

REFERENCE TITLE: schools; reading instruction; teacher training

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1625

Introduced by
Senator Johnson

AN ACT

AMENDING SECTIONS 15-203 AND 15-704, ARIZONA REVISED STATUTES; MAKING
APPROPRIATIONS; RELATING TO READING INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to
3 read:
4 15-203. Powers and duties
5 A. The state board of education shall:
6 1. Exercise general supervision over and regulate the conduct of the
7 public school system and adopt any rules and policies it deems necessary to
8 accomplish this purpose.
9 2. Keep a record of its proceedings.
10 3. Make rules for its own government.
11 4. Determine the policy and work undertaken by it.
12 5. Appoint its employees, on the recommendation of the superintendent
13 of public instruction.
14 6. Prescribe the duties of its employees if not prescribed by statute.
15 7. Delegate to the superintendent of public instruction the execution
16 of board policies and rules.
17 8. Recommend to the legislature changes or additions to the statutes
18 pertaining to schools.
19 9. Prepare, publish and distribute reports concerning the educational
20 welfare of this state.
21 10. Prepare a budget for expenditures necessary for proper maintenance
22 of the board and accomplishment of its purposes and present the budget to the
23 legislature.
24 11. Aid in the enforcement of laws relating to schools.
25 12. Prescribe a minimum course of study in the common schools, minimum
26 competency requirements for the promotion of pupils from the third grade and
27 minimum course of study and competency requirements for the promotion of
28 pupils from the eighth grade. The state board of education shall prepare a
29 fiscal impact statement of any proposed changes to the minimum course of
30 study or competency requirements and, on completion, shall send a copy to the
31 director of the joint legislative budget committee and the executive director
32 of the school facilities board. The state board of education shall not adopt
33 any changes in the minimum course of study or competency requirements in
34 effect on July 1, 1998 that will have a fiscal impact on school capital
35 costs.
36 13. Prescribe minimum course of study and competency requirements for
37 the graduation of pupils from high school. The state board of education
38 shall prepare a fiscal impact statement of any proposed changes to the
39 minimum course of study or competency requirements and, on completion, shall
40 send a copy to the director of the joint legislative budget committee and the
41 executive director of the school facilities board. The state board of
42 education shall not adopt any changes in the minimum course of study or
43 competency requirements in effect on July 1, 1998 that will have a fiscal
44 impact on school capital costs.

1 14. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher or
3 indirectly as a supervisory teacher, speech therapist, principal or
4 superintendent in a school district, including school district preschool
5 programs, or any other educational institution below the community college,
6 college or university level, and prescribe rules for certification, including
7 rules for certification of teachers who have teaching experience and who are
8 trained in other states, which are not unnecessarily restrictive and are
9 substantially similar to the rules prescribed for the certification of
10 teachers trained in this state. The rules shall require applicants for all
11 certificates for common school instruction to complete a minimum of
12 forty-five classroom hours or three college level credit hours, or the
13 equivalent, of training in ~~research-based systematic phonics instruction~~ THE
14 ESSENTIAL COMPONENTS OF READING INSTRUCTION AND SCIENTIFICALLY BASED READING
15 RESEARCH AS DEFINED IN SECTION 15-704, SUBSECTION I, from a public or private
16 provider. The rules shall not require a teacher to obtain a master's degree
17 or to take any additional graduate courses as a condition of certification or
18 recertification. The rules shall allow a general equivalency diploma to be
19 substituted for a high school diploma in the certification of emergency
20 substitute teachers.

21 15. Adopt a list of approved tests for determining special education
22 assistance to gifted pupils as defined in and as provided in chapter 7,
23 article 4.1 of this title. The adopted tests shall provide separate scores
24 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
25 shall be capable of providing reliable and valid scores at the highest ranges
26 of the score distribution.

27 16. Adopt rules governing the methods for the administration of all
28 proficiency examinations.

29 17. Adopt proficiency examinations for its use. The state board of
30 education shall determine the passing score for the proficiency examination.

31 18. Include within its budget the cost of contracting for the purchase,
32 distribution and scoring of the examinations as provided in paragraphs 16 and
33 17 of this subsection.

34 19. Supervise and control the qualifications of professional
35 nonteaching school personnel and prescribe standards relating to
36 qualifications.

37 20. Impose such disciplinary action, including the issuance of a letter
38 of censure, suspension, suspension with conditions or revocation of a
39 certificate, upon a finding of immoral or unprofessional conduct.

40 21. Establish an assessment, data gathering and reporting system for
41 pupil performance as prescribed in chapter 7, article 3 of this title.

42 22. Adopt a rule to promote braille literacy pursuant to section
43 15-214.

1 23. Adopt rules prescribing procedures for the investigation by the
2 department of education of every written complaint alleging that a
3 certificated person has engaged in immoral conduct.

4 24. For purposes of federal law, serve as the state board for
5 vocational and technological education and meet at least four times each year
6 solely to execute the powers and duties of the state board for vocational and
7 technological education.

8 25. Develop and maintain a handbook for use in the schools of this
9 state that provides guidance for the teaching of moral, civic and ethical
10 education. The handbook shall promote existing curriculum frameworks and
11 shall encourage school districts to recognize moral, civic and ethical values
12 within instructional and programmatic educational development programs for
13 the general purpose of instilling character and ethical principles in pupils
14 in kindergarten programs and grades one through twelve.

15 26. Require pupils to recite the following passage from the declaration
16 of independence for pupils in grades four through six at the commencement of
17 the first class of the day in the schools, except that a pupil shall not be
18 required to participate if the pupil or the pupil's parent or guardian
19 objects:

20 We hold these truths to be self-evident, that all men are
21 created equal, that they are endowed by their creator with
22 certain unalienable rights, that among these are life, liberty
23 and the pursuit of happiness. That to secure these rights,
24 governments are instituted among men, deriving their just powers
25 from the consent of the governed. . . .

26 27. Adopt rules that provide for teacher certification reciprocity.
27 The rules shall provide for a one year reciprocal teaching certificate with
28 minimum requirements including valid teacher certification from a state with
29 substantially similar criminal history or teacher fingerprinting requirements
30 and proof of the submission of an application for a fingerprint clearance
31 card pursuant to title 41, chapter 12, article 3.1.

32 28. Adopt rules that will be in effect until December 31, 2006 and that
33 provide for the presentation of an honorary high school diploma to a person
34 who has never obtained a high school diploma and who meets each of the
35 following requirements:

- 36 (a) Is at least sixty-five years of age.
- 37 (b) Currently resides in this state.
- 38 (c) Provides documented evidence from the Arizona department of
39 veterans' services that the person enlisted in the armed forces of the United
40 States before completing high school in a public or private school.
- 41 (d) Was honorably discharged from service with the armed forces of the
42 United States.

43 29. Cooperate with the Arizona-Mexico commission in the governor's
44 office and with researchers at universities in this state to collect data and
45 conduct projects in the United States and Mexico on issues that are within

1 the scope of the duties of the department of education and that relate to
2 quality of life, trade and economic development in this state in a manner
3 that will help the Arizona-Mexico commission to assess and enhance the
4 economic competitiveness of this state and of the Arizona-Mexico region.

5 30. Adopt rules to define and provide guidance to schools as to the
6 activities that would constitute immoral or unprofessional conduct of
7 certificated persons.

8 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
9 and twelve to volunteer for twenty hours of community service before
10 graduation from high school. A school district that complies with the
11 guidelines adopted pursuant to this paragraph is not liable for damages
12 resulting from a pupil's participation in community service unless the school
13 district is found to have demonstrated wanton or reckless disregard for the
14 safety of the pupil and other participants in community service. For the
15 purposes of this paragraph, "community service" may include service learning.
16 The guidelines shall include the following:

17 (a) A list of the general categories in which community service may be
18 performed.

19 (b) A description of the methods by which community service will be
20 monitored.

21 (c) A consideration of risk assessment for community service projects.

22 (d) Orientation and notification procedures of community service
23 opportunities for pupils entering grade nine including the development of a
24 notification form. The notification form shall be signed by the pupil and
25 the pupil's parent or guardian, except that a pupil shall not be required to
26 participate in community service if the parent or guardian notifies the
27 principal of the pupil's school in writing that the parent or guardian does
28 not wish the pupil to participate in community service.

29 (e) Procedures for a pupil in grade nine to prepare a written proposal
30 that outlines the type of community service that the pupil would like to
31 perform and the goals that the pupil hopes to achieve as a result of
32 community service. The pupil's written proposal shall be reviewed by a
33 faculty advisor, a guidance counselor or any other school employee who is
34 designated as the community service program coordinator for that school. The
35 pupil may alter the written proposal at any time before performing community
36 service.

37 (f) Procedures for a faculty advisor, a guidance counselor or any
38 other school employee who is designated as the community service program
39 coordinator to evaluate and certify the completion of community service
40 performed by pupils.

41 32. To facilitate the transfer of military personnel and their
42 dependents to and from the public schools of this state, pursue, in
43 cooperation with the Arizona board of regents, reciprocity agreements with
44 other states concerning the transfer credits for military personnel and their

1 dependents. A reciprocity agreement entered into pursuant to this paragraph
2 shall:

3 (a) Address procedures for each of the following:

4 (i) The transfer of student records.

5 (ii) Awarding credit for completed course work.

6 (iii) Permitting a student to satisfy the graduation requirements
7 prescribed in section 15-701.01 through the successful performance on
8 comparable exit-level assessment instruments administered in another state.

9 (b) Include appropriate criteria developed by the state board of
10 education and the Arizona board of regents.

11 33. Adopt guidelines that school district governing boards shall use in
12 identifying pupils who are eligible for gifted programs and in providing
13 gifted education programs and services. The state board of education shall
14 adopt any other guidelines and rules that it deems necessary in order to
15 carry out the purposes of chapter 7, article 4.1 of this title.

16 B. The state board of education may:

17 1. Contract.

18 2. Sue and be sued.

19 3. Distribute and score the tests prescribed in chapter 7, article 3
20 of this title.

21 4. Provide for an advisory committee to conduct hearings and
22 screenings to determine whether grounds exist to impose disciplinary action
23 against a certificated person, whether grounds exist to reinstate a revoked
24 or surrendered certificate and whether grounds exist to approve or deny an
25 initial application for certification or a request for renewal of a
26 certificate. The board may delegate its responsibility to conduct hearings
27 and screenings to its advisory committee. Hearings shall be conducted
28 pursuant to title 41, chapter 6, article 6.

29 5. Proceed with the disposal of any complaint requesting disciplinary
30 action or with any disciplinary action against a person holding a certificate
31 as prescribed in subsection A, paragraph 14 of this section after the
32 suspension or expiration of the certificate or surrender of the certificate
33 by the holder.

34 6. Assess costs and reasonable attorney fees against a person who
35 files a frivolous complaint or who files a complaint in bad faith. Costs
36 assessed pursuant to this paragraph shall not exceed the expenses incurred by
37 the state board in the investigation of the complaint.

38 Sec. 2. Section 15-704, Arizona Revised Statutes, is amended to read:
39 15-704. Reading proficiency; Arizona reading fund; definitions

40 A. Each school district or charter school that provides instruction in
41 kindergarten programs and grades one through three shall select and
42 administer screening, ongoing diagnostic and classroom based instructional
43 reading assessments, including a motivational assessment, as defined by the
44 state board of education, to monitor student progress. Each school shall use
45 the diagnostic information to plan appropriate and effective intervention.

1 B. Each school district or charter school that provides instruction
2 for pupils in kindergarten programs and grades one through three shall
3 conduct a curriculum evaluation and adopt a scientifically based reading
4 curriculum that includes the essential components of reading instruction.
5 All school districts and charter schools that offer instruction in
6 kindergarten programs and grades one through three shall provide ongoing
7 teacher training based on scientifically based reading research.

8 C. Each school district or charter school that provides instruction in
9 kindergarten programs and grades one through three shall devote reasonable
10 amounts of time to explicit instruction and independent reading in grades one
11 through three.

12 D. BEGINNING IN FISCAL YEAR 2008-2009, A PUPIL WHO AT THE END OF GRADE
13 THREE IS NOT READING AT OR ABOVE THE GRADE THREE LEVEL AS DETERMINED BY A
14 PASSING SCORE ON THE READING PORTION OF THE ARIZONA INSTRUMENT TO MEASURE
15 STANDARDS TEST PRESCRIBED IN SECTION 15-741 SHALL NOT BE PROMOTED TO GRADE
16 FOUR. BEGINNING IN FISCAL YEAR 2008-2009, A SCHOOL DISTRICT GOVERNING BOARD
17 SHALL PROVIDE A NOTIFICATION FORM TO THE PARENTS OF ANY PUPIL WHO BY THE END
18 OF GRADE TWO IS NOT READING AT OR ABOVE THE GRADE TWO LEVEL AND THE PARENTS
19 OF ANY PUPIL WHO BY THE END OF GRADE THREE IS NOT READING AT OR ABOVE THE
20 GRADE THREE LEVEL. THE NOTIFICATION FORM SHALL INCLUDE A STATEMENT THAT A
21 PUPIL AT THE END OF GRADE THREE IS REQUIRED TO READ AT OR ABOVE THE GRADE
22 THREE LEVEL AS MEASURED BY THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST
23 IN ORDER TO BE PROMOTED TO GRADE FOUR. THE PARENTS SHALL SIGN THE
24 NOTIFICATION FORM AND RETURN THE FORM TO THE MAIN OFFICE OF THE SCHOOL WHERE
25 THE CHILD IS ENROLLED. THE SCHOOL DISTRICT GOVERNING BOARD SHALL PROVIDE
26 PARENTS WHO HAVE BEEN NOTIFIED PURSUANT TO THIS SUBSECTION WITH A LIST OF
27 READING IMPROVEMENT RESOURCES THAT ARE AVAILABLE TO ASSIST THE PUPIL. THE
28 GOVERNING BOARD SHALL PUBLISH A LIST OF THESE READING IMPROVEMENT RESOURCES
29 ON THE SCHOOL DISTRICT'S WEBSITE. A PUPIL IN GRADE TWO WHO IS NOT READING AT
30 THE GRADE TWO LEVEL MEASURED BY TESTS ADMINISTERED PURSUANT TO SECTION 15-741
31 SHALL BE PROVIDED READING IMPROVEMENT RESOURCES UNTIL THE PUPIL MEETS THE
32 SECOND GRADE READING LEVEL. A pupil in grade three who does not meet or
33 exceed the reading standards measured by the Arizona instrument to measure
34 standards test administered pursuant to section 15-741 shall be provided
35 ~~intensive reading instruction as defined by the state board of education~~
36 READING IMPROVEMENT RESOURCES until the pupil meets these standards. THIS
37 SUBSECTION DOES NOT APPLY TO A CHILD WITH A DISABILITY WHO IS PROVIDED
38 SPECIAL EDUCATION SERVICES PURSUANT TO AN INDIVIDUALIZED EDUCATION PROGRAM.

39 E. The governing board of each school district and the governing body
40 of each charter school shall determine the percentage of pupils at each
41 school in grade three who do not meet the reading standards prescribed by the
42 state board of education and measured by the Arizona instrument to measure
43 standards test administered pursuant to section 15-741. If more than twenty
44 per cent of students in grade three at either the individual school level or
45 at the school district level do not meet the standards, the governing board

1 or governing body shall conduct a review of its reading program that includes
2 curriculum and professional development in light of current, scientifically
3 based reading research.

4 F. Based on the review required in subsection E of this section, the
5 governing board or governing body and the school principal of each school
6 that does not meet the reading standards, in conjunction with school council
7 members, if applicable, shall develop methods of best practices for teaching
8 reading based on essential components of reading instruction and supported by
9 scientifically based reading research. These methods shall be adopted at a
10 public meeting and shall be implemented the following academic year.

11 G. Subsections E and F of this section shall be coordinated with
12 efforts to develop and implement an improvement plan if required pursuant to
13 section 15-241.

14 H. THE DEPARTMENT OF EDUCATION SHALL MONITOR SCHOOL DISTRICTS AND
15 CHARTER SCHOOLS TO ENSURE COMPLIANCE WITH THIS SECTION.

16 I. THE ARIZONA READING FUND IS ESTABLISHED CONSISTING OF LEGISLATIVE
17 APPROPRIATIONS. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.
18 MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE DEPARTMENT
19 OF EDUCATION SHALL DISTRIBUTE MONIES IN THE FUND TO SCHOOL DISTRICTS FOR
20 READING TUTORING SERVICES TO PUPILS.

21 ~~H.~~ J. For the purposes of this section:

22 1. "Essential components of reading instruction" means explicit and
23 systematic instruction in the following:

- 24 (a) Phonemic awareness.
- 25 (b) Phonics.
- 26 (c) Vocabulary development.
- 27 (d) Reading fluency.
- 28 (e) Reading comprehension.

29 2. "Reading" means a complex system of deriving meaning from print
30 that requires all of the following:

- 31 (a) The skills and knowledge to understand how phonemes or speech
32 sounds are connected to print.
- 33 (b) The ability to decode unfamiliar words.
- 34 (c) The ability to read fluently.
- 35 (d) Sufficient background information and vocabulary to foster reading
36 comprehension.
- 37 (e) The development of appropriate active strategies to construct
38 meaning from print.
- 39 (f) The development and maintenance of a motivation to read.

40 3. "Scientifically based reading research" means research that meets
41 all of the following:

- 42 (a) Applies rigorous, systematic and objective procedures to obtain
43 valid knowledge relevant to reading development, reading instruction and
44 reading difficulties.

1 (b) Employs systematic empirical methods that draw on observation or
2 experiment.

3 (c) Involves rigorous data analyses that are adequate to test the
4 stated hypotheses and justify the general conclusions drawn.

5 (d) Relies on measurements or observational methods that provide valid
6 data across evaluators and observers and across multiple measurements and
7 observations.

8 (e) Has been accepted by a peer reviewed journal or approved by a
9 panel of independent experts through a comparably rigorous, objective and
10 scientific review.

11 (f) Contains all of the elements of the essential components of
12 reading instruction.

13 Sec. 3. Appropriation; monitoring of school districts and
14 charter schools; exemption

15 A. The sum of \$8,000,000 is appropriated from the state general fund
16 in fiscal year 2007-2008 to the department of education to hire one hundred
17 reading specialists to provide statewide monitoring of all school districts
18 and charter schools pursuant to section 15-704, Arizona Revised Statutes, as
19 amended by this act.

20 B. The appropriation made in subsection A of this section is exempt
21 from the provisions of section 35-190, Arizona Revised Statutes, relating to
22 lapsing of appropriations.

23 Sec. 4. Appropriation; Arizona reading fund; exemption

24 A. The sum of \$2,000,000 is appropriated from the state general fund
25 in fiscal year 2007-2008 to the department of education for deposit in the
26 Arizona reading fund established by section 15-704, Arizona Revised Statutes,
27 as amended by this act.

28 B. The appropriation made in subsection A of this section is exempt
29 from the provisions of section 35-190, Arizona Revised Statutes, relating to
30 lapsing of appropriations.