

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 3
SENATE BILL 1014

AN ACT

AMENDING SECTIONS 15-241, 15-756.01, 15-756.02, 15-756.03 AND 15-756.04, ARIZONA REVISED STATUTES; REPEALING SECTION 15-756.06, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756.07, 15-756.08, 15-756.10, 15-756.12 AND 41-1279.03, ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE LEARNERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School, charter school and school district
5 accountability; annual achievement profiles;
6 classification; letter grade system; profiles;
7 appeals process; failing schools tutoring fund;
8 definition

9 A. On or before November 1 of each year, the department of
10 education shall compile for each public school and local education agency,
11 and shall recommend to the state board of education, an annual achievement
12 profile that consists of an educational dashboard that reflects the
13 achievement for each public school and local education agency on the
14 academic and educational performance indicators prescribed in subsection D
15 of this section. The department shall provide any technical assistance
16 needed by the state board ~~of education~~ to make final adoption of the
17 annual achievement profile.

18 B. Each school, charter holder and school district shall submit to
19 the department ~~OF EDUCATION~~ any data that is required and requested and
20 that is necessary to compile the achievement profile. A school or local
21 education agency that fails to submit the information that is necessary is
22 not eligible to receive monies from the classroom site fund established by
23 section 15-977.

24 C. The annual achievement profile compiled by the department ~~OF~~
25 ~~EDUCATION~~ and recommended to the ~~STATE~~ board ~~OF EDUCATION~~ shall be used to
26 determine a standard measurement of acceptable academic progress for each
27 school and local education agency and a school and local education agency
28 classification pursuant to subsection G of this section. Any disclosure
29 of educational records compiled by the department ~~of education~~ pursuant to
30 this section shall comply with the family educational rights and privacy
31 act of 1974 (20 United States Code section 1232g).

32 D. The annual achievement profile for schools and local education
33 agencies shall include, at a minimum, the following academic and
34 educational performance indicators:

35 1. Multiple measures of academic performance or other academically
36 relevant indicators of school quality that are appropriate to assess the
37 educational impact of a school during the academic year as determined by
38 the state board of education.

39 2. Academic progress on assessments adopted pursuant to sections
40 15-741 and 15-741.02 in English language arts and mathematics.

41 3. Academic progress on the English language learner assessments
42 administered pursuant to section 15-756, subsection B and ~~sections~~ ~~SECTION~~
43 15-756.05 ~~and 15-756.06~~.

1 4. Progress toward college and career readiness for all schools and
2 local education agencies that offer instruction in any of grades nine
3 through twelve.

4 5. Academic progress on assessments administered pursuant to
5 section 15-741.02.

6 6. Multiple measures of educational performance or other relevant
7 indicators of school quality that assess a school's educational impact,
8 such as graduation rates and attendance rates.

9 E. If neither the school nor the school district meets the minimum
10 student count as recommended by the department OF EDUCATION and approved
11 by the state board of education for any of the performance indicators
12 prescribed in subsection D of this section, ~~then~~ the performance indicator
13 shall not be factored into the letter grade assigned pursuant to this
14 section.

15 F. Subject to final adoption by the state board of education, the
16 department OF EDUCATION shall determine the criteria for each school and
17 local education agency classification on each performance indicator of the
18 annual achievement profile prescribed in subsection D of this section
19 using a researched-based methodology and shall recommend to the state
20 board ~~of education~~ for final adoption the criteria for each school and
21 local education agency classification. The department ~~of education~~ shall
22 develop the methodology ~~developed~~ in collaboration with a coalition of
23 qualified technical and policy stakeholders appointed by the STATE board.
24 The department shall provide technical assistance and ~~upon~~, ON request,
25 student or statewide performance indicator data needed to determine and
26 calculate the methodology and final letter grades. At a minimum, the
27 methodology shall include the performance of pupils at all achievement
28 levels, account for pupil mobility, account for the distribution of pupil
29 achievement at each school and local education agency and include
30 longitudinal indicators of academic performance. For the purposes of this
31 subsection, "researched-based methodology" means the systematic and
32 objective application of statistical and quantitative research principles
33 to calculate the indicators used to determine A through F letter grades.

34 G. The annual achievement profile shall use classifications based
35 on an A through F letter grade system adopted by the state board of
36 education in which a letter grade of A reflects an excellent level of
37 performance and a letter grade of F reflects a failing level of
38 performance. The A through F letter grade system shall be applied to each
39 performance indicator of the annual achievement profile prescribed in
40 subsection D of this section, and THE STATE BOARD shall assign an overall
41 letter grade for the public school or local education agency. The A
42 through F letter grade system shall indicate expected standards of
43 performance for all schools on each performance indicator of the annual
44 achievement profile prescribed in subsection D of this section and the
45 manner in which schools may rise above or fall below those expected

1 standards of performance. The state board ~~of education~~ may also assign a
2 school a letter grade of F on each performance indicator of the annual
3 achievement profile prescribed in subsection D of this section if the
4 state board determines that the school is among the persistently
5 lowest-achieving schools in the state on the majority of the performance
6 indicators of the annual achievement profile under the federal school
7 accountability requirements pursuant to section 1003(g) of the elementary
8 and secondary education act (20 United States Code section 6303).

9 H. The classification on each performance indicator of the annual
10 achievement profile for each school and the criteria used to determine
11 classification pursuant to subsections F and G of this section shall be
12 included on the school report card prescribed in section 15-746.

13 I. Subject to final adoption by the state board of education, the
14 department of education shall use achievement profiles appropriately to
15 assess the educational impact of accommodation schools, alternative
16 schools and extremely small schools, may develop profiles for schools that
17 participate in the board examination system prescribed in chapter 7,
18 article 6 of this title and schools that participate in Arizona online
19 instruction pursuant to section 15-808 and may develop other exceptions as
20 prescribed by the state board ~~of education~~ for the purposes of this
21 section.

22 J. The department of education shall establish a process, including
23 a deadline for when requests must be submitted, for a school or local
24 education agency to correct student data used to determine the school's or
25 local education agency's annual achievement profile. If a correction to
26 student data is required, the department shall notify the school or local
27 education agency of the data correction process and shall annually process
28 student data correction requests. The state board of education shall
29 establish an appeals process to allow a school or local education agency
30 to appeal the school's or local education agency's final letter grade, or
31 a letter grade applied to a performance indicator prescribed in subsection
32 D of this section, based on mitigating factors, including achievement
33 profile designations based on incorrect data, identified by the
34 department.

35 K. The failing schools tutoring fund is established consisting of
36 monies collected pursuant to section 42-5029, subsection E and section
37 42-5029.02, subsection A, paragraph 8 as designated for this purpose. The
38 department of education shall administer the fund. The department ~~of~~
39 ~~education~~ may use monies from the fund to purchase materials designed to
40 assist students to meet the Arizona academic standards and to achieve a
41 passing score on assessments adopted by the state board of education.

42 L. For the purposes of this section, "academic progress" means
43 measures of both proficiency and academic gain.

1 Sec. 2. Section 15-756.01, Arizona Revised Statutes, is amended to
2 read:

3 15-756.01. State board of education; research-based models of
4 structured English immersion; alternative
5 English instruction models; English language
6 learners; budget requests; definitions

7 A. The state board of education shall ~~either use research based~~
8 **ADOPT AND APPROVE RESEARCH-BASED** models of structured English immersion
9 ~~programs that were previously developed and adopted by the English~~
10 ~~language learners task force or develop and adopt new research based~~
11 ~~models of structured English immersion programs~~ for ~~use by~~ school
12 districts and charter schools **TO USE**. The department of education shall
13 provide adequate staff support for the state board ~~of education~~ to comply
14 with this article. The models shall take into consideration at least the
15 size of the school, the location of the school, the grade levels at the
16 school, the number of English language learners and the percentage of
17 English language learners. ~~The models shall be limited to programs for~~
18 ~~English language learners to participate in a structured English immersion~~
19 ~~program not normally intended to exceed one year.~~ The state board of
20 ~~education~~ shall ~~identify the minimum amount of English language~~
21 ~~development per day for all models.~~ ~~The state board of education shall~~
22 ~~develop separate models for the first year in which a pupil is classified~~
23 ~~as an English language learner that include a minimum of four hours per~~
24 ~~day of English language development.~~ **ADOPT AND APPROVE MODELS THAT INCLUDE**
25 **A MINIMUM AMOUNT OF ENGLISH LANGUAGE DEVELOPMENT AS FOLLOWS:**

26 1. **ONE HUNDRED TWENTY MINUTES PER DAY, SIX HUNDRED MINUTES PER WEEK**
27 **OR THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR FOR PUPILS IN KINDERGARTEN**
28 **PROGRAMS AND GRADES ONE THROUGH FIVE.**

29 2. **ONE HUNDRED MINUTES PER DAY, FIVE HUNDRED MINUTES PER WEEK OR**
30 **THREE HUNDRED HOURS PER SCHOOL YEAR FOR PUPILS IN GRADES SIX THROUGH**
31 **TWELVE.**

32 B. **THE STATE BOARD OF EDUCATION SHALL ADOPT ALTERNATIVE ENGLISH**
33 **INSTRUCTION MODELS PURSUANT TO SECTION 15-753 THAT ARE BASED ON EVIDENCE**
34 **AND RESEARCH.**

35 C. **PURSUANT TO SECTION 15-756.02, SCHOOL DISTRICTS AND CHARTER**
36 **SCHOOLS MAY SUBMIT MODELS OF STRUCTURED ENGLISH IMMERSION AND ALTERNATIVE**
37 **ENGLISH INSTRUCTION TO THE STATE BOARD OF EDUCATION FOR APPROVAL.**

38 ~~B.~~ D. The ~~research based~~ **RESEARCH-BASED** models of structured
39 English immersion adopted **AND APPROVED** by the state board of education
40 shall be the most cost-efficient models that meet all state and federal
41 laws.

42 ~~C.~~ E. The ~~research based~~ **RESEARCH-BASED** models of structured
43 English immersion **AND THE ALTERNATIVE ENGLISH INSTRUCTION MODELS** shall be
44 limited to a regular school year and school day. Instruction outside the
45 regular school year or school day shall be provided with compensatory

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

3 ~~D.~~ F. The ~~research-based~~ STATE BOARD OF EDUCATION SHALL SUBMIT THE
4 RESEARCH-BASED models of structured English immersion ~~shall be submitted~~
5 ~~by the state board of education~~ AND THE ALTERNATIVE ENGLISH INSTRUCTION
6 MODELS to the president of the senate, the speaker of the house of
7 representatives, ~~AND the governor and the state board of education~~. At
8 least thirty days before adoption OR APPROVAL, the state board of
9 ~~education~~ shall submit the ~~research-based~~ RESEARCH-BASED models of
10 structured English immersion AND THE ALTERNATIVE ENGLISH INSTRUCTION
11 MODELS to the joint legislative budget committee for review.

12 ~~E.~~ G. The state board of education shall review ~~research-based~~ THE
13 RESEARCH-BASED models of structured English immersion AND THE ALTERNATIVE
14 ENGLISH INSTRUCTION MODELS annually and delete from, add to or modify the
15 existing models. When adopting, APPROVING or modifying English language
16 learner programs, the state board of ~~education~~ shall review and consider
17 the information and data obtained as a result of the department of
18 education's monitoring of English language learner programs pursuant to
19 section 15-756.08.

20 ~~F.~~ H. The state board of education shall establish procedures for
21 school districts and charter schools to determine the incremental costs
22 ~~for implementation of~~ TO IMPLEMENT the ~~research-based~~ RESEARCH-BASED
23 models of structured English immersion ~~developed by~~ AND THE ALTERNATIVE
24 ENGLISH INSTRUCTION MODELS THAT the state board of ~~education~~ ADOPTS OR
25 APPROVES.

26 I. THE STATE BOARD OF EDUCATION SHALL ESTABLISH A FRAMEWORK TO
27 EVALUATE THE MODELS PRESCRIBED IN THIS SECTION THAT ARE SUBMITTED FOR
28 APPROVAL. THE STATE BOARD SHALL SOLICIT INPUT FROM EXPERIENCED EDUCATORS.
29 THE FRAMEWORK SHALL ENSURE THAT THE ADOPTED OR APPROVED MODELS MEET ALL OF
30 THE FOLLOWING CRITERIA:

31 1. PROVIDE COHERENT INSTRUCTION ALIGNED WITH THIS STATE'S ENGLISH
32 LANGUAGE PROFICIENCY STANDARDS.

33 2. INCLUDE ORAL AND WRITTEN LANGUAGE INSTRUCTION, INCLUDING
34 STRUCTURED OPPORTUNITIES TO DEVELOP VERBAL AND WRITTEN SKILLS AND
35 COMPREHENSION STRATEGIES.

36 3. INCLUDE ACCESS TO COMPLEX LANGUAGE CONTENT THROUGH GRADE-LEVEL
37 TEXTBOOKS WITH APPROPRIATE SUPPORTS.

38 4. INCLUDE PARENTAL ENGAGEMENT STRATEGIES.

39 ~~G.~~ J. The state board of education shall establish a form for
40 school districts and charter schools to determine the structured English
41 immersion AND ALTERNATIVE ENGLISH INSTRUCTION budget request amount.
42 Notwithstanding any other law, the maximum amount of the budget request
43 shall be the incremental costs of the model selected offset by ~~the~~
44 ~~following monies:~~

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

3 ~~2. The portion of title I and title IIA monies determined by the~~
4 ~~English language learner population as a percentage of the qualified~~
5 ~~population.~~

6 ~~3. The portion of impact aid monies determined by the English~~
7 ~~language learner population as a percentage of the qualified population.~~
8 ~~A school district or charter school shall only apply unexpended impact aid~~
9 ~~monies to English language learner programs after it has applied its~~
10 ~~impact aid monies for other allowable uses as permitted by state law.~~

11 ~~4. the portion of desegregation monies levied pursuant to section~~
12 ~~15-910 determined by the English language learner population as a~~
13 ~~percentage of the qualified population.~~

14 ~~5.~~ AND the ELL support level weight prescribed in section 15-943.

15 ~~H.~~ K. The difference calculated pursuant to subsection ~~G~~ J of
16 this section shall be the maximum amount of the structured English
17 immersion AND ALTERNATIVE ENGLISH INSTRUCTION budget request pursuant to
18 section 15-756.03 for monies from the Arizona structured English immersion
19 LANGUAGE LEARNER fund established by section 15-756.04. ~~School districts~~
20 ~~and charter schools shall not include the incremental costs of any pupil~~
21 ~~who is classified as an English language learner after July 1, 2007 and~~
22 ~~who has been classified as an English language learner for more than two~~
23 ~~years in the calculation of the school district's or charter school's~~
24 ~~structured English immersion budget request.~~

25 ~~I.~~ L. In consultation with the auditor general, the department of
26 education shall develop and adopt forms to be used by school districts and
27 charter schools to submit budget requests for the Arizona structured
28 English immersion LANGUAGE LEARNER fund, including the form prescribed in
29 subsection ~~G~~ J of this section.

30 M. THIS SECTION DOES NOT PROHIBIT A PUPIL WHO IS DESIGNATED AS AN
31 ENGLISH LANGUAGE LEARNER FROM BEING CONCURRENTLY ENROLLED IN A STRUCTURED
32 ENGLISH IMMERSION MODEL AND AN ALTERNATIVE ENGLISH INSTRUCTION MODEL.

33 ~~J.~~ N. For the purposes of this section:

34 1. "Compensatory instruction" has the same meaning prescribed in
35 section 15-756.11.

36 2. "Incremental costs" means costs that are associated with a
37 structured English immersion program pursuant to section 15-752 or ~~a~~ AN
38 ALTERNATIVE ENGLISH INSTRUCTION program pursuant to section 15-753 and
39 that are in addition to the normal costs of conducting programs for
40 English proficient students. Incremental costs do not include costs that
41 replace the same types of services provided to English proficient students
42 or compensatory instruction.

1 Sec. 3. Section 15-756.02, Arizona Revised Statutes, is amended to
2 read:

3 15-756.02. School districts and charter schools; English
4 language learner models; adoption, approval and
5 implementation

6 A. Each school district governing board and each ~~governing body~~
7 ~~of a~~ charter school GOVERNING BODY shall select AND IMPLEMENT ON A
8 SCHOOL-BY-SCHOOL BASIS one or more ~~of the state board of education~~
9 ~~approved~~ models for structured English immersion ~~for implementation on a~~
10 ~~school by school basis~~ AND ALTERNATIVE ENGLISH INSTRUCTION THAT THE STATE
11 BOARD OF EDUCATION ADOPTS OR APPROVES PURSUANT TO SECTION 15-756.01.

12 B. If a school district or charter school wants to ~~adopt~~ IMPLEMENT
13 an English language learner program that is not based on a model adopted
14 OR APPROVED by the state board of education, the school district or
15 charter school shall first submit the proposed program along with
16 supporting documentation regarding the expected outcomes of the program on
17 the district's or charter school's English language learner students to
18 the state board ~~of education~~ for approval.

19 C. On receipt of a proposed program from a school district or
20 charter school, the state board of education may do one of the following:

- 21 1. Approve the proposed program.
- 22 2. Provide limited approval subject to specific stipulations
23 prescribed by the state board.
- 24 3. Reject the proposed program and identify a model ~~approved by~~
25 THAT the state board ~~of education~~ APPROVES for the school district or
26 charter school to adopt.

27 ~~D. School districts and charter schools shall include a copy of the~~
28 ~~adopted English language learner program in the annual report required in~~
29 ~~section 15-756.10.~~

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

32 15-756.03. English language learner budget requests:
33 requirements

34 A. If a school district or charter school qualifies to submit a
35 budget request based on the form prescribed in section 15-756.01,
36 subsection ~~G~~ J, the school district or charter school shall submit
37 ~~a structured~~ AN English ~~immersion~~ LANGUAGE LEARNER budget request on a
38 ~~school by school~~ SCHOOL-BY-SCHOOL basis. The budget request shall be for
39 a specific amount of supplemental monies from the Arizona ~~structured~~
40 English ~~immersion~~ LANGUAGE LEARNER fund established by section 15-756.04.

41 B. Each school district or charter school ~~structured~~ English
42 ~~immersion~~ LANGUAGE LEARNER budget request shall include the signature of
43 the superintendent of the school district and the chief financial officer
44 of the school district or the principal of the charter school and the
45 chief financial officer of the charter school. ~~that~~ THE SIGNATURE

1 certifies that the information in the budget request is true to the best
2 of that person's knowledge and has been calculated in accordance with the
3 form prescribed in section 15-756.01, subsection ~~Ⓐ~~ J and that monies from
4 the Arizona ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established
5 by section 15-756.04 will not be used to supplant any federal, state or
6 local monies, including desegregation monies levied pursuant to section
7 15-910, used for English language learners that were budgeted for English
8 language learners as of February 23, 2006.

9 C. Each school district and charter school that submits
10 ~~a structured~~ AN English ~~immersion~~ LANGUAGE LEARNER budget request shall
11 submit the budget request to the department of education annually on or
12 before September 15. The department ~~of education~~ shall verify the budget
13 request of each school district and charter school for accuracy and
14 compliance with the form prescribed in section 15-756.01, subsection ~~Ⓐ~~ J.
15 The department shall collect all school district and charter school budget
16 requests and submit them to the legislature for funding from the Arizona
17 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established by section
18 15-756.04 at the same time as the department's budget request.

19 Sec. 5. Section 15-756.04, Arizona Revised Statutes, is amended to
20 read:

21 15-756.04. Arizona English language learner fund; local-level
22 funds

23 A. The Arizona ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund
24 is established. The department of education shall administer the fund.

25 B. The department OF EDUCATION shall submit an annual request for
26 an appropriation for the purposes of this section.

27 C. In addition to the ELL support level weight prescribed in
28 section 15-943, the department OF EDUCATION shall distribute monies from
29 the fund to school districts and charter schools in an amount specified in
30 the budget request prescribed in section 15-756.03, subsection C. ~~Monies~~
31 ~~from the fund established by this section and monies for the ELL support~~
32 ~~level weight prescribed in section 15-943 shall not be distributed for~~
33 ~~more than two fiscal years for the same pupil.~~ This subsection does not
34 prohibit a school district or charter school from receiving monies from
35 the statewide compensatory instruction fund established by section
36 15-756.11 for more than two fiscal years for the same pupil.

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

40 E. Each school district and charter school shall establish a ~~total~~
41 ~~level structured~~ LOCAL-LEVEL English ~~immersion~~ LANGUAGE LEARNER fund to
42 receive monies distributed from the Arizona ~~structured~~ English ~~immersion~~
43 LANGUAGE LEARNER fund. Monies in ~~total level structured~~ LOCAL-LEVEL
44 English ~~immersion~~ LANGUAGE LEARNER funds shall be spent only to provide
45 instruction to English language learners. The auditor general shall

1 modify the budget format, financial record requirements, accounting forms
2 and financial report forms in accordance with this subsection. In
3 consultation with the department of education, the auditor general shall
4 provide support and guidance to assist school districts and charter
5 schools in complying with this subsection. Documents developed pursuant
6 to this subsection shall be reviewed by the state board of education and
7 the joint legislative budget committee.

8 F. EACH school ~~districts~~ DISTRICT and charter ~~schools~~ SCHOOL shall
9 use monies from ~~the~~ ITS LOCAL-LEVEL ENGLISH LANGUAGE LEARNER fund to
10 supplement existing programs for English language learners. Monies from
11 the fund shall not be used to supplant available monies used to pay for
12 the normal costs of conducting programs for English proficient students.

13 Sec. 6. Repeal

14 Section 15-756.06, Arizona Revised Statutes, is repealed.

15 Sec. 7. Section 15-756.07, Arizona Revised Statutes, is amended to
16 read:

17 15-756.07. Office of English language acquisition services;
18 duties; annual report

19 The office of English language acquisition services is established
20 in the department of education. The department of education, office of
21 English language acquisition services, shall:

22 1. Develop guidelines for monitoring school districts and charter
23 schools to ensure compliance with all federal and state laws regarding
24 English language learners.

25 2. In consultation with county school superintendents, develop
26 regional programs to enhance all aspects of training for teachers and
27 administrators.

28 3. Publish English language learner policy guidelines for school
29 districts and charter schools that include a list of relevant rules,
30 regulations and statutes relating to English language learner programs to
31 notify school districts and charter schools of their responsibilities.

32 4. Provide technical assistance to school districts and charter
33 schools to implement structured English immersion programs.

34 5. ON OR BEFORE DECEMBER 1 OF EACH YEAR, PROVIDE AN ANNUAL REPORT
35 ON ENGLISH LANGUAGE LEARNER PROGRAMS TO THE STATE BOARD OF EDUCATION, THE
36 AUDITOR GENERAL, THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER
37 OF THE HOUSE OF REPRESENTATIVES AND PRESENT A SUMMARY OF THE REPORT AT A
38 PUBLIC MEETING OF THE STATE BOARD. THE OFFICE SHALL PROVIDE A COPY OF THE
39 ANNUAL REPORT TO THE SECRETARY OF STATE. THE REPORT SHALL INCLUDE THE
40 INFORMATION SUBMITTED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS PURSUANT TO
41 SECTION 15-756.10 AND THE FOLLOWING:

42 (a) DETAILED DESCRIPTIONS OF THE ADOPTED AND APPROVED MODELS OF
43 ENGLISH LANGUAGE LEARNER INSTRUCTION, THE NUMBER OF PUBLIC SCHOOLS
44 IMPLEMENTING EACH MODEL AND THE NUMBER OF STUDENTS ENROLLED IN EACH MODEL.

1 (b) THE LENGTH OF TIME STUDENTS ARE CLASSIFIED AS ENGLISH LANGUAGE
2 LEARNERS.

3 (c) THE ACADEMIC PERFORMANCE ON THE STATEWIDE ASSESSMENT PURSUANT
4 TO SECTION 15-741 FOR THE TWO YEARS AFTER ENGLISH LANGUAGE LEARNERS
5 ACHIEVE ENGLISH PROFICIENCY.

6 (d) A SUMMARY OF INFORMATION RELATING TO THE DEMONSTRATED SUCCESS
7 OF PUBLIC SCHOOLS AT ACHIEVING ENGLISH PROFICIENCY FOR ENGLISH LANGUAGE
8 LEARNERS.

9 Sec. 8. Section 15-756.08, Arizona Revised Statutes, is amended to
10 read:

11 15-756.08. Monitoring; report; corrective action plan

12 A. The superintendent of public instruction shall direct the office
13 of English language acquisition services in the department of education
14 to:

15 1. Monitor each year at least twelve school districts or charter
16 schools from the fifty school districts or charter schools in this state
17 with the highest number of English language learners. The department ~~of~~
18 ~~education~~ shall monitor all fifty school districts or charter schools with
19 the highest number of English language learners in this state at least
20 once every four years.

21 2. Monitor each year at least ten school districts or charter
22 schools that are not included in the fifty school districts or charter
23 schools described in paragraph 1 OF THIS SUBSECTION.

24 3. Monitor each year at least ten school districts or charter
25 schools that are not required to provide instruction for English language
26 learners for a majority of their grade levels.

27 4. Choose, based on the department's review of reports submitted by
28 school districts and charter schools, the school districts and charter
29 schools described in paragraphs 1, 2 and 3 OF THIS SUBSECTION.

30 ~~5. Select a random sample of three hundred English language~~
31 ~~learners each month to determine:~~

32 ~~(a) How many of the sample can read the randomly ordered alphabet~~
33 ~~in thirty seconds or less.~~

34 ~~(b) How many of the sample can read a randomly sorted list of~~
35 ~~thirty single-syllable words in one minute or less.~~

36 B. The monitoring required by this section shall be on-site
37 monitoring and shall include classroom observations, curriculum reviews,
38 faculty interviews, student records, a review of English language learner
39 programs and an analysis of programmatic effectiveness, at a minimum, to
40 include prior year data that analyze the progress of English language
41 learners.

42 C. Based on the results of the monitoring, the department OF
43 EDUCATION shall determine whether ~~or not~~ the school district or charter
44 school is complying with state and federal laws applicable to English
45 language learners.

1 D. The department OF EDUCATION shall issue a report of the results
2 of the monitoring within forty-five days after completing the monitoring.

3 E. Within sixty days following the issuance of the ~~department's~~
4 DEPARTMENT OF EDUCATION'S report, the school district or charter school
5 receiving the report shall prepare and submit to the department a
6 corrective action plan, in a manner prescribed by the state board of
7 education, that sets forth steps that will be taken to correct the
8 deficiencies, if any, noted in the department's report.

9 F. Within thirty days after receiving a school district's or
10 charter school's corrective action plan, the department OF EDUCATION shall
11 review the corrective action plan and may require changes to the
12 corrective action plan.

13 G. After the department OF EDUCATION has reviewed a school
14 district's or charter school's corrective action plan and made any changes
15 the department deems necessary, the department shall return the corrective
16 action plan to the school district or charter school.

17 H. Within thirty days after receiving a corrective action plan back
18 from the department OF EDUCATION, the school district or charter school
19 shall begin implementing the measures set forth in the corrective action
20 plan.

21 I. The department OF EDUCATION shall conduct a follow-up evaluation
22 of the school district or charter school within one year after the
23 department returned the corrective action plan to the school district or
24 charter school.

25 J. In conducting the follow-up evaluation, if the department OF
26 EDUCATION finds that the school district or charter school is not in
27 compliance with state and federal laws applicable to English language
28 learners, the department shall refer the school district or charter school
29 to the state board of education for a finding of noncompliance. A school
30 district or charter school THAT IS found by the STATE board to be
31 noncompliant shall not continue to receive any monies from the Arizona
32 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund established by section
33 15-756.04 for English language learners and shall not reduce the amount of
34 monies spent on the school district's or charter school's English language
35 learner programs despite the loss of monies caused by the noncompliance.

36 K. The department OF EDUCATION shall monitor each school district
37 or charter school that the state board of education has found to be
38 noncompliant and that is not receiving Arizona ~~structured~~ English
39 ~~immersion~~ LANGUAGE LEARNER fund monies pursuant to subsection J of this
40 section to ensure that the school district or charter school does not
41 reduce the amount of monies spent on the school district's or charter
42 school's English language learner programs despite the loss of Arizona
43 ~~structured~~ English ~~immersion~~ LANGUAGE LEARNER fund monies caused by the
44 noncompliance.

1 Sec. 9. Section 15-756.10, Arizona Revised Statutes, is amended to
2 read:

3 15-756.10. Reporting requirements

4 The office of English language acquisition services in the
5 department of education shall:

6 1. Require each school district and charter school to annually
7 submit a report to the department ~~of education~~ that includes the following
8 information identified by grade level and by school:

9 (a) The total number of pupils who are classified as English
10 language learners as verified by the student accountability information
11 system established by section 15-1041.

12 (b) The number of pupils who are classified as English language
13 learners for the first time as verified by the student accountability
14 information system established by section 15-1041.

15 (c) The number of English language learners who achieved English
16 proficiency in the past academic year and who have been reclassified as
17 English proficient as verified by the student accountability information
18 system established by section 15-1041.

19 (d) The number of pupils who are enrolled in each type of language
20 acquisition program offered by the school district or charter school as
21 verified by the student accountability information system established by
22 section 15-1041.

23 (e) If requested by the department ~~of education~~, the test data used
24 to determine English proficiency.

25 2. Determine the mobility of English language learners within the
26 same school district and the mobility of English language learners to
27 other school districts and charter schools through the student
28 accountability information system established by section 15-1041.

29 ~~3. Submit an annual report to the joint legislative budget
30 committee that includes an itemized list of all federal monies received by
31 the department for English language learners, a list of how much of these
32 monies were distributed to school districts on a district by district
33 basis and the purposes for which these federal monies are designated. The
34 department shall submit a copy of this report to the secretary of state
35 and the director of the Arizona state library, archives and public
36 records.~~

37 ~~4.~~ 3. Submit an annual report to the governor, the president of
38 the senate, the speaker of the house of representatives and the state
39 board of education that includes a detailed analysis of whether and to
40 what extent pupils are benefiting academically from compensatory
41 instruction as defined in section 15-756.11 and a comparison of the
42 academic achievement of pupils before and after receiving compensatory
43 instruction as defined in section 15-756.11. The department shall submit
44 a copy of this report to the secretary of state ~~and the director of the
45 Arizona state library, archives and public records.~~

1 ~~5. Present a detailed annual summary of all English language~~
2 ~~learner programs and funding at a public meeting of the state board of~~
3 ~~education.~~

4 ~~6. Present a summary of information relating to the demonstrated~~
5 ~~success of schools and school districts at achieving English proficiency~~
6 ~~for English language learners.~~

7 4. ANALYZE THE EFFECTIVENESS OF ALL MODELS ADOPTED OR APPROVED BY
8 THE STATE BOARD OF EDUCATION AND IDENTIFY THE MOST EFFECTIVE MODELS.

9 Sec. 10. Section 15-756.12, Arizona Revised Statutes, is amended to
10 read:

11 15-756.12. Auditor general; annual financial report;
12 modification

13 The auditor general shall:

14 ~~1.~~ modify the annual financial report prescribed in section 15-904
15 in order to carry out this article.

16 ~~2. Biennially audit the overall effectiveness of the English~~
17 ~~language learner program based on performance based outcome measurements~~
18 ~~and increased English proficiency and review the mobility of English~~
19 ~~proficient students and English language learners.~~

20 ~~3. Conduct financial audits on school districts monitored pursuant~~
21 ~~to section 15-756.08. The financial audits shall include a review of the~~
22 ~~structured English immersion budget requests submitted pursuant to~~
23 ~~sections 15-756.01 and 15-756.03 and of the statewide compensatory~~
24 ~~instruction budget requests submitted pursuant to section 15-756.11. The~~
25 ~~auditor general may conduct financial audits on randomly selected school~~
26 ~~districts that are not currently monitored pursuant to section 15-756.08.~~

27 Sec. 11. Section 41-1279.03, Arizona Revised Statutes, is amended
28 to read:

29 41-1279.03. Powers and duties

30 A. The auditor general shall:

31 1. Prepare an audit plan for approval by the committee and report
32 to the committee the results of each audit and investigation and other
33 reviews conducted by the auditor general.

34 2. Conduct or cause to be conducted at least biennial financial and
35 compliance audits of financial transactions and accounts kept by or for
36 all state agencies subject to the single audit act of 1984 (P.L. 98-502).
37 The audits shall be conducted in accordance with generally accepted
38 governmental auditing standards and accordingly shall include tests of the
39 accounting records and other auditing procedures as may be considered
40 necessary in the circumstances. The audits shall include the issuance of
41 suitable reports as required by the single audit act of 1984 (P.L. 98-502)
42 so that the legislature, the federal government and others will be
43 informed as to the adequacy of financial statements of the state in
44 compliance with generally accepted governmental accounting principles and
45 to determine whether ~~the~~ THIS state has complied with laws and regulations

1 that may have a material effect on the financial statements and on major
2 federal assistance programs.

3 3. Perform procedural reviews for all state agencies at times
4 determined by the auditor general. These reviews may include evaluation
5 of administrative and accounting internal controls and reports on these
6 reviews.

7 4. Perform special research requests, special audits and related
8 assignments as designated by the committee and conduct performance audits,
9 special audits, special research requests and investigations of any state
10 agency, whether created by the constitution or otherwise, as may be
11 requested by the committee.

12 5. Annually on or before the fourth Monday of December, prepare a
13 written report to the governor and to the committee that contains a
14 summary of activities for the previous fiscal year.

15 6. In the tenth year and in each fifth year thereafter in which a
16 transportation excise tax is in effect in a county as provided in section
17 42-6106 or 42-6107, conduct a performance audit that:

18 (a) Reviews past expenditures and future planned expenditures of
19 the transportation excise revenues and determines the impact of the
20 expenditures in solving transportation problems within the county and, for
21 a transportation excise tax in effect in a county as provided in section
22 42-6107, determines whether the expenditures of the transportation excise
23 revenues comply with section 28-6392, subsection B.

24 (b) Reviews projects completed to date and projects to be completed
25 during the remaining years in which a transportation excise tax is in
26 effect. Within six months after each review period, the auditor general
27 shall present a report to the speaker of the house of representatives and
28 the president of the senate detailing findings and making recommendations.

29 (c) Reviews, determines, reports and makes recommendations to the
30 speaker of the house of representatives and the president of the senate
31 whether the distribution of highway user revenues complies with title 28,
32 chapter 18, article 2.

33 7. If requested by the committee, conduct performance audits of
34 counties and incorporated cities and towns receiving highway user revenue
35 fund monies pursuant to title 28, chapter 18, article 2 to determine ~~if~~
36 ~~WHETHER~~ the monies are being spent as provided in section 28-6533,
37 subsection B.

38 8. Perform special audits designated pursuant to law if the auditor
39 general determines that there are adequate monies appropriated for the
40 auditor general to complete the audit. If the auditor general determines
41 the appropriated monies are inadequate, the auditor general shall notify
42 the committee.

43 9. Establish a schoolwide audit team in the office of the auditor
44 general to conduct performance audits and monitor school districts to
45 determine the percentage of every dollar spent in the classroom by the

1 school district. Each school district shall prominently post on its
2 website home page a copy of its profile pages that displays the percentage
3 of every dollar spent in the classroom by that school district from the
4 most recent status report issued by the auditor general pursuant to this
5 paragraph. The performance audits shall determine whether school
6 districts that receive monies from the Arizona ~~structured~~ English
7 ~~immersion~~ LANGUAGE LEARNER fund established by section 15-756.04 and the
8 statewide compensatory instruction fund established by section 15-756.11
9 ~~are in compliance~~ COMPLY with title 15, chapter 7, article 3.1. The
10 auditor general shall determine, through random selection, the school
11 districts to be audited each year, subject to review by the joint
12 legislative audit committee. A school district that is subject to an
13 audit pursuant to this paragraph shall notify the auditor general in
14 writing ~~as to~~ whether the school district agrees or disagrees with the
15 findings and recommendations of the audit and whether the school district
16 will implement the findings and recommendations, implement modifications
17 to the findings and recommendations or refuse to implement the findings
18 and recommendations. The school district shall submit to the auditor
19 general a written status report on the implementation of the audit
20 findings and recommendations every six months for two years after an audit
21 conducted pursuant to this paragraph. The auditor general shall review
22 the school district's progress toward implementing the findings and
23 recommendations of the audit every six months after receipt of the
24 district's status report for two years. The auditor general may review a
25 school district's progress beyond this two-year period for recommendations
26 that have not yet been implemented by the school district. The auditor
27 general shall provide a status report of these reviews to the joint
28 legislative audit committee. The school district shall participate in any
29 hearing scheduled during this review period by the joint legislative audit
30 committee or by any other legislative committee designated by the joint
31 legislative audit committee.

32 10. Annually review per diem compensation and reimbursement of
33 expenses for employees of ~~the~~ THIS state and members of a state board,
34 commission, council or advisory committee by judgmentally selecting
35 samples and evaluating the propriety of per diem compensation and expense
36 reimbursements.

37 B. The auditor general may:

38 1. Subject to approval by the committee, adopt rules necessary to
39 administer the duties of the office.

40 2. Hire consultants to conduct the studies required by subsection
41 A, paragraphs 6 and 7 of this section.

42 C. If approved by the committee, the auditor general may charge a
43 reasonable fee for the cost of performing audits or providing accounting
44 services for auditing federal funds, special audits or special services
45 requested by political subdivisions of ~~the~~ THIS state. Monies collected

1 pursuant to this subsection shall be deposited in the audit services
2 revolving fund.

3 D. The department of transportation, the board of supervisors of a
4 county that has approved a county transportation excise tax as provided in
5 section 42-6106 or 42-6107 and the governing bodies of counties, cities
6 and towns receiving highway user revenue fund monies shall cooperate with
7 and provide necessary information to the auditor general or the auditor
8 general's consultant.

9 E. The department of transportation shall reimburse the auditor
10 general as follows, and the auditor general shall deposit the reimbursed
11 monies in the audit services revolving fund:

12 1. For the cost of conducting the studies or hiring a consultant to
13 conduct the studies required by subsection A, paragraph 6, subdivisions
14 (a) and (b) of this section, from monies collected pursuant to a county
15 transportation excise tax levied pursuant to section 42-6106 or 42-6107.

16 2. For the cost of conducting the studies or hiring a consultant
17 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
18 this section, from the Arizona highway user revenue fund.

APPROVED BY THE GOVERNOR FEBRUARY 14, 2019.

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