

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION by TERRY GODDARD ATTORNEY GENERAL October 24, 2005	No. I05-005 (R05-011) Re: Augmenting AIMS Scores Based on Grades in Certain Courses
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To: The Honorable Tom Horne
Superintendent of Public Schools

Question Presented

You have asked whether Arizona Revised Statutes (“A.R.S.”) § 15-701.02, which allows students to augment their scores on the Arizona Instrument to Measure Standards (“AIMS”) to meet graduation requirements, applies only to grades received in courses that satisfy the eleven and one-half credit requirement for areas of study specified by the State Board of Education (“State Board”), or also includes grades received in other elective subjects that count toward the twenty-one credits required for graduation.

Summary Answer

Students may add points to their AIMS scores to fulfill graduation requirements based on grades received in the courses that satisfy the eleven and one-half credits the State Board specifies in Arizona Administrative Code (“A.A.C.”) R7-2-302(1)(a-f).

Background

The Legislature has assigned the State Board several responsibilities regarding high school graduation requirements. The State Board is responsible for prescribing a “minimum course of study”¹ and competency requirements for high school graduation. A.R.S. § 15-203(A)(13). In addition, the State Board must adopt academic standards and integrate them into the course of study required for graduation from high school. A.R.S. § 15-701.01(A)(1). These academic standards, “in at least the areas of reading, writing, mathematics, science and social studies,” must be incorporated in the competency requirements for graduation. A.R.S. § 15-701.01(A)(2). Finally, pursuant to A.R.S. § 15-701.01(A)(3), the State Board must “[d]evelop and adopt competency tests pursuant to section 15-741 for the graduation of pupils from high school in at least the areas of reading, writing and mathematics and shall establish passing scores for each such test.”

In 1990, the Legislature mandated that the State Board “[a]dopt and implement essential skills tests that measure pupil achievement of the state board adopted essential skills in reading, writing and mathematics in grades three, eight and twelve.” 1990 Ariz. Sess. Laws, ch. 233, Sec. 8 (S.B. 1442) (codified at A.R.S. § 15-741(A)(2)). This statute was amended in 1996 and now requires the State Board to: “Adopt and implement an Arizona instrument to measure standards test to measure pupil achievement of the state board adopted academic standards in reading, writing and mathematics in at least four grades designated by the board.” A.R.S. § 15-741(A)(2); *see also* 1996 Ariz. Sess. Laws ch. 284, § 32. This examination is known as “AIMS.”

¹ A “course of study” is defined in A.R.S. § 15-101(9) as a “list of required and optional subjects to be taught in the schools.”

In 2005, the Legislature also amended A.R.S. § 15-701.01 to enable a student who did not pass AIMS to graduate from high school with a diploma, provided that the student met “alternative graduation requirements established by Section 15-701.02.” 2005 Ariz. Sess. Laws ch. 304, § 1 (S.B. 1038).

Section 15-701.02 presents the State Board with the framework for augmenting the AIMS scores of high school students who fail to attain a passing score and would be otherwise ineligible to receive a diploma. Once a student meets certain criteria,² the student may obtain additional credit to be added “in an amount not to exceed one quarter of the pupil’s achieved score in each area. . . . [A] pupil may use the highest achieved score in each area of any time the [AIMS] test was taken.” A.R.S. § 15-701.02(C).

The State Board is required to “establish the manner that additional credit may be used to augment the score of the pupil.” A.R.S. § 15-701.02(D). A student’s AIMS score may be increased by adding points to the score on each of the mathematics, reading, or writing section of the test as follows:

Additional credits applied to the pupil’s score pursuant to subsections C and D of this section shall be based only on the performance of the pupil in those courses that meet the requirements for graduation established by the state board of education pursuant to Section 15-203, Subsection A, Paragraph 13. Each course that receives additional credit pursuant to this section shall receive equivalent additional credit regardless of subject area, except that greater additional credit shall be granted for courses with more advanced academic content related to the

² Specifically, a student is

eligible for the alternative graduation achievement requirements . . . if all of the following apply:

1. The pupil has taken the competency test each time the test was offered when the pupil was eligible to take the test.
2. The pupil has completed with a passing grade all coursework and credits prescribed for the graduation of pupils from high school by the governing board of the pupil’s school district pursuant to § 15-701.01.
3. The pupil has participated in any academic remediation programs available in the pupil’s school in those subject areas where the pupil failed to achieve a passing score on the competency test.

academic standards prescribed by the state board of education pursuant to Section 15-701.01.

A.R.S. § 15-701.02(E).

As A.R.S. § 15-203(A)(13) mandates, the State Board adopted A.A.C. R7-2-302(1), setting forth the subject area requirements for a minimum course of study for high school graduation. Students are required to obtain a minimum of twenty credits in order to graduate. The State Board specifically identifies eleven and one-half credits that the pupil must take to receive a high school diploma.³ A.A.C. R7-2-302(1)(a-f). The State Board also allows a district's local governing board to prescribe additional courses that the student may take to meet the twenty credit minimum. A.A.C. R7-2-302(1)(g).

In A.A.C. R7-2-302, the State Board sets forth the minimum competency requirements for graduation from a public high school, as A.R.S. § 15-701.01(A) requires. Effective with the graduation class of 2006, a student must receive "a passing score on the reading, mathematics, and writing portions of the AIMS (Arizona's Instrument to Measure Standards) assessment" in order to graduate from high school or receive a high school diploma. A.A.C. R7-2-302.

Analysis

The question here is whether A.R.S. § 15-701.02(E) permits students to augment their AIMS scores with additional points based on their performance in courses that are included in the eleven and one-half credit hours that the State Board requires, or if students may augment AIMS scores using grades received in any courses that satisfy the twenty credit requirement for graduation.

A statute's language is the best indicator of its meaning. *State v. Williams*, 175 Ariz. 98, 100, 854 P.2d 131, 133 (1993). The key phrase in A.R.S. § 15-701.02(E) states: "Additional

³ The required subjects are: four credits of English or English as a Second Language; one and one-half credits in instruction on the constitutions of the United States and Arizona, including instruction in the history of Arizona; one credit of world history/geography; two credits of mathematics; two credits of science; and one credit of fine arts or vocational education. A.A.C. R7-2-302(1)(a-f).

credits . . . shall be based only on the performance of the pupil in those courses that meet the requirements for graduation established by the state board of education pursuant to section 15-203, subsection A, paragraph 13.” The legislative history of this statutory language is sparse and provides no assistance in determining whether the students may augment AIMS scores by adding points to grades received in eleven and one-half credits of classes specified by the State Board or twenty credits of classes, which includes those approved by the school district governing board.⁴

The language of A.R.S. § 15-701.02(E) must be read in relation to other provisions of the statute. *See City of Phoenix v. Superior Court*, 144 Ariz. 172, 176, 696 P.2d 724, 728 (App. 1985). One of the eligibility requirements for augmenting AIMS scores identified in A.R.S. § 15-701.02(B) is that the student “has completed with a passing grade all coursework and credits prescribed for the graduation of pupils from high school by the governing board of the pupil’s school district pursuant to Section 15-701.01.” This provision clearly applies to the 20 credits required for graduation. In contrast, the language of A.R.S. § 15-701.02(E) refers specifically to “those courses that meet the requirements for graduation established by the state board of education pursuant to section 15-203, subsection A, paragraph 13.” The language of these two subsections of A.R.S. § 15-701.02 indicates that the Legislature recognized the difference between the credits prescribed by a school district governing board and those required by the State Board.

This distinction suggests that the graduation requirements “established by the state board of education” referred to in A.R.S. § 15-701.02(E) are the eleven and one-half credits that the State Board requires all students to take in order to graduate. A.R.S. § 15-701.02(E). Those courses include English, social studies, math, science and fine arts or vocational education.

⁴ The House Summary to S.B. 1038, as transmitted to the Governor, simply mirrored the legislation by stating that “additional credits must be based only on the performance of the pupil in those courses that meet the requirements for graduation established by the [State Board].” Ariz. H.R., House Summary for S.B. 1038, 47th Leg., 1st Reg. Sess. at 2 (2005). The Fact Sheet for S.B.1038 contains much the same language. Ariz. S., Final Amended Fact Sheet for S.B. 1038, 47th Leg., 1st Reg. Sess. at 3 (2005).

A.A.C. R7-2-301(1)(a-f). This statutory language would not include the additional coursework prescribed by a governing board that, together with the courses required by the State Board, equal 20 credits. Any other reading of the statute ignores the statutory distinction between those credits prescribed by the local governing board and those prescribed by the State Board.

Conclusion

Students may augment their scores on AIMS to meet graduation requirements by adding points based on grades received in courses that satisfy the eleven and one-half credit requirement in State Board Rule A.A.C. R7-2-302(1)(a-f).

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