorized in this subsection may be made only if the legislature specifically authorizes the adjustments and appropriates monies for that purpose, if required.

~~H.~~ I. The superintendent of public instruction shall not award a contract pursuant to this section unless:

1. The superintendent of public instruction receives an acceptable proposal pursuant to any request for proposals. For the purposes of this paragraph, "acceptable proposal" means a proposal that substantially meets all of the requirements or conditions prescribed in this section and in the request for proposals.

2. The proposal offers a level and quality of services that equal or exceed the services that would be provided by this state.

3. The contractor provides audited financial statements for the previous five years, or for each year that the contractor has been in operation if fewer than five years, and provides other financial information as requested.

~~I.~~ J. The sovereign immunity of this state does not apply to any contractor who is a party to any contract pursuant to this section. The contractor or any agent of the contractor may not plead the defense of sovereign immunity in any action arising out of the performance of the contract.

~~J.~~ K. The terms of any contract pursuant to this section are subject to review by the joint legislative budget committee before placement of any advertisement that solicits a response to a request for proposals. Any proposed modification or amendment to the contract is subject to prior review by the joint legislative budget committee.

~~K.~~ L. During the first year of operation under a contract executed pursuant to this section, the contracting entity shall submit monthly reports to the department of education as prescribed by the department. After the first year of operation under the contract, the contracting entity shall submit quarterly reports to the department as prescribed by the department.

~~L.~~ M. At the end of the second year of a contract executed pursuant to this section, an independent evaluator selected by the superintendent of public instruction shall conduct and complete a performance review to determine if the contracting entity has met the goals specified in the contract. The independent evaluator shall submit a report of the independent evaluator's findings to the governor, the president of the senate and the speaker of the house of representatives on or before May 1, and shall provide a copy of this report to the secretary of state.

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

15-741. Assessment of pupils

A. The state board of education shall:

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

2. Adopt and implement an Arizona instrument to measure standards test to measure pupil achievement of the state board adopted academic standards in reading, writing and mathematics in at least four grades designated by the board. The board shall determine the manner of implementation. The board may administer assessments of the academic standards in social studies and science, except that a pupil shall not be required to meet or exceed the social studies or science standards measured by the Arizona instrument to measure standards test.

3. Ensure that the tests prescribed in this section are uniform throughout the state.

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

5. ENSURE THAT THE TESTS PRESCRIBED IN THIS ARTICLE COLLECT ONLY TYPES OF PUPIL NONTEST DATA THAT ARE APPROVED BY THE STATE BOARD OF EDUCATION AT A PUBLIC MEETING AND PUBLISHED ON THE WEBSITE OF THE STATE BOARD OF EDUCATION PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION.

~~5.~~ 6. Include within its budget all costs pertaining to the tests prescribed in this article. If sufficient monies are appropriated, the state board may provide achievement test services to school districts that request assistance in testing pupils in grades additional to those required by this section.

~~6.~~ 7. Survey teachers, principals and superintendents on achievement related nontest indicators, including information on graduation rates by ethnicity and dropout rates by ethnicity for each grade level. Before the survey, the state board of education shall approve at a public meeting the nontest indicators on which data will be collected AND SHALL POST IN A PROMINENT POSITION ON THE HOME PAGE OF THE STATE BOARD'S WEBSITE A LINK TO THE NONTEST INDICATORS ENTITLED "WHAT NONTEST DATA DOES THE STATE OF ARIZONA COLLECT ABOUT ARIZONA PUPILS?". THE LINKED WEB PAGE SHALL STATE THE TYPES OF DATA COLLECTED, THE REASONS FOR THE COLLECTION OF THE DATA AND THE ENTITIES WITH WHICH THE DATA IS SHARED. In conducting the survey and collecting data, the state board of education shall not violate the provisions of the family educational rights and privacy act (P.L. 93-380), as amended, nor disclose personally identifiable information.

~~7.~~ 8. Establish a fair and consistent method and standard by which test scores from schools in a district may be evaluated taking into consideration demographic data. The board shall establish intervention strategies to assist schools with scores below the acceptable standard. The board shall annually review district and school scores and shall offer assistance to school districts in analyzing data and implementing intervention strategies. The board shall use the adopted test and methods of data evaluation for a period of at least ten years.

~~8.~~ 9. Participate in other assessments that provide national comparisons as needed.

B. The achievement tests adopted by the state board as provided in subsection A of this section shall be given at least annually. Nontest indicator data and other information shall be collected at the same time as the collection of achievement test data.

C. Local school district governing boards shall:

1. Administer the tests prescribed in subsection A of this section.

2. Survey teachers, principals and superintendents on achievement related nontest indicator data as required by the state board, including information related to district graduation and dropout rates. In conducting the survey and collecting data, the governing board shall not violate the

provisions of the family educational rights and privacy act (P.L. 93-380), as amended, nor disclose personally identifiable information.

D. Any additional assessments for high school pupils that are adopted by the state board of education after November 24, 2009 shall be designed to measure college and career readiness of pupils.

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

APPROVED BY THE GOVERNOR MAY 18, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.

Passed the House March 1, 2016

by the following vote: 34 Ayes,

24 Nays, 2 Not Voting

Speaker of the House

☐ Pro Tempore

Chief Clerk of the House

Passed the Senate April 11, 2016

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting

President of the Senate

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

May 4, 2016,

by the following vote: 28 Ayes,

32 Nays, 0 Not Voting

FAILED

Speaker of the House

Jim Drake

Chief Clerk of the House

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

H.B. 2088

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

Passed the House May 5, 2016

by the following vote: 36 Ayes,

23 Nays, 1 Not Voting

Speaker of the House

☑ Pro Tempore

Jim Drake

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

5th day of May, 2016

at 1:21 o'clock P. M.

Secretary to the Governor

Approved this 18th day of

May

at 8:15 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 18th day of May, 2016

at 11:05 o'clock A M.

Secretary of State

ON RECONSIDERATION
H.B. 2088