

REFERENCE TITLE: **accountability; alternative schools**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2028

Introduced by
Representative Udall

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-799; RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-241, 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, except that a career technical education district may not
16 be assigned a letter grade pursuant to this section. The department shall
17 provide any technical assistance needed by the state board to make final
18 adoption of the annual achievement profile.

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

25 C. The annual achievement profile compiled by the department of
26 education and recommended to the state board of education shall be used to
27 determine a standard measurement of acceptable academic progress for each
28 school and local education agency and a school and local education agency
29 classification pursuant to subsection G of this section. Any disclosure
30 of educational records compiled by the department pursuant to this section
31 shall comply with the family educational rights and privacy act of 1974
32 (20 United States Code section 1232g).

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

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

40 2. Academic progress on assessments adopted pursuant to sections
41 15-741 and 15-741.02 in English language arts and mathematics.

42 3. Academic progress on the English language learner assessments
43 administered pursuant to section 15-756, subsection B and section
44 15-756.05.

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, 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~~ RESEARCH-BASED methodology and shall recommend to
20 the state board for final adoption the criteria for each school and local
21 education agency classification. The department shall develop the
22 methodology in collaboration with a coalition of qualified technical and
23 policy stakeholders appointed by the state board. The department shall
24 provide technical assistance and, on request, student or statewide
25 performance indicator data needed to determine and calculate the
26 methodology and final letter grades. At a minimum, the methodology shall
27 include the performance of pupils at all achievement levels, account for
28 pupil mobility, account for the distribution of pupil achievement at each
29 school and local education agency and include longitudinal indicators of
30 academic performance. For the purposes of this subsection,
31 "~~researched-based~~ RESEARCH-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 may also assign a school a
2 letter grade of F on each performance indicator of the annual achievement
3 profile prescribed in subsection D of this section if the state board
4 determines that the school is among the persistently lowest-achieving
5 schools in the state on the majority of the performance indicators of the
6 annual achievement profile under the federal school accountability
7 requirements pursuant to section 1003(g) of the elementary and secondary
8 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 for the purposes of this section, EXCEPT
21 THAT THE STATE BOARD MAY NOT PRESCRIBE AND THE DEPARTMENT MAY NOT DEVELOP
22 EXCEPTIONS FOR SCHOOLS THAT PARTICIPATE IN ARIZONA ONLINE INSTRUCTION
23 PURSUANT TO SECTION 15-808 FOR THE PURPOSES OF THIS SECTION. IF AN
24 ALTERNATIVE SCHOOL SERVES BOTH AT-RISK STUDENTS AND STUDENTS WHO ARE NOT
25 AT RISK, THE ALTERNATIVE SCHOOL SHALL BE ASSIGNED BOTH:

26 1. A LETTER GRADE THAT FACTORS IN THE PERFORMANCE OF THE AT-RISK
27 STUDENTS.

28 2. A LETTER GRADE THAT FACTORS IN THE PERFORMANCE OF THE STUDENTS
29 WHO ARE NOT AT RISK.

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

43 K. The failing schools tutoring fund is established consisting of
44 monies collected pursuant to section 42-5029, subsection E and section
45 42-5029.02, subsection A, paragraph 8 as designated for this purpose. The

1 department of education shall administer the fund. The department may use
2 monies from the fund to purchase materials designed to assist students to
3 meet the Arizona academic standards and to achieve a passing score on
4 assessments adopted by the state board of education.

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

7 Sec. 2. Title 15, chapter 7, article 7, Arizona Revised Statutes,
8 is amended by adding section 15-799, to read:

9 15-799. Alternative schools; approval; letter grade method

10 NOTWITHSTANDING ANY OTHER LAW, TO OPERATE AN ALTERNATIVE SCHOOL, A
11 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL APPLY TO THE STATE BOARD OF
12 EDUCATION FOR APPROVAL ON A FORM PRESCRIBED BY THE STATE BOARD. IF THE
13 STATE BOARD APPROVES THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S REQUEST TO
14 OPERATE AN ALTERNATIVE SCHOOL, THE STATE BOARD SHALL NOTIFY THE SCHOOL
15 DISTRICT OR CHARTER SCHOOL OF THE METHOD BY WHICH THE ALTERNATIVE SCHOOL'S
16 LETTER GRADE WILL BE CALCULATED UNDER SECTION 15-241.