

REFERENCE TITLE: school choice; failing schools; notice

State of Arizona
House of Representatives
Fifty-sixth Legislature
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2023

HB 2539

Introduced by
Representatives Pingerelli: Bliss, Chaplik, Gillette, Gress, Heap,
Hendrix, Marshall, McGarr, Parker B, Parker J, Peña, Senators Carroll,
Hoffman, Wadsack

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-216; AMENDING SECTION 15-241.02, ARIZONA REVISED
STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED
STATUTES, BY ADDING SECTION 15-241.03; AMENDING SECTION 15-816.01, ARIZONA
REVISED STATUTES; APPROPRIATING MONIES; 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. Title 15, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-216, to read:

4 15-216. Arizona school choice division; duties; public
5 awareness; notification; hotline

6 A. THE ARIZONA SCHOOL CHOICE DIVISION IS ESTABLISHED IN THE STATE
7 BOARD OF EDUCATION. THE DIVISION SHALL:

8 1. DEVELOP, IMPLEMENT AND MAINTAIN A PUBLIC AWARENESS PROGRAM THAT
9 IS DESIGNED TO:

10 (a) INFORM THE PUBLIC ABOUT A STUDENT'S ABILITY TO CHOOSE ANY
11 PUBLIC SCHOOL IN THIS STATE.

12 (b) DIRECT THE PUBLIC TO INFORMATIONAL RESOURCES THAT EXPLAIN THE
13 SCHOOL CHOICE OPTIONS IN THIS STATE, INCLUDING THE HANDBOOK PRESCRIBED IN
14 PARAGRAPH 3 OF THIS SUBSECTION.

15 (c) INSTRUCT THE PUBLIC HOW TO REQUEST ENROLLMENT FOR STUDENTS.

16 2. DEVELOP AND PRODUCE SINGLE-PAGE INFORMATIONAL PAMPHLETS THAT:

17 (a) ARE DESIGNED TO EDUCATE PARENTS ON THE SCHOOL CHOICE OPTIONS
18 AVAILABLE TO STUDENTS IN KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH
19 TWELVE IN THIS STATE.

20 (b) ARE AVAILABLE IN BOTH PHYSICAL AND DIGITAL FORMATS. THE
21 DIGITAL INFORMATIONAL PAMPHLET MUST CONTAIN HYPERLINKS TO WEBSITES THAT
22 PROVIDE FURTHER INFORMATION.

23 3. DEVELOP AND ANNUALLY UPDATE A HANDBOOK OF SCHOOL CHOICE OPTIONS
24 THAT ARE AVAILABLE TO STUDENTS IN KINDERGARTEN PROGRAMS AND GRADES ONE
25 THROUGH TWELVE IN THIS STATE, INCLUDING:

26 (a) SCHOOL OPEN ENROLLMENT OPTIONS DESCRIBED IN SECTION 15-816.01.

27 (b) CHARTER SCHOOLS ESTABLISHED PURSUANT TO CHAPTER 1, ARTICLE 8 OF
28 THIS TITLE.

29 (c) ARIZONA ONLINE INSTRUCTION ESTABLISHED PURSUANT TO SECTION
30 15-808.

31 (d) ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS ESTABLISHED PURSUANT
32 TO CHAPTER 19 OF THIS TITLE.

33 (e) HOMESCHOOL PURSUANT TO SECTION 15-802.

34 (f) EDUCATIONAL SCHOLARSHIPS OR TUITION GRANTS PURSUANT TO TITLE
35 43, CHAPTERS 15 AND 16.

36 (g) NONSTATUTORY OPTIONS, INCLUDING MICRO SCHOOLS AND DISTRICT
37 MAGNET SCHOOLS.

38 (h) OTHER OPTIONS IDENTIFIED BY THE ARIZONA SCHOOL CHOICE DIVISION.

39 4. DEVELOP THE FAILING SCHOOL NOTIFICATION FORM AND SCHOOL CHOICE
40 NOTIFICATION LETTER PRESCRIBED IN SECTION 15-241.03.

41 5. NOTIFY THE DEPARTMENT OF EDUCATION IF A CHARTER SCHOOL OR A
42 SCHOOL DISTRICT THAT OPERATES A SCHOOL THAT WAS ASSIGNED A LETTER GRADE OF
43 D OR F:

44 (a) SUBMITS EVIDENCE OF COMPLIANCE WITHIN SIXTY DAYS AFTER THE
45 SCHOOL IS ASSIGNED A LETTER GRADE OF D OR F.

1 (b) FAILS TO SUBMIT EVIDENCE OF COMPLIANCE WITHIN SIXTY DAYS AFTER
2 THE SCHOOL IS ASSIGNED A LETTER GRADE OF D OR F.

3 (c) SUBMITS EVIDENCE OF COMPLIANCE MORE THAN SIXTY DAYS AFTER THE
4 SCHOOL IS ASSIGNED A LETTER GRADE OF D OR F.

5 6. OPERATE AND MAINTAIN A CENTRALIZED HOTLINE TO RESPOND TO
6 QUESTIONS RELATED TO SCHOOL CHOICE IN THIS STATE. THE ARIZONA SCHOOL
7 CHOICE DIVISION MUST:

8 (a) USE MULTIPLE FORMS OF COMMUNICATION FOR THE HOTLINE.

9 (b) MAKE TRANSLATION SERVICES AVAILABLE FOR HOTLINE COMMUNICATIONS.

10 (c) BE AVAILABLE TO THE PUBLIC IN THE EVENINGS MONDAY THROUGH
11 FRIDAY, EXCLUDING HOLIDAYS.

12 7. COLLABORATE WITH PUBLIC AND PRIVATE PARTNERS TO ACHIEVE THE
13 OBJECTIVES PRESCRIBED IN THIS SECTION.

14 8. COLLABORATE WITH THE DEPARTMENT OF EDUCATION TO PROVIDE PARENTS
15 AND THE PUBLIC WITH INFORMATIONAL RESOURCES DEVELOPED BY THE ARIZONA
16 SCHOOL CHOICE DIVISION.

17 B. THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION
18 SHALL EACH POST IN A CONSPICUOUS PLACE ON THEIR RESPECTIVE WEBSITES THE
19 PAMPHLET AND HANDBOOK DESCRIBED IN SUBSECTION A OF THIS SECTION.

20 C. IF A PERSON MOVES TO THIS STATE FROM ANOTHER STATE OR COUNTRY
21 AND INITIALLY REGISTERS A MOTOR VEHICLE IN THIS STATE PURSUANT TO TITLE
22 28, CHAPTER 7, THE DEPARTMENT OF TRANSPORTATION SHALL ELECTRONICALLY OR
23 DIGITALLY DELIVER TO THE PERSON THE INFORMATIONAL PAMPHLET DESCRIBED IN
24 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION.

25 Sec. 2. Section 15-241.02, Arizona Revised Statutes, is amended to
26 read:

27 15-241.02. School improvement plans; solutions teams;
28 withholding of state monies

29 A. If a school WITHIN A SCHOOL DISTRICT is assigned a letter grade
30 of D pursuant to section 15-241, within ninety days after receiving notice
31 of the classification, the school district governing board shall develop
32 an improvement plan for the school, submit a copy of the plan to the
33 superintendent of public instruction and the county educational service
34 agency and supervise the implementation of the plan. The governing board
35 shall include in the plan necessary components as identified by the state
36 board of education. Within thirty days after submitting the improvement
37 plan to the superintendent of public instruction and the county
38 educational service agency, the governing board shall hold a public
39 meeting in each school that has been assigned a letter grade of D and
40 shall present the respective improvement plans that have been developed
41 for each school. The governing board, within ~~thirty~~ SIXTY days after
42 receiving notice of the classification, shall provide ~~written~~ notification
43 of the classification ~~to each residence within the attendance area of the~~
44 ~~school. The notice shall explain the improvement plan process and provide~~

1 ~~information regarding the public meeting required by this subsection~~ AS
 2 PROVIDED IN SECTION 15-241.03.

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

12 C. If a charter school is assigned a letter grade of D pursuant to
 13 section 15-241, within ~~thirty~~ SIXTY days the school shall ~~notify the~~
 14 ~~parents of the students attending the school~~ PROVIDE NOTIFICATION of the
 15 classification AS PROVIDED IN SECTION 15-241.03. ~~The notice shall explain~~
 16 ~~the improvement plan process and provide information regarding the public~~
 17 ~~meeting required by this subsection.~~ Within ninety days after receiving
 18 the classification, the charter holder shall present an improvement plan
 19 to the charter sponsor at a public meeting and submit a copy of the plan
 20 to the sponsor of the charter school. The charter holder shall include in
 21 the improvement plan necessary components as identified by the state board
 22 of education. The school is not eligible to receive monies from the
 23 classroom site fund established by section 15-977 for every day that an
 24 improvement plan has not been received by the sponsor of the charter
 25 school within the time specified in this subsection plus an additional
 26 ninety days. The charter holder shall appear before the sponsoring board
 27 and explain why the improvement plan has not been submitted.

28 D. If a school is assigned a letter grade of D pursuant to section
 29 15-241 for a third consecutive year, the department of education shall
 30 visit the school site to confirm the classification data and to review the
 31 implementation of the school's improvement plan. The school shall be
 32 assigned a letter grade of F unless an alternate letter grade is assigned
 33 after an appeal pursuant to section 15-241, subsection J. A school that
 34 is assigned a letter grade of D for fewer than three consecutive years may
 35 also be assigned a letter grade of F if the state board of education
 36 determines that there is no reasonable likelihood that the school will
 37 achieve an average level of performance within the next two years.

38 E. The superintendent of public instruction and the county
 39 educational service agency shall collaborate to assign a solutions team to
 40 a school assigned a letter grade of D pursuant to section 15-241 or a
 41 school assigned a letter grade of F pursuant to section 15-241 based on
 42 academic need and available resources. County educational service
 43 agencies may enter into agreements to provide services to schools from
 44 other counties. Any other school, subject to available resources, may be
 45 assigned a solutions team pursuant to a mutual agreement between the

1 department of education or the county education service agency, or both,
2 and the school. The solutions team shall be composed of master teachers,
3 fiscal analysts and curriculum assessment experts who are certified by the
4 state board of education as Arizona academic standards technicians. The
5 department of education or the county educational service agency may hire
6 or contract with administrators, principals and teachers who have
7 demonstrated experience in improving academic outcomes and may use these
8 personnel as part of the solutions team. The department of education shall
9 work with staff at the school to assist in curricula alignment and shall
10 instruct teachers on how to increase pupil academic progress, considering
11 the school's annual achievement profile. The solutions team shall
12 consider the existing improvement plan to assess the need for changes to
13 curricula, professional development and resource allocation and shall
14 present a statement of its findings to the school administrator and
15 district superintendent. Within forty-five days after the presentation of
16 the solutions team's statement of findings, the school district governing
17 board, in cooperation with each school within the school district that is
18 assigned a letter grade of D and its assigned solutions team
19 representative, shall develop and submit to the department of education
20 and the county educational service agency an action plan that details the
21 manner in which the school district will assist the school as the school
22 incorporates the findings of the solutions team into the improvement plan.
23 The department of education shall review the action plan and shall either
24 accept the action plan or return the action plan to the school district
25 for modification. If the school district does not submit an approved
26 action plan within forty-five days, the state board of education may
27 direct the superintendent of public instruction to withhold up to ten
28 percent of state monies that the school district would otherwise be
29 entitled to receive each month until the plan is submitted to the
30 department of education and the county educational service agency, at
31 which time those monies shall be returned to the school district.

32 F. The parent or guardian of a pupil may apply to the department of
33 education, in a manner determined by the department of education, for a
34 certificate of supplemental instruction from the failing schools tutoring
35 fund established by section 15-241. Pupils attending a school assigned a
36 letter grade of D or F may select an alternative tutoring program in
37 academic standards from a provider that is certified by the state board of
38 education. To qualify, the provider must state in writing a level of
39 academic improvement for the pupil that includes a timeline for
40 improvement that is agreed to by the parent or guardian of the pupil. The
41 state board of education shall annually review academic performance levels
42 for certified providers and may remove a provider at a public hearing from
43 an approved list of providers if that provider fails to meet its stated
44 level of academic improvement. The state board of education shall
45 determine the application guidelines and the maximum value for each

1 certificate of supplemental instruction. The state board of education
 2 shall annually complete a market survey in order to determine the maximum
 3 value for each certificate of supplemental instruction. This subsection
 4 does not require this state to provide additional monies beyond the monies
 5 provided pursuant to section 42-5029, subsection E, paragraph 7 or section
 6 42-5029.02, subsection A, paragraph 7.

7 G. Within sixty days after receiving notification ~~of THAT~~ a school
 8 ~~WITHIN A SCHOOL DISTRICT being WAS~~ assigned a letter grade of F pursuant
 9 to section 15-241, the school district governing board shall evaluate
 10 needed changes to the existing school improvement plan, consider
 11 recommendations from the solutions team, submit a copy of the plan to the
 12 superintendent of public instruction and the county educational service
 13 agency and supervise the implementation of the plan. Within thirty days
 14 after submitting the improvement plan to the superintendent of public
 15 instruction and the county educational service agency, the governing board
 16 shall hold a public meeting in each school that has been assigned a letter
 17 grade of F and shall present the respective improvement plans that have
 18 been developed for each school. The governing board, within ~~thirty SIXTY~~
 19 days after receiving notice of the classification, shall provide ~~written~~
 20 notification of the classification ~~to each residence in the attendance~~
 21 ~~area of the school AS PROVIDED IN SECTION 15-241.03. The notice shall~~
 22 ~~explain the improvement plan process and provide information regarding the~~
 23 ~~public meeting required by this subsection.~~

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

33 I. If a charter school is assigned a letter grade of F pursuant to
 34 section 15-241, the department of education shall immediately notify the
 35 charter school's sponsor. The charter school's sponsor shall either take
 36 action to restore the charter school to acceptable performance or revoke
 37 the charter school's charter. Within ~~thirty SIXTY~~ days, the charter
 38 school shall ~~notify the parents of the students attending the school~~
 39 ~~PROVIDE NOTIFICATION~~ of the classification ~~and of any pending public~~
 40 ~~meetings to review the issue AS PROVIDED IN SECTION 15-241.03.~~

41 J. The department of education shall evaluate a school that has
 42 been assigned a letter grade of F pursuant to section 15-241 to determine
 43 whether the school, charter holder or school district failed to properly
 44 implement its school improvement plan, align the curricula with academic
 45 standards, provide teacher training, prioritize the budget or implement

1 other proven strategies to improve academic performance. After visiting
2 the school site pursuant to subsection D of this section, the department
3 of education shall submit to the state board of education a recommendation
4 either to proceed pursuant to subsections E, F and G of this section or
5 that the school be subject to a public hearing to determine whether the
6 school failed to properly implement its improvement plan and the reasons
7 for the department's recommendation. If the school is a charter school,
8 the department shall submit a report to the sponsor of the charter school.
9 The sponsor shall make a determination pursuant to subsection N of this
10 section.

11 K. If the department OF EDUCATION recommends a public hearing, the
12 state board of education shall meet and may provide by a majority vote at
13 the public hearing for the continued operation of the school as allowed by
14 this subsection. The state board of education shall determine whether
15 governmental, nonprofit and private organizations may submit applications
16 to the state board to fully or partially manage the school. The state
17 board's determination shall include:

18 1. Whether and to what extent the local governing board may
19 participate in the operation of the school, including personnel matters.

20 2. Whether and to what extent the state board will participate in
21 the operation of the school.

22 3. Resource allocation pursuant to subsection M of this section.

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

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

27 L. The state board of education shall periodically review the
28 status of a school that is operated by an organization other than the
29 school district governing board to determine whether the operation of the
30 school should be returned to the school district governing board. Before
31 the state board makes a determination, the state board or its designee
32 shall meet with the school district governing board or its designee to
33 determine the time frame, operational considerations and appropriate
34 continuation of existing improvements that are necessary to ensure a
35 smooth transition of authority from the other organization back to the
36 school district governing board.

37 M. If an alternative operation plan is provided pursuant to
38 subsection K of this section, the state board of education shall pay for
39 the operation of the school and shall adjust the school district's
40 district additional assistance pursuant to section 15-961, base support
41 level pursuant to section 15-943, monies distributed from the classroom
42 site fund established by section 15-977 and transportation support level
43 pursuant to section 15-945 to accurately reflect any reduction in district
44 services that are no longer provided to that school by the district. The
45 state board may modify the school district's revenue control limit, the

1 district support level and the general budget limit calculated pursuant to
 2 section 15-947 by an amount that corresponds to this reduction in
 3 services. The state board shall retain the portion of state aid that
 4 would otherwise be due the school district for the school and shall
 5 distribute that portion of state aid directly to the organization that
 6 contracts with the state board to operate the school.

7 N. If the sponsor of a charter school determines that a charter
 8 holder failed to properly implement its improvement plan, the sponsor of
 9 the charter school shall revoke the charter school's charter.

10 O. If there are more than two schools in a district and more than
 11 one-half, or in any case more than five, of the schools in the district
 12 are assigned a letter grade of F pursuant to section 15-241 for more than
 13 two consecutive years, in the next election of governing board members the
 14 election ballot shall contain the following statement immediately above
 15 the listing of governing board candidates:

16 Within the last five years, (number of schools) schools
 17 in the _____ school district have been assigned a letter
 18 grade of D or F.

19 P. ~~At least twice each year~~ The department of education shall
 20 ~~publish~~ POST in a ~~newspaper of general circulation in each county of this~~
 21 ~~state~~ CONSPICUOUS LOCATION ON ITS WEBSITE AND ON ALL OFFICIAL
 22 COMMUNICATION CHANNELS, INCLUDING ANY SOCIAL MEDIA PLATFORM FOR WHICH THE
 23 DEPARTMENT HAS AN ACCOUNT, a list of schools that are assigned a letter
 24 grade of F pursuant to section 15-241.

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

29 R. In addition to any other corrective procedures prescribed in
 30 this section and sections 15-241 and 15-241.01, a school that has been
 31 assigned a letter grade of D or F for two consecutive years shall
 32 implement a science, technology, engineering and mathematics intervention
 33 strategy under the supervision of the state board of education.

34 S. In addition to any other corrective procedures prescribed in
 35 this section, a school district that has been assigned a letter grade of D
 36 or F pursuant to section 15-241 for two consecutive years shall implement
 37 a parent involvement strategy. The parent involvement strategy shall be
 38 included in the school improvement plan for each applicable school within
 39 the district, as prescribed in subsection A or G of this section, as
 40 applicable.

41 T. The department of education shall publish criteria for a
 42 school's or school district's exit status from a previous assignment of a
 43 letter grade of F in accordance with this section. The criteria shall
 44 prescribe the actions and results necessary to be deemed to have complied
 45 with this section regarding school improvement, including the proper

1 implementation of a school improvement plan pursuant to subsection J of
2 this section. These criteria shall be provided to a school or school
3 district if it is assigned a letter grade of F pursuant to section 15-241.

4 Sec. 3. Title 15, chapter 2, article 2, Arizona Revised Statutes,
5 is amended by adding section 15-241.03, to read:

6 15-241.03. School, charter school and school district
7 accountability; failing school notification
8 form; school choice notification letter;
9 withholding of state monies

10 A. WITHIN SIXTY DAYS AFTER RECEIVING NOTIFICATION THAT A CHARTER
11 SCHOOL OR A SCHOOL WITHIN A SCHOOL DISTRICT HAS BEEN ASSIGNED A LETTER
12 GRADE OF D OR F PURSUANT TO SECTION 15-241, THE CHARTER SCHOOL GOVERNING
13 BODY OR SCHOOL DISTRICT GOVERNING BOARD SHALL:

14 1. COMPLETE THE FAILING SCHOOL NOTIFICATION FORM PRESCRIBED IN
15 SUBSECTION C OF THIS SECTION AND SEND IT TO THE PARENT OF EACH STUDENT WHO
16 IS ENROLLED IN THE SCHOOL THAT WAS ASSIGNED A LETTER GRADE OF D OR F.

17 2. SEND THE SCHOOL CHOICE NOTIFICATION LETTER PRESCRIBED IN
18 SUBSECTION D OF THIS SECTION TO THE PARENT OF EACH STUDENT WHO IS ENROLLED
19 IN THE SCHOOL THAT WAS ASSIGNED A LETTER GRADE OF D OR F.

20 3. SUBMIT TO THE STATE BOARD OF EDUCATION EVIDENCE OF THE CHARTER
21 SCHOOL'S OR SCHOOL DISTRICT'S COMPLIANCE WITH THE NOTIFICATION
22 REQUIREMENTS ESTABLISHED IN THIS SECTION, INCLUDING SENT RECEIPTS AND AN
23 ATTESTATION THAT THE NOTIFICATIONS WERE PROPERLY SENT.

24 B. THE NOTIFICATIONS DESCRIBED IN SUBSECTION A OF THIS SECTION MAY
25 BE DELIVERED ELECTRONICALLY IF THE SCHOOL DISTRICT OR CHARTER SCHOOL
26 ELECTRONICALLY COMMUNICATES WITH THE PARENTS OF STUDENTS IN THE ORDINARY
27 COURSE OF BUSINESS. ANY ELECTRONIC COMMUNICATIONS SENT PURSUANT TO THIS
28 SUBSECTION MUST CONTAIN HYPERLINKS TO WEBSITES THAT PROVIDE FURTHER
29 INFORMATION.

30 C. THE STATE BOARD OF EDUCATION SHALL DEVELOP A FAILING SCHOOL
31 NOTIFICATION FORM CONTAINING ALL OF THE FOLLOWING IN BOTH ENGLISH AND
32 SPANISH:

33 1. A NOTICE AND EXPLANATION OF THE LETTER GRADE THAT WAS ASSIGNED
34 TO THE SCHOOL.

35 2. AN EXPLANATION OF THE DATA AND SCORES THAT COMPRISE THE LETTER
36 GRADE.

37 3. THE AVERAGE ACADEMIC PROFICIENCY SCORE AND AVERAGE ACADEMIC
38 GROWTH SCORE THAT WERE USED TO CALCULATE THE LETTER GRADE.

39 4. A SUMMARY OF THE SCHOOL IMPROVEMENT PLAN DEVELOPED PURSUANT TO
40 SECTION 15-241.02.

41 5. THE TIME AND PLACE OF ANY PUBLIC MEETING IN WHICH THE SCHOOL'S
42 LETTER GRADE OR IMPROVEMENT PLAN WILL BE DISCUSSED, INCLUDING THE PUBLIC
43 MEETING IN WHICH THE SCHOOL IMPROVEMENT PLAN WILL BE PRESENTED PURSUANT TO
44 SECTION 15-241.02.

1 D. THE STATE BOARD OF EDUCATION SHALL DEVELOP A SCHOOL CHOICE
2 NOTIFICATION LETTER CONTAINING ALL OF THE FOLLOWING:

3 1. THE INFORMATIONAL PAMPHLET DEVELOPED BY THE ARIZONA SCHOOL
4 CHOICE DIVISION PURSUANT TO SECTION 15-216, SUBSECTION A, PARAGRAPH 2.

5 2. A LIST OF NEARBY PUBLIC SCHOOLS THAT WERE ASSIGNED A LETTER
6 GRADE OF A, B OR C AND THAT SERVE THE SAME GRADE LEVELS AS THE SCHOOL THAT
7 WAS ASSIGNED A LETTER GRADE OF D OR F. FOR THE PURPOSES OF THIS
8 PARAGRAPH, "NEARBY" MEANS A SCHOOL IDENTIFIED BY THE STATE BOARD OF
9 EDUCATION THAT IS WITHIN EITHER:

10 (a) A TEN-MILE RADIUS OF THE SCHOOL THAT WAS ASSIGNED A LETTER
11 GRADE OF D OR F IF THE SCHOOL IS LOCATED IN A RURAL AREA AS DEFINED IN
12 SECTION 41-5741, SUBSECTION D, PARAGRAPH 3, SUBDIVISION (c).

13 (b) A FIVE-MILE RADIUS OF THE SCHOOL THAT WAS ASSIGNED A LETTER
14 GRADE OF D OR F FOR ANY SCHOOL THAT IS NOT DESCRIBED IN SUBDIVISION (a) OF
15 THIS PARAGRAPH.

16 E. IF A SCHOOL DISTRICT OR CHARTER SCHOOL FAILS TO COMPLY WITH THE
17 NOTIFICATION REQUIREMENTS OF THIS SECTION, THE DEPARTMENT OF EDUCATION
18 SHALL SUSPEND DISTRIBUTION OF MONIES FROM THE CLASSROOM SITE FUND
19 ESTABLISHED BY SECTION 15-977 TO THE SCHOOL DISTRICT OR CHARTER SCHOOL
20 UNTIL THE STATE BOARD OF EDUCATION RECEIVES SATISFACTORY EVIDENCE OF THE
21 SCHOOL DISTRICT'S OR CHARTER SCHOOL'S COMPLIANCE PURSUANT TO SUBSECTION A
22 OF THIS SECTION.

23 Sec. 4. Section 15-816.01, Arizona Revised Statutes, is amended to
24 read:

25 15-816.01. Open enrollment policies; preference; selection
26 process; transportation; reporting requirements

27 A. School district governing boards shall establish policies and
28 shall implement an open enrollment policy without charging tuition.
29 Tuition may be charged to nonresident pupils only if the tuition is
30 authorized under section 15-764, subsection C, section 15-797, subsection
31 C, section 15-823, subsection A, section 15-824, subsection A or section
32 15-825 or if two school districts have entered into a voluntary agreement
33 for the payment of tuition for certain pupils. These policies shall
34 include the information required by subsection I of this section, basic
35 information that is needed to request enrollment and that is consistent
36 with guidance and state and federal law regarding pupil privacy and civil
37 rights, and information regarding the provision of transportation or
38 resources for transportation. The policies must be easily accessible from
39 the home page on each school's website and be available in English and in
40 Spanish or in any other language used by a majority of the populations
41 served by the school or school district. A school district shall update
42 on each school's website the school's capacity and whether the school is
43 currently accepting open enrollment students, by grade level, at least
44 once every twelve weeks unless there are no changes to report for the
45 individual school. If a school has any other separate capacity by

1 specialized program, the information required pursuant to this subsection
2 shall also be posted by specialized program. Schools shall accept pupils
3 throughout the school year as capacity allows. Pupils who are denied
4 access due to capacity shall be informed that they are on a wait list and
5 of the details regarding the process prescribed in subsection E of this
6 section. Pupils shall be selected as seats become available.

7 B. A school district shall enroll at any time any resident pupil
8 who applies for enrollment to the school district pursuant to this
9 section. A school district shall give enrollment preference to and
10 reserve capacity for all of the following:

- 11 1. Resident pupils.
- 12 2. Pupils returning to the school from the prior year.
- 13 3. Siblings of pupils already enrolled.

14 C. A school district may give enrollment preference to children
15 who:

- 16 1. Are in foster care.
- 17 2. Meet the definition of unaccompanied youth prescribed in the
18 McKinney-Vento homeless assistance act (P.L. 100-77; 101 Stat. 482;
19 42 United States Code section 11434a).
- 20 3. Attend a school that is closing.

21 D. A school district may give enrollment preference to and reserve
22 capacity for all of the following:

- 23 1. Pupils who are children of persons who are employed by or at a
24 school in the school district.
- 25 2. Resident transfer pupils and their siblings.
- 26 3. Pupils who meet additional criteria established and published by
27 the school district governing board pursuant to subsection A of this
28 section.

29 E. If remaining capacity at a school, as determined by the school
30 district governing board, is insufficient to enroll all pupils who submit
31 a timely request, the school or school district shall select pupils
32 through an equitable selection process such as a lottery, except that
33 preference shall be given to the siblings of a pupil selected through an
34 equitable selection process such as a lottery.

35 F. Except as provided in subsections A through E of this section, a
36 school that is operated by a school district may not limit admission based
37 on any of the following:

- 38 1. Ethnicity or race.
- 39 2. National origin.
- 40 3. Sex.
- 41 4. Income level.
- 42 5. Disability.
- 43 6. Proficiency in the English language.
- 44 7. Athletic ability.

1 G. The governing board of the district educating the pupil may
 2 provide transportation limited to not more than thirty miles each way to
 3 and from the school of attendance or to and from a pickup point on a
 4 regular transportation route or for the total miles traveled each day to
 5 an adjacent district for eligible nonresident pupils who meet the economic
 6 eligibility requirements established under the national school lunch and
 7 child nutrition acts (42 United States Code sections 1751 through 1793)
 8 for free or reduced-price lunches.

9 H. The governing board of the district educating the pupil shall
 10 provide transportation limited to not more than thirty miles each way to
 11 and from the school of attendance or to and from a pickup point on a
 12 regular transportation route or for the total miles traveled each day to
 13 an adjacent district for nonresident pupils with disabilities whose
 14 individualized education program specifies that transportation is
 15 necessary to fulfill the program.

16 I. The state board of education shall adopt a model format that
 17 school districts may use for describing open enrollment options to ensure
 18 clarity and consistency for parents in understanding their enrollment
 19 options as described in this section and enrollment capacity at each
 20 school, including the ability to choose any school within the school
 21 district of residence or any other school district in this state. The
 22 state board of education shall adopt rules, policies and guidance
 23 consistent with state and federal law for school districts to use while
 24 enrolling students pursuant to this article. Pursuant to the supervisory
 25 duties of the superintendent of public instruction, the department of
 26 education shall investigate and enforce any complaints that the department
 27 receives or substantiated claims of unlawful or inappropriate enrollment
 28 practices by school districts pursuant to state and federal law and shall
 29 refer any complaints received regarding charter schools to the state board
 30 for charter schools to investigate and enforce. The department of
 31 education shall regularly update the state board of education on its
 32 investigations pursuant to this subsection.

33 J. The department of education shall provide an annual report that
 34 informs the public and policymakers of the open enrollment participation
 35 rate by school district, school and county, including the number of
 36 pupils, by student subgroup designation, in each school and school
 37 district that are open enrolled as resident pupils, resident transfer
 38 pupils or nonresident pupils for each school district and the school
 39 districts and zip codes from which students are enrolling. By fiscal year
 40 2022-2023, this participation report shall also include the number of
 41 pupils enrolled in charter schools and the school districts from which
 42 those pupils are enrolling.

43 ~~K. Subject to the availability of appropriated monies, each January~~
 44 ~~the state board of education shall design a public awareness effort to~~
 45 ~~distribute materials that do all of the following:~~

1 ~~1. Communicate to the public the ability to choose any public~~
2 ~~school in this state.~~

3 ~~2. Direct the public to resources to learn about school choice~~
4 ~~options in this state.~~

5 ~~3. Instruct the public how to request enrollment for pupils.~~

6 ~~l. The state board of education may include other options in its~~
7 ~~informational materials and messaging developed under subsection K of this~~
8 ~~section.~~

9 ~~M. In designing the public awareness effort and distributing~~
10 ~~materials under subsection K of this section, the state board of education~~
11 ~~may collaborate with both:~~

12 ~~1. Public and private partners to assist the state board in~~
13 ~~achieving the objectives prescribed in subsection K of this section.~~

14 ~~2. The department of education in providing parents and the public~~
15 ~~with informational resources.~~

16 Sec. 5. Department of transportation; electronic notification

17 On or before December 1, 2024, the department of transportation
18 shall electronically notify all existing motor vehicle registrants in this
19 state of the school choice options available to students in kindergarten
20 programs and grades one through twelve in this state using the digital
21 informational pamphlet created by the Arizona school choice division
22 pursuant to section 15-216, subsection A, paragraph 2, Arizona Revised
23 Statutes, as added by this act.

24 Sec. 6. Appropriation; state board of education; Arizona
25 school choice division

26 A. The sum of \$600,000 and four FTE positions are appropriated from
27 the state general fund in fiscal year 2023-2024 to the Arizona school
28 choice division within the state board of education for the purposes
29 provided in this act.

30 B. The Arizona school choice division shall use at least \$100,000
31 of the appropriation made in subsection A of this section to contract with
32 individuals or entities to develop and implement all or any of the
33 provisions of this act, including assisting and advising the parents of
34 students in this state and providing educational outreach.