

Senate Engrossed House Bill
school choice; failing schools; notice

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2539

AN ACT

AMENDING SECTION 15-241.02, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-241.03 AND 15-249.01; 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 15-241.02, Arizona Revised Statutes, is amended
3 to read:

4 15-241.02. School improvement plans; solutions teams;
5 withholding of state monies

6 A. If a school WITHIN A SCHOOL DISTRICT is assigned a letter grade
7 of D pursuant to section 15-241, within ninety days after receiving notice
8 of the classification, the school district governing board shall develop
9 an improvement plan for the school, submit a copy of the plan to the
10 superintendent of public instruction and the county educational service
11 agency and supervise the implementation of the plan. The governing board
12 shall include in the plan necessary components as identified by the state
13 board of education. Within thirty days after submitting the improvement
14 plan to the superintendent of public instruction and the county
15 educational service agency, the governing board shall hold a public
16 meeting in each school that has been assigned a letter grade of D and
17 shall present the respective improvement plans that have been developed
18 for each school. The governing board, within ~~thirty~~ SIXTY days after
19 receiving notice of the classification, shall provide ~~written~~ notification
20 of the classification ~~to each residence within the attendance area of the~~
21 ~~school. The notice shall explain the improvement plan process and provide~~
22 ~~information regarding the public meeting required by this subsection~~ AS
23 PROVIDED IN SECTION 15-241.03.

24 B. A school that has not submitted an improvement plan pursuant to
25 subsection A 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 A 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 C. If a charter school is assigned a letter grade of D pursuant to
34 section 15-241, within ~~thirty~~ SIXTY days the school shall ~~notify the~~
35 ~~parents of the students attending the school~~ PROVIDE NOTIFICATION of the
36 classification AS PROVIDED IN SECTION 15-241.03. ~~The notice shall explain~~
37 ~~the improvement plan process and provide information regarding the public~~
38 ~~meeting required by this subsection.~~ Within ninety days after receiving
39 the classification, the charter holder shall present an improvement plan
40 to the charter sponsor at a public meeting and submit a copy of the plan
41 to the sponsor of the charter school. The charter holder shall include in
42 the improvement plan necessary components as identified by the state board
43 of education. The school is not eligible to receive monies from the
44 classroom site fund established by section 15-977 for every day that an
45 improvement plan has not been received by the sponsor of the charter

1 school within the time specified in this subsection plus an additional
2 ninety days. The charter holder shall appear before the sponsoring board
3 and explain why the improvement plan has not been submitted.

4 D. If a school is assigned a letter grade of D pursuant to section
5 15-241 for a third consecutive year, the department of education shall
6 visit the school site to confirm the classification data and to review the
7 implementation of the school's improvement plan. The school shall be
8 assigned a letter grade of F unless an alternate letter grade is assigned
9 after an appeal pursuant to section 15-241, subsection J. A school that
10 is assigned a letter grade of D for fewer than three consecutive years may
11 also be assigned a letter grade of F if the state board of education
12 determines that there is no reasonable likelihood that the school will
13 achieve an average level of performance within the next two years.

14 E. The superintendent of public instruction and the county
15 educational service agency shall collaborate to assign a solutions team to
16 a school assigned a letter grade of D pursuant to section 15-241 or a
17 school assigned a letter grade of F pursuant to section 15-241 based on
18 academic need and available resources. County educational service
19 agencies may enter into agreements to provide services to schools from
20 other counties. Any other school, subject to available resources, may be
21 assigned a solutions team pursuant to a mutual agreement between the
22 department of education or the county education service agency, or both,
23 and the school. The solutions team shall be composed of master teachers,
24 fiscal analysts and curriculum assessment experts who are certified by the
25 state board of education as Arizona academic standards technicians. The
26 department of education or the county educational service agency may hire
27 or contract with administrators, principals and teachers who have
28 demonstrated experience in improving academic outcomes and may use these
29 personnel as part of the solutions team. The department of education shall
30 work with staff at the school to assist in curricula alignment and shall
31 instruct teachers on how to increase pupil academic progress, considering
32 the school's annual achievement profile. The solutions team shall
33 consider the existing improvement plan to assess the need for changes to
34 curricula, professional development and resource allocation and shall
35 present a statement of its findings to the school administrator and
36 district superintendent. Within forty-five days after the presentation of
37 the solutions team's statement of findings, the school district governing
38 board, in cooperation with each school within the school district that is
39 assigned a letter grade of D and its assigned solutions team
40 representative, shall develop and submit to the department of education
41 and the county educational service agency an action plan that details the
42 manner in which the school district will assist the school as the school
43 incorporates the findings of the solutions team into the improvement plan.
44 The department of education shall review the action plan and shall either
45 accept the action plan or return the action plan to the school district

1 for modification. If the school district does not submit an approved
2 action plan within forty-five days, the state board of education may
3 direct the superintendent of public instruction to withhold up to ten
4 percent of state monies that the school district would otherwise be
5 entitled to receive each month until the plan is submitted to the
6 department of education and the county educational service agency, at
7 which time those monies shall be returned to the school district.

8 F. The parent or guardian of a pupil may apply to the department of
9 education, in a manner determined by the department of education, for a
10 certificate of supplemental instruction from the failing schools tutoring
11 fund established by section 15-241. Pupils attending a school assigned a
12 letter grade of D or F may select an alternative tutoring program in
13 academic standards from a provider that is certified by the state board of
14 education. To qualify, the provider must state in writing a level of
15 academic improvement for the pupil that includes a timeline for
16 improvement that is agreed to by the parent or guardian of the pupil. The
17 state board of education shall annually review academic performance levels
18 for certified providers and may remove a provider at a public hearing from
19 an approved list of providers if that provider fails to meet its stated
20 level of academic improvement. The state board of education shall
21 determine the application guidelines and the maximum value for each
22 certificate of supplemental instruction. The state board of education
23 shall annually complete a market survey in order to determine the maximum
24 value for each certificate of supplemental instruction. This subsection
25 does not require this state to provide additional monies beyond the monies
26 provided pursuant to section 42-5029, subsection E, paragraph 7 or section
27 42-5029.02, subsection A, paragraph 7.

28 G. Within sixty days after receiving notification ~~of THAT~~ a school
29 ~~WITHIN A SCHOOL DISTRICT being~~ WAS assigned a letter grade of F pursuant
30 to section 15-241, the school district governing board shall evaluate
31 needed changes to the existing school improvement plan, consider
32 recommendations from the solutions team, 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. Within thirty days
35 after submitting the improvement plan to the superintendent of public
36 instruction and the county educational service agency, the governing board
37 shall hold a public meeting in each school that has been assigned a letter
38 grade of F and shall present the respective improvement plans that have
39 been developed for each school. The governing board, within ~~thirty~~ SIXTY
40 days after receiving notice of the classification, shall provide ~~written~~
41 ~~notification of the classification to each residence in the attendance~~
42 ~~area of the school~~ AS PROVIDED IN SECTION 15-241.03. ~~The notice shall~~
43 ~~explain the improvement plan process and provide information regarding the~~
44 ~~public meeting required by this subsection.~~

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

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

18 J. The department of education shall evaluate a school that has
19 been assigned a letter grade of F pursuant to section 15-241 to determine
20 whether the school, charter holder or school district failed to properly
21 implement its school improvement plan, align the curricula with academic
22 standards, provide teacher training, prioritize the budget or implement
23 other proven strategies to improve academic performance. After visiting
24 the school site pursuant to subsection D of this section, the department
25 of education shall submit to the state board of education a recommendation
26 either to proceed pursuant to subsections E, F and G of this section or
27 that the school be subject to a public hearing to determine whether the
28 school failed to properly implement its improvement plan and the reasons
29 for the department's recommendation. If the school is a charter school,
30 the department shall submit a report to the sponsor of the charter school.
31 The sponsor shall make a determination pursuant to subsection N of this
32 section.

33 K. If the department OF EDUCATION recommends a public hearing, the
34 state board of education shall meet and may provide by a majority vote at
35 the public hearing for the continued operation of the school as allowed by
36 this subsection. The state board of education shall determine whether
37 governmental, nonprofit and private organizations may submit applications
38 to the state board to fully or partially manage the school. The state
39 board's determination shall include:

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

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

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

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

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

5 L. The state board of education shall periodically review the
6 status of a school that is operated by an organization other than the
7 school district governing board to determine whether the operation of the
8 school should be returned to the school district governing board. Before
9 the state board makes a determination, the state board or its designee
10 shall meet with the school district governing board or its designee to
11 determine the time frame, operational considerations and appropriate
12 continuation of existing improvements that are necessary to ensure a
13 smooth transition of authority from the other organization back to the
14 school district governing board.

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

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

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

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

42 P. ~~At least twice each year~~ The department of education shall
43 ~~publish~~ POST in a ~~newspaper of general circulation in each county of this~~
44 ~~state~~ CONSPICUOUS LOCATION ON ITS WEBSITE AND ON ALL OFFICIAL
45 COMMUNICATION CHANNELS, INCLUDING ANY SOCIAL MEDIA PLATFORM FOR WHICH THE

1 DEPARTMENT HAS AN ACCOUNT, a list of schools that are assigned a letter
2 grade of F pursuant to section 15-241.

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

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

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

19 T. The department of education shall publish criteria for a
20 school's or school district's exit status from a previous assignment of a
21 letter grade of F in accordance with this section. The criteria shall
22 prescribe the actions and results necessary to be deemed to have complied
23 with this section regarding school improvement, including the proper
24 implementation of a school improvement plan pursuant to subsection J of
25 this section. These criteria shall be provided to a school or school
26 district if it is assigned a letter grade of F pursuant to section 15-241.

27 Sec. 2. Title 15, chapter 2, article 2, Arizona Revised Statutes,
28 is amended by adding sections 15-241.03 and 15-249.01, to read:

29 15-241.03. School, charter school and school district
30 accountability; failing school notification
31 form; school choice notification letter;
32 withholding of state monies

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

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

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

1 (b) DIRECT THE PUBLIC TO INFORMATIONAL RESOURCES THAT EXPLAIN THE
2 SCHOOL CHOICE OPTIONS IN THIS STATE, INCLUDING THE HANDBOOK PRESCRIBED IN
3 PARAGRAPH 3 OF THIS SUBSECTION.
4 (c) INSTRUCT THE PUBLIC HOW TO REQUEST ENROLLMENT FOR STUDENTS.
5 2. DEVELOP AND PRODUCE SINGLE-PAGE INFORMATIONAL PAMPHLETS THAT:
6 (a) ARE DESIGNED TO EDUCATE PARENTS ON THE SCHOOL CHOICE OPTIONS
7 AVAILABLE TO STUDENTS IN KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH
8 TWELVE IN THIS STATE.
9 (b) ARE AVAILABLE IN BOTH PHYSICAL AND DIGITAL FORMATS. THE
10 DIGITAL INFORMATIONAL PAMPHLET MUST CONTAIN HYPERLINKS TO WEBSITES THAT
11 PROVIDE FURTHER INFORMATION.
12 3. DEVELOP AND ANNUALLY UPDATE A HANDBOOK OF SCHOOL CHOICE OPTIONS
13 THAT ARE AVAILABLE TO STUDENTS IN KINDERGARTEN PROGRAMS AND GRADES ONE
14 THROUGH TWELVE IN THIS STATE, INCLUDING:
15 (a) SCHOOL OPEN ENROLLMENT OPTIONS DESCRIBED IN SECTION 15-816.01.
16 (b) CHARTER SCHOOLS ESTABLISHED PURSUANT TO CHAPTER 1, ARTICLE 8 OF
17 THIS TITLE.
18 (c) ARIZONA ONLINE INSTRUCTION ESTABLISHED PURSUANT TO SECTION
19 15-808.
20 (d) ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS ESTABLISHED PURSUANT
21 TO CHAPTER 19 OF THIS TITLE.
22 (e) HOMESCHOOL PURSUANT TO SECTION 15-802.
23 (f) EDUCATIONAL SCHOLARSHIPS OR TUITION GRANTS PURSUANT TO TITLE
24 43, CHAPTERS 15 AND 16.
25 (g) NONSTATUTORY OPTIONS, INCLUDING MICRO SCHOOLS AND DISTRICT
26 MAGNET SCHOOLS.
27 (h) OTHER OPTIONS IDENTIFIED BY THE ARIZONA SCHOOL CHOICE PROGRAM.
28 4. DEVELOP THE FAILING SCHOOL NOTIFICATION FORM AND SCHOOL CHOICE
29 NOTIFICATION LETTER PRESCRIBED IN SECTION 15-241.03.
30 5. OPERATE AND MAINTAIN A CENTRALIZED HOTLINE TO RESPOND TO
31 QUESTIONS RELATED TO SCHOOL CHOICE IN THIS STATE. THE ARIZONA SCHOOL
32 CHOICE PROGRAM MUST:
33 (a) USE MULTIPLE FORMS OF COMMUNICATION FOR THE HOTLINE.
34 (b) MAKE TRANSLATION SERVICES AVAILABLE FOR HOTLINE COMMUNICATIONS.
35 (c) BE AVAILABLE TO THE PUBLIC IN THE EVENINGS MONDAY THROUGH
36 FRIDAY, EXCLUDING HOLIDAYS.
37 6. COLLABORATE WITH PUBLIC AND PRIVATE PARTNERS TO ACHIEVE THE
38 OBJECTIVES PRESCRIBED IN THIS SECTION.
39 7. COLLABORATE WITH THE STATE BOARD OF EDUCATION TO PROVIDE PARENTS
40 AND THE PUBLIC WITH INFORMATIONAL RESOURCES DEVELOPED BY THE ARIZONA
41 SCHOOL CHOICE PROGRAM.
42 B. THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION
43 SHALL EACH POST IN A CONSPICUOUS PLACE ON THEIR RESPECTIVE WEBSITES THE
44 PAMPHLET AND HANDBOOK DESCRIBED IN SUBSECTION A OF THIS SECTION.

1 C. IF A PERSON MOVES TO THIS STATE FROM ANOTHER STATE OR COUNTRY
2 AND INITIALLY REGISTERS A MOTOR VEHICLE IN THIS STATE PURSUANT TO TITLE
3 28, CHAPTER 7, THE DEPARTMENT OF TRANSPORTATION SHALL ELECTRONICALLY OR
4 DIGITALLY DELIVER TO THE PERSON THE INFORMATIONAL PAMPHLET DESCRIBED IN
5 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION.

6 Sec. 3. Department of transportation; electronic notification

7 On or before December 1, 2024, the department of transportation
8 shall electronically notify all existing motor vehicle registrants in this
9 state of the school choice options available to students in kindergarten
10 programs and grades one through twelve in this state using the digital
11 informational pamphlet created by the Arizona school choice program
12 pursuant to section 15-249.01, subsection A, paragraph 2, Arizona Revised
13 Statutes, as added by this act.