

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2732

AN ACT

AMENDING SECTION 15-701, ARIZONA REVISED STATUTES; RELATING TO SCHOOL CURRICULUM; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-701, Arizona Revised Statutes, is amended to
3 read:

4 15-701. Common school; promotions; requirements; certificate;
5 supervision of eighth grades by superintendent of
6 high school district; high school admissions;
7 academic credit

8 A. The state board of education shall:

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

12 2. Prescribe competency requirements for the promotion of pupils from
13 the eighth grade and competency requirements for the promotion of pupils from
14 the third grade incorporating the academic standards in at least the areas of
15 reading, writing, mathematics, science and social studies. **NOTWITHSTANDING**
16 **SECTION 15-521, PARAGRAPH 3, THE COMPETENCY REQUIREMENTS FOR THE PROMOTION OF**
17 **PUPILS FROM THE THIRD GRADE SHALL INCLUDE THE FOLLOWING:**

18 (a) A REQUIREMENT THAT A PUPIL NOT BE PROMOTED FROM THE THIRD GRADE IF
19 THE PUPIL OBTAINS A SCORE ON THE READING PORTION OF THE ARIZONA INSTRUMENT TO
20 MEASURE STANDARDS TEST, OR A SUCCESSOR TEST, THAT DEMONSTRATES THAT THE
21 PUPIL'S READING FALLS FAR BELOW THE THIRD GRADE LEVEL.

22 (b) A MECHANISM TO ALLOW A SCHOOL DISTRICT GOVERNING BOARD OR THE
23 GOVERNING BODY OF A CHARTER SCHOOL TO PROMOTE A PUPIL FROM THE THIRD GRADE
24 WHO OBTAINS A SCORE ON THE READING PORTION OF THE ARIZONA INSTRUMENT TO
25 MEASURE STANDARDS TEST, OR A SUCCESSOR TEST, THAT DEMONSTRATES THAT THE
26 PUPIL'S READING FALLS FAR BELOW THE THIRD GRADE LEVEL FOR ANY OF THE
27 FOLLOWING GOOD CAUSE EXEMPTIONS:

28 (i) THE PUPIL IS A CHILD WITH A DISABILITY AS DEFINED IN SECTION
29 15-761 AND DID NOT TAKE THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST, OR
30 A SUCCESSOR TEST.

31 (ii) THE PUPIL IS A CHILD WITH A DISABILITY AS DEFINED IN SECTION
32 15-761, HAS TAKEN THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST, OR A
33 SUCCESSOR TEST, AND HAS BEEN PREVIOUSLY RETAINED IN A GRADE.

34 (iii) THE PUPIL IS AN ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT
35 STUDENT AS DEFINED IN SECTION 15-751 AND HAS HAD FEWER THAN TWO YEARS OF
36 ENGLISH LANGUAGE INSTRUCTION.

37 (iv) THE PUPIL HAS A READING DEFICIENCY AND HAS BEEN PREVIOUSLY
38 RETAINED TWICE IN A GRADE.

39 (v) THE PUPIL HAS DEMONSTRATED READING PROFICIENCY ON AN ALTERNATE
40 ASSESSMENT APPROVED BY THE STATE BOARD OF EDUCATION.

41 (vi) THE SCHOOL DISTRICT GOVERNING BOARD OR THE CHARTER SCHOOL
42 GOVERNING BODY ACCEPTS A PARENT'S REQUEST FOR AN EXEMPTION FOR A PUPIL WHO
43 DOES NOT MEET ANY OF THE GOOD CAUSE EXEMPTIONS PRESCRIBED IN ITEMS (i)
44 THROUGH (v) OF THIS SUBDIVISION. WITHIN THIRTY DAYS AFTER RECEIPT OF
45 NOTIFICATION THAT THE PUPIL WILL NOT BE PROMOTED FROM THE THIRD GRADE, A

1 PARENT MAY SUBMIT A WRITTEN REQUEST TO THE SCHOOL DISTRICT GOVERNING BOARD OR
2 THE CHARTER SCHOOL GOVERNING BODY FOR AN EXEMPTION PURSUANT TO THIS ITEM.
3 THE WRITTEN REQUEST SHALL INCLUDE DOCUMENTATION SHOWING THAT THE PROMOTION OF
4 THE PUPIL IS APPROPRIATE BASED ON THE PUPIL'S ACADEMIC RECORD AND SHALL
5 INCLUDE ACADEMIC PROGRESS REPORTS, THE PUPIL'S INDIVIDUALIZED EDUCATION PLAN,
6 IF APPLICABLE, AND LETTERS FROM THE PUPIL'S TEACHER AND THE PRINCIPAL OF THE
7 SCHOOL RECOMMENDING THAT THE PUPIL BE PROMOTED FROM THE THIRD GRADE. THE
8 SCHOOL DISTRICT GOVERNING BOARD OR THE CHARTER SCHOOL GOVERNING BODY SHALL
9 ISSUE A WRITTEN ACCEPTANCE OR REJECTION OF THE PARENT'S EXEMPTION REQUEST
10 PURSUANT TO THIS ITEM WITHIN THIRTY DAYS AFTER RECEIPT OF THE PARENT'S
11 REQUEST.

12 (c) INTERVENTION AND REMEDIAL STRATEGIES DEVELOPED BY THE STATE BOARD
13 OF EDUCATION FOR PUPILS WHO ARE NOT PROMOTED FROM THE THIRD GRADE. A SCHOOL
14 DISTRICT GOVERNING BOARD OR THE GOVERNING BODY OF A CHARTER SCHOOL SHALL
15 OFFER AT LEAST ONE OF THE INTERVENTION AND REMEDIAL STRATEGIES DEVELOPED BY
16 THE STATE BOARD OF EDUCATION. THE PARENT OR GUARDIAN OF A PUPIL WHO IS NOT
17 PROMOTED FROM THE THIRD GRADE AND THE PUPIL'S TEACHER AND PRINCIPAL MAY
18 CHOOSE THE MOST APPROPRIATE INTERVENTION AND REMEDIAL STRATEGIES THAT WILL BE
19 PROVIDED TO THAT PUPIL. THE INTERVENTION AND REMEDIAL STRATEGIES DEVELOPED
20 BY THE STATE BOARD OF EDUCATION SHALL INCLUDE:

21 (i) A REQUIREMENT THAT THE PUPIL BE ASSIGNED TO A DIFFERENT TEACHER
22 FOR READING INSTRUCTION.

23 (ii) SUMMER SCHOOL READING INSTRUCTION.

24 (iii) IN THE NEXT ACADEMIC YEAR, INTENSIVE READING INSTRUCTION THAT
25 OCCURS BEFORE, DURING OR AFTER THE REGULAR SCHOOL DAY, OR ANY COMBINATION OF
26 BEFORE, DURING AND AFTER THE REGULAR SCHOOL DAY.

27 (iv) ONLINE READING INSTRUCTION.

28 3. PROVIDE FOR UNIVERSAL SCREENING OF PUPILS IN PRESCHOOL PROGRAMS,
29 KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH THREE THAT IS DESIGNED TO
30 IDENTIFY PUPILS WHO HAVE READING DEFICIENCIES PURSUANT TO SECTION 15-704.

31 ~~3-~~ 4. Distribute guidelines for the school districts to follow in
32 prescribing criteria for the promotion of pupils from grade to grade in the
33 common schools. These guidelines shall include recommended procedures for
34 ~~insuring~~ ENSURING that the cultural background of a pupil is taken into
35 consideration when criteria for promotion are being applied.

36 B. BEGINNING IN THE 2010-2011 SCHOOL YEAR, SCHOOL DISTRICTS AND
37 CHARTER SCHOOLS SHALL PROVIDE ANNUAL WRITTEN NOTIFICATION TO PARENTS OF
38 PUPILS IN KINDERGARTEN PROGRAMS AND FIRST, SECOND AND THIRD GRADES THAT A
39 PUPIL WHO OBTAINS A SCORE ON THE READING PORTION OF THE ARIZONA INSTRUMENT TO
40 MEASURE STANDARDS TEST, OR A SUCCESSOR TEST, THAT DEMONSTRATES THE PUPIL IS
41 READING FAR BELOW THE THIRD GRADE LEVEL WILL NOT BE PROMOTED FROM THE THIRD
42 GRADE. IF THE SCHOOL HAS DETERMINED THAT THE PUPIL IS SUBSTANTIALLY
43 DEFICIENT IN READING BEFORE THE END OF GRADE THREE, THE SCHOOL DISTRICT OR
44 CHARTER SCHOOL SHALL PROVIDE TO THE PARENT OF THAT PUPIL A SEPARATE WRITTEN

1 NOTIFICATION OF THE READING DEFICIENCY THAT INCLUDES THE FOLLOWING
2 INFORMATION:

3 (a) A DESCRIPTION OF THE CURRENT READING SERVICES PROVIDED TO THE
4 PUPIL.

5 (b) A DESCRIPTION OF THE AVAILABLE SUPPLEMENTAL INSTRUCTIONAL SERVICES
6 AND SUPPORTING PROGRAMS THAT ARE DESIGNED TO REMEDIATE READING DEFICIENCIES.

7 (c) PARENTAL STRATEGIES TO ASSIST THE PUPIL TO ATTAIN READING
8 PROFICIENCY.

9 (d) A STATEMENT THAT THE PUPIL WILL NOT BE PROMOTED FROM THE THIRD
10 GRADE IF THE PUPIL OBTAINS A SCORE ON THE READING PORTION OF THE ARIZONA
11 INSTRUMENT TO MEASURE STANDARDS TEST, OR A SUCCESSOR TEST, THAT DEMONSTRATES
12 THE PUPIL IS READING FAR BELOW THE THIRD GRADE LEVEL, UNLESS THE PUPIL IS
13 EXEMPT FROM MANDATORY RETENTION IN GRADE THREE OR THE PUPIL QUALIFIES FOR A
14 GOOD CAUSE EXEMPTION PURSUANT TO SUBSECTION A OF THIS SECTION.

15 (e) A DESCRIPTION OF THE SCHOOL DISTRICT OR CHARTER SCHOOL POLICIES ON
16 MIDYEAR PROMOTION TO A HIGHER GRADE.

17 ~~B-~~ C. Pursuant to the guidelines ~~which~~ THAT the state board of
18 education distributes, the governing board of a school district shall:

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

21 2. Prescribe criteria for the promotion of pupils from grade to grade
22 in the common schools in the school district. These criteria shall include
23 accomplishment of the academic standards in at least reading, writing,
24 mathematics, science and social studies, as determined by district
25 assessment. Other criteria may include additional measures of academic
26 achievement and attendance.

27 ~~C-~~ D. The governing board may prescribe the course of study and
28 competency requirements for promotion ~~which~~ THAT are in addition to or higher
29 than the course of study and competency requirements ~~which~~ the state board
30 prescribes.

31 ~~D-~~ E. A teacher shall determine whether to promote or retain a pupil
32 in grade in a common school as provided in section 15-521, paragraph 3 on the
33 basis of the prescribed criteria. The governing board, if it reviews the
34 decision of a teacher to promote or retain a pupil in grade in a common
35 school as provided in section 15-342, paragraph 11, shall base its decision
36 on the prescribed criteria.

37 ~~E-~~ F. A governing board may provide and issue certificates of
38 promotion to pupils whom it promotes from the eighth grade of a common
39 school. Such certificates shall be signed by the principal or superintendent
40 of schools. Where there is no principal or superintendent of schools, the
41 certificates shall be signed by the teacher of an eighth grade. The
42 certificates shall admit the holders to any high school in the state.

1 ~~F.~~ G. A governing board may request certificates of promotion from
2 the county school superintendent. If a governing board requests these
3 certificates from the county school superintendent, the county school
4 superintendent shall furnish and sign the certificates.

5 ~~G.~~ H. Within any high school district or union high school district,
6 the superintendent of the high school district shall supervise the work of
7 the eighth grade of all schools employing no superintendent or principal.

8 ~~H.~~ I. A school district shall not deny a pupil who is between the
9 ages of sixteen and twenty-one years admission to a high school because the
10 pupil does not hold an eighth grade certificate. Governing boards shall
11 establish procedures for determining the admissibility of pupils who are
12 under sixteen years of age and who do not hold eighth grade certificates.

13 ~~I.~~ J. The state board of education shall adopt rules to allow common
14 school pupils who can demonstrate competency in a particular academic course
15 or subject to obtain academic credit for the course or subject without
16 enrolling in the course or subject.

17 Sec. 2. Task force on reading assessment; delayed repeal

18 A. The task force on reading assessment is established consisting of
19 the following members from diverse urban and rural areas who are appointed by
20 the state board of education:

21 1. Two classroom teachers who provide instruction in grade one, two or
22 three and who are employed by a school district in this state.

23 2. One classroom teacher who provides instruction in grade one, two or
24 three and who is employed by a charter school in this state.

25 3. One curriculum specialist who is employed by a charter school in
26 this state.

27 4. A person who is employed by the department of education.

28 5. A school district curriculum specialist.

29 6. A higher education literacy specialist.

30 7. An officer or employee of a charter school in this state.

31 8. A member of the public.

32 B. The state board of education shall select one of the appointed
33 members to serve as the task force chairperson.

34 C. The task force shall:

35 1. Examine the experiences and outcomes of other states that have
36 adopted reading tests that are required for the promotion of pupils from
37 grade three.

38 2. Develop methodologies, models and other recommendations for an
39 assessment that will measure pupils' reading abilities in grades one and
40 two. The recommended reading assessment shall rely on the following
41 concepts:

42 (a) Phonics.

43 (b) Phonemic awareness.

44 (c) Reading comprehension.

1 (d) Fluency.

2 (e) Vocabulary.

3 3. Develop recommendations that integrate the use of mid-year
4 promotion.

5 4. Develop recommendations on the use of student, teacher and school
6 level data to improve promotion rates.

7 5. Submit a written report that contains the task force's findings and
8 recommendations on or before February 15, 2011 to the state board of
9 education, the governor, the speaker of the house of representatives and the
10 president of the senate. The task force shall provide a copy of this report
11 to the secretary of state.

12 D. The task force may use the services and expertise of the staff of
13 the legislature and the staff of the department of education.

14 E. This section is repealed from and after September 15, 2011.

15 Sec. 3. Pupils enrolled in grade three before the 2013-2014
16 school year; exemption from new promotion
17 requirements

18 Notwithstanding section 15-701, Arizona Revised Statutes, as amended by
19 this act, the provisions of section 15-701, Arizona Revised Statutes, as
20 amended by this act, relating to the promotion of pupils from grade three, do
21 not apply to pupils who are enrolled in grade three before the 2013-2014
22 school year.

23 Sec. 4. Conditional enactment

24 Section 15-701, Arizona Revised Statutes, as amended by this act, does
25 not become effective unless proposition 100 is approved by the voters at the
26 May 18, 2010 special election.