

REFERENCE TITLE: statewide assessments; parental opt out

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2246

Introduced by
Representatives Ackerley: Finchem, Leach

AN ACT

AMENDING SECTIONS 15-102, 15-701 AND 15-741, ARIZONA REVISED STATUTES;
RELATING TO PUPIL ASSESSMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-102, Arizona Revised Statutes, is amended to
3 read:

4 15-102. Parental involvement in the school; definition

5 A. The governing board, in consultation with parents, teachers and
6 administrators, shall develop and adopt a policy to promote the involvement
7 of parents and guardians of children enrolled in the schools within the
8 school district, including:

9 1. A plan for parent participation in the schools ~~which~~ THAT is
10 designed to improve parent and teacher cooperation in such areas as homework,
11 attendance and discipline.

12 2. Procedures by which parents may learn about the course of study for
13 their children and review learning materials, including the source of any
14 supplemental educational materials.

15 3. Procedures by which parents who object to any learning material or
16 activity on the basis that it is harmful may withdraw their children from the
17 activity or from the class or program in which the material is used.
18 Objection to a learning material or activity on the basis that it is harmful
19 includes objection to a material or activity because it questions beliefs or
20 practices in sex, morality or religion.

21 4. If a school district offers any sex education curricula pursuant to
22 section 15-711 or 15-716 or pursuant to any rules adopted by the state board
23 of education, procedures to prohibit a school district from providing sex
24 education instruction to a pupil unless the pupil's parent provides written
25 permission for the child to participate in the sex education curricula.

26 5. Procedures by which parents will be notified in advance of and
27 given the opportunity to withdraw their children from any instruction or
28 presentations regarding sexuality in courses other than formal sex education
29 curricula.

30 6. Procedures by which parents may learn about the nature and purpose
31 of clubs and activities that are part of the school curriculum,
32 extracurricular clubs and activities that have been approved by the school.

33 7. Procedures by which parents may learn about parental rights and
34 responsibilities under the laws of this state, including the following:

35 (a) The right to opt in to a sex education curriculum if one is
36 provided by the school district.

37 (b) Open enrollment rights pursuant to section 15-816.01.

38 (c) The right to opt out of assignments pursuant to this section.

39 (d) The right to opt out of immunizations pursuant to section 15-873.

40 (e) The promotion requirements prescribed in section 15-701.

41 (f) The minimum course of study and competency requirements for
42 graduation from high school prescribed in section 15-701.01.

43 (g) The right to opt out of instruction on the acquired immune
44 deficiency syndrome pursuant to section 15-716.

45 (h) The right to review test results pursuant to section 15-743.

- 1 (i) The right to participate in gifted programs pursuant to section
2 15-779.01.
- 3 (j) The right to access instructional materials pursuant to section
4 15-730.
- 5 (k) The right to receive a school report card pursuant to section
6 15-746.
- 7 (l) The attendance requirements prescribed in sections 15-802, 15-803
8 and 15-821.
- 9 (m) The right to public review of courses of study and textbooks
10 pursuant to section 15-721.
- 11 (n) The right to be excused from school attendance for religious
12 purposes pursuant to section 15-806.
- 13 (o) Policies related to parental involvement pursuant to this section.
- 14 (p) The right to seek membership on school councils pursuant to
15 section 15-351.
- 16 (q) The right to participate in a parental satisfaction survey
17 pursuant to section 15-353.
- 18 (r) Information about the student accountability information system as
19 prescribed in section ~~15-1042~~ 15-1041.
- 20 (s) The right to access the failing schools tutoring fund pursuant to
21 section 15-241.
- 22 (t) THE RIGHT TO OPT OUT OF THE STATEWIDE ASSESSMENTS PRESCRIBED IN
23 CHAPTER 7, ARTICLE 3 OF THIS TITLE.
- 24 B. The policy adopted by the governing board pursuant to this section
25 may also include the following components:
- 26 1. A plan by which parents will be made aware of the district's
27 parental involvement policy and this section, including:
- 28 (a) Rights under the family educational rights and privacy act of 1974
29 (20 United States Code section 1232g) relating to access to children's
30 official records.
- 31 (b) The parent's right to inspect the school district policies and
32 curriculum.
- 33 2. Efforts to encourage the development of parenting skills.
- 34 3. The communication to parents of techniques designed to assist the
35 child's learning experience in the home.
- 36 4. Efforts to encourage access to community and support services for
37 children and families.
- 38 5. The promotion of communication between the school and parents
39 concerning school programs and the academic progress of the parents'
40 children.
- 41 6. Identifying opportunities for parents to participate in and support
42 classroom instruction at the school.
- 43 7. Efforts to support, with appropriate training, parents as shared
44 decision-makers and to encourage membership on school councils.

1 8. The recognition of the diversity of parents and the development of
2 guidelines that promote widespread parental participation and involvement in
3 the school at various levels.

4 9. The development of preparation programs and specialized courses for
5 certificated employees and administrators that promote parental involvement.

6 10. The development of strategies and programmatic structures at
7 schools to encourage and enable parents to participate actively in their
8 children's education.

9 C. The governing board may adopt a policy to provide to parents the
10 information required by this section in an electronic form.

11 D. A parent shall submit a written request for information pursuant to
12 this section during regular business hours to either the school principal at
13 the school site or the superintendent of the school district at the office of
14 the school district. Within ten days of receiving the request for
15 information, the school principal or the superintendent of the school
16 district shall either deliver the requested information to the parent or
17 submit to the parent a written explanation of the reasons for the denial of
18 the requested information. If the request for information is denied or the
19 parent does not receive the requested information within fifteen days after
20 submitting the request for information, the parent may submit a written
21 request for the information to the school district governing board, which
22 shall formally consider the request at the next scheduled public meeting of
23 the governing board if the request can be properly noticed on the agenda. If
24 the request cannot be properly noticed on the agenda, the governing board
25 shall formally consider the request at the next subsequent public meeting of
26 the governing board.

27 E. For the purposes of this section, "parent" means the natural or
28 adoptive parent or legal guardian of a minor child.

29 Sec. 2. Section 15-701, Arizona Revised Statutes, is amended to read:

30 15-701. Common school; promotions; requirements; certificate;
31 supervision of eighth grades by superintendent of
32 high school district; high school admissions;
33 academic credit

34 A. The state board of education shall:

35 1. Prescribe a minimum course of study, as defined in section 15-101
36 and incorporating the academic standards adopted by the state board of
37 education, to be taught in the common schools.

38 2. Prescribe competency requirements for the promotion of pupils from
39 the eighth grade and competency requirements for the promotion of pupils from
40 the third grade incorporating the academic standards in at least the areas of
41 reading, writing, mathematics, science and social studies. Notwithstanding
42 section 15-521, paragraph 4, the competency requirements for the promotion of
43 pupils from the third grade shall include the following:

44 (a) UNLESS THE PUPIL'S PARENT OPTS OUT OF THE STATEWIDE ASSESSMENTS
45 PRESCRIBED IN ARTICLE 3 OF THIS CHAPTER, a requirement that a pupil not be

1 promoted from the third grade if the pupil obtains a score on the reading
2 portion of the Arizona instrument to measure standards test, or a successor
3 test, that demonstrates that the pupil's reading falls far below the third
4 grade level or the equivalent as established by the board. A pupil may not
5 be retained if data regarding the pupil's performance on the Arizona
6 instrument to measure standards test, or a successor test, is not available
7 before the start of the following academic year. A pupil who is not retained
8 due to the unavailability of test data must receive intervention and remedial
9 strategies pursuant to subdivision (c) of this paragraph if the third grade
10 assessment data subsequently demonstrates that the pupil's reading ability
11 falls far below the third grade level or the equivalent.

12 (b) A mechanism to allow a school district governing board or the
13 governing body of a charter school to promote a pupil from the third grade
14 who obtains a score on the reading portion of the Arizona instrument to
15 measure standards test, or a successor test, that demonstrates that the
16 pupil's reading falls far below the third grade level for any of the
17 following:

18 (i) A good cause exemption if the pupil is an English learner or a
19 limited English proficient student as defined in section 15-751 and has had
20 fewer than two years of English language instruction.

21 (ii) A pupil who is a child with a disability as defined in section
22 15-761 if the pupil's individualized education program team and the pupil's
23 parent or guardian agree that promotion is appropriate based on the pupil's
24 individualized education program.

25 (c) Intervention and remedial strategies developed by the state board
26 of education for pupils who are not promoted from the third grade. A school
27 district governing board or the governing body of a charter school shall
28 offer at least one of the intervention and remedial strategies developed by
29 the state board of education. The parent or guardian of a pupil who is not
30 promoted from the third grade and the pupil's teacher and principal may
31 choose the most appropriate intervention and remedial strategies that will be
32 provided to that pupil. The intervention and remedial strategies developed
33 by the state board of education shall include:

34 (i) A requirement that the pupil be assigned to a different teacher
35 for reading instruction.

36 (ii) Summer school reading instruction.

37 (iii) In the next academic year, intensive reading instruction that
38 occurs before, during or after the regular school day, or any combination of
39 before, during and after the regular school day.

40 (iv) Online reading instruction.

41 3. Provide for universal screening of pupils in preschool programs,
42 kindergarten programs and grades one through three that is designed to
43 identify pupils who have reading deficiencies pursuant to section 15-704.

44 4. Develop intervention and remedial strategies pursuant to paragraph
45 2, subdivision (c) of this subsection for pupils in kindergarten programs and

1 grades one through three who are identified as having reading deficiencies
2 pursuant to section 15-704.

3 5. Distribute guidelines for the school districts to follow in
4 prescribing criteria for the promotion of pupils from grade to grade in the
5 common schools. These guidelines shall include recommended procedures for
6 ensuring that the cultural background of a pupil is taken into consideration
7 when criteria for promotion are being applied.

8 B. School districts and charter schools shall provide annual written
9 notification to parents of pupils in kindergarten programs and first, second
10 and third grades that a pupil who obtains a score on the reading portion of
11 the Arizona instrument to measure standards test, or a successor test, that
12 demonstrates the pupil is reading far below the third grade level will not be
13 promoted from the third grade. If the school has determined that the pupil
14 is substantially deficient in reading before the end of grade three, the
15 school district or charter school shall provide to the parent of that pupil a
16 separate written notification of the reading deficiency that includes the
17 following information:

18 1. A description of the current reading services provided to the
19 pupil.

20 2. A description of the available supplemental instructional services
21 and supporting programs that are designed to remediate reading deficiencies.
22 Each school district or charter school shall offer at least one intervention
23 strategy and at least one remedial strategy for pupils with reading
24 deficiencies. The notification shall list the intervention and remedial
25 strategies offered and shall instruct the parent or guardian to choose the
26 strategy that will be implemented for that child.

27 3. Parental strategies to assist the pupil to attain reading
28 proficiency.

29 4. A statement that the pupil will not be promoted from the third
30 grade if the pupil obtains a score on the reading portion of the Arizona
31 instrument to measure standards test, or a successor test, that demonstrates
32 the pupil is reading far below the third grade level, unless the pupil is
33 exempt from mandatory retention in grade three or the pupil qualifies for an
34 exemption pursuant to subsection A of this section.

35 5. A description of the school district or charter school policies on
36 midyear promotion to a higher grade.

37 C. Pursuant to the guidelines that the state board of education
38 distributes, the governing board of a school district shall:

39 1. Prescribe curricula that include the academic standards in the
40 required subject areas pursuant to subsection A, paragraph 1 of this section.

41 2. Prescribe criteria for the promotion of pupils from grade to grade
42 in the common schools in the school district. These criteria shall include
43 accomplishment of the academic standards in at least reading, writing,
44 mathematics, science and social studies, as determined by district

1 assessment. Other criteria may include additional measures of academic
2 achievement and attendance.

3 D. The governing board may prescribe the course of study and
4 competency requirements for promotion that are in addition to or higher than
5 the course of study and competency requirements the state board prescribes.

6 E. A teacher shall determine whether to promote or retain a pupil in
7 grade in a common school as provided in section 15-521, paragraph 4 on the
8 basis of the prescribed criteria. The governing board, if it reviews the
9 decision of a teacher to promote or retain a pupil in grade in a common
10 school as provided in section 15-342, paragraph 11, shall base its decision
11 on the prescribed criteria.

12 F. A governing board may provide and issue certificates of promotion
13 to pupils whom it promotes from the eighth grade of a common school. Such
14 certificates shall be signed by the principal or superintendent of schools.
15 Where there is no principal or superintendent of schools, the certificates
16 shall be signed by the teacher of an eighth grade. The certificates shall
17 admit the holders to any high school in the state.

18 G. Within any high school district or union high school district, the
19 superintendent of the high school district shall supervise the work of the
20 eighth grade of all schools employing no superintendent or principal.

21 H. A school district shall not deny a pupil who is between the ages of
22 sixteen and twenty-one years admission to a high school because the pupil
23 does not hold an eighth grade certificate. Governing boards shall establish
24 procedures for determining the admissibility of pupils who are under sixteen
25 years of age and who do not hold eighth grade certificates.

26 I. The state board of education shall adopt rules to allow common
27 school pupils who can demonstrate competency in a particular academic course
28 or subject to obtain academic credit for the course or subject without
29 enrolling in the course or subject.

30 J. A school district may conduct a ceremony to honor pupils who have
31 been promoted from the eighth grade.

32 Sec. 3. Section 15-741, Arizona Revised Statutes, is amended to read:
33 15-741. Assessment of pupils; parental opt out

34 A. The state board of education shall:

35 1. Adopt rules for purposes of this article pursuant to title 41,
36 chapter 6.

37 2. Adopt and implement an Arizona instrument to measure standards test
38 to measure pupil achievement of the state board adopted academic standards in
39 reading, writing and mathematics in at least four grades designated by the
40 board. The board shall determine the manner of implementation. The board
41 may administer assessments of the academic standards in social studies and
42 science, except that a pupil shall not be required to meet or exceed the
43 social studies or science standards measured by the Arizona instrument to
44 measure standards test.

- 1 3. Ensure that the tests prescribed in this section are uniform
2 throughout the state.
- 3 4. Ensure that the tests prescribed in this section are able to be
4 scored in an objective manner and that the tests are not intended to advocate
5 any sectarian, partisan or denominational viewpoint.
- 6 5. Include within its budget all costs pertaining to the tests
7 prescribed in this article. If sufficient monies are appropriated, the state
8 board may provide achievement test services to school districts that request
9 assistance in testing pupils in grades additional to those required by this
10 section.
- 11 6. Survey teachers, principals and superintendents on achievement
12 related nontest indicators, including information on graduation rates by
13 ethnicity and dropout rates by ethnicity for each grade level. Before the
14 survey, the state board of education shall approve at a public meeting the
15 nontest indicators on which data will be collected. In conducting the survey
16 and collecting data, the state board of education shall not violate the
17 provisions of the family educational rights and privacy act (P.L. 93-380), as
18 amended, nor disclose personally identifiable information.
- 19 7. Establish a fair and consistent method and standard by which test
20 scores from schools in a district may be evaluated taking into consideration
21 demographic data. The board shall establish intervention strategies to
22 assist schools with scores below the acceptable standard. The board shall
23 annually review district and school scores and shall offer assistance to
24 school districts in analyzing data and implementing intervention
25 strategies. The board shall use the adopted test and methods of data
26 evaluation for a period of at least ten years.
- 27 8. Participate in other assessments that provide national comparisons
28 as needed.
- 29 B. The achievement tests adopted by the state board as provided in
30 subsection A of this section shall be given at least annually. Nontest
31 indicator data and other information shall be collected at the same time as
32 the collection of achievement test data.
- 33 C. Local school district governing boards shall:
- 34 1. Administer the tests prescribed in subsection A of this section.
- 35 2. Survey teachers, principals and superintendents on achievement
36 related nontest indicator data as required by the state board, including
37 information related to district graduation and dropout rates. In conducting
38 the survey and collecting data, the governing board shall not violate the
39 provisions of the family educational rights and privacy act (P.L. 93-380), as
40 amended, nor disclose personally identifiable information.
- 41 D. Any additional assessments for high school pupils that are adopted
42 by the state board of education after November 24, 2009 shall be designed to
43 measure college and career readiness of pupils.
- 44 E. A test for penmanship shall not be required pursuant to this
45 article.

1 F. A PARENT, ON BEHALF OF THAT PARENT'S CHILD, MAY OPT OUT OF THE
2 STATEWIDE ASSESSMENTS THAT ARE PRESCRIBED IN THIS ARTICLE. THE STATE BOARD
3 OF EDUCATION SHALL DEVELOP AND MAKE AVAILABLE A FORM FOR PARENTS TO SIGN AND
4 SUBMIT TO THE SCHOOL PRINCIPAL OR HEAD TEACHER IN ORDER TO OPT THEIR CHILDREN
5 OUT OF THE STATEWIDE ASSESSMENTS PRESCRIBED IN THIS ARTICLE. IF A PARENT
6 OPTS OUT OF THE STATEWIDE ASSESSMENTS:
7 1. THE LACK OF ASSESSMENT RESULTS FOR THAT CHILD MAY NOT BE FACTORED
8 INTO THE SCHOOL OR SCHOOL DISTRICT ACHIEVEMENT PROFILE CLASSIFICATION
9 ASSIGNED PURSUANT TO SECTION 15-241.
10 2. THE LACK OF ASSESSMENT RESULTS FOR THAT CHILD MAY NOT BE FACTORED
11 INTO THE INFORMATION CONTAINED ON THE SCHOOL REPORT CARD DISTRIBUTED PURSUANT
12 TO SECTION 15-746.
13 3. IF THE CHILD IS IN THE THIRD GRADE, THE SCHOOL DISTRICT OR CHARTER
14 SCHOOL SHALL USE AN ALTERNATIVE OTHER THAN A STATEWIDE ASSESSMENT PRESCRIBED
15 IN SECTION 15-701 TO DETERMINE WHETHER THAT PUPIL'S READING ABILITY IS
16 SUFFICIENT TO PROMOTE THAT PUPIL FROM THE THIRD GRADE.
17 4. IF THE SCHOOL DISTRICT OR CHARTER SCHOOL REQUIRES A PASSING SCORE
18 ON A STATEWIDE ASSESSMENT AS A REQUIREMENT TO GRADUATE FROM HIGH SCHOOL, THE
19 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL USE AN ALTERNATIVE OTHER THAN A
20 STATEWIDE ASSESSMENT TO DETERMINE WHETHER THAT PUPIL HAS SATISFIED THAT
21 PORTION OF THE GRADUATION REQUIREMENTS.