

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

# **SENATE BILL 1197**

AN ACT

AMENDING SECTIONS 15-701 AND 15-741, ARIZONA REVISED STATUTES; RELATING TO SCHOOL INSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-701, 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; definition

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. THE MINIMUM COURSE OF STUDY  
12 SHALL INCLUDE INSTRUCTION IN CURSIVE READING AND WRITING TO ENSURE THAT  
13 PUPILS, BY THE END OF GRADE FIVE, ARE ABLE TO CREATE READABLE DOCUMENTS  
14 THROUGH LEGIBLE CURSIVE HANDWRITING.

15 2. Prescribe competency requirements for the promotion of pupils from  
16 the eighth grade and competency requirements for the promotion of pupils from  
17 the third grade incorporating the academic standards in at least the areas of  
18 reading, writing, mathematics, science and social studies. Notwithstanding  
19 section 15-521, paragraph 4, the competency requirements for the promotion of  
20 pupils from the third grade shall include the following:

21 (a) A requirement that a pupil not be promoted from the third grade if  
22 the pupil obtains a score on the reading portion of the Arizona instrument to  
23 measure standards test, or a successor test, that demonstrates that the  
24 pupil's reading falls far below the third grade level or the equivalent as  
25 established by the board. A pupil may not be retained if data regarding the  
26 pupil's performance on the Arizona instrument to measure standards test, or a  
27 successor test, is not available before the start of the following academic  
28 year. A pupil who is not retained due to the unavailability of test data  
29 must receive intervention and remedial strategies pursuant to subdivision (c)  
30 of this paragraph if the third grade assessment data subsequently  
31 demonstrates that the pupil's reading ability falls far below the third grade  
32 level or the equivalent.

33 (b) A mechanism to allow a school district governing board or the  
34 governing body of a charter school to promote a pupil from the third grade  
35 who obtains a score on the reading portion of the Arizona instrument to  
36 measure standards test, or a successor test, that demonstrates that the  
37 pupil's reading falls far below the third grade level for any of the  
38 following:

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

42 (ii) A pupil who is in the process of a special education referral or  
43 evaluation for placement in special education, ~~or~~ a pupil who has been  
44 diagnosed as having a significant reading impairment, including dyslexia, or  
45 a pupil who is a child with a disability as defined in section 15-761 if the

1 pupil's individualized education program team and the pupil's parent or  
2 guardian agree that promotion is appropriate based on the pupil's  
3 individualized education program.

4 (c) Intervention and remedial strategies developed by the state board  
5 of education for pupils who are not promoted from the third grade. A school  
6 district governing board or the governing body of a charter school shall  
7 offer at least one of the intervention and remedial strategies developed by  
8 the state board of education. The parent or guardian of a pupil who is not  
9 promoted from the third grade and the pupil's teacher and principal may  
10 choose the most appropriate intervention and remedial strategies that will be  
11 provided to that pupil. The intervention and remedial strategies developed  
12 by the state board of education shall include:

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

15 (ii) Summer school reading instruction.

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

19 (iv) Online reading instruction.

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

23 4. Develop intervention and remedial strategies pursuant to paragraph  
24 2, subdivision (c) of this subsection for pupils in kindergarten programs and  
25 grades one through three who are identified as having reading deficiencies  
26 pursuant to section 15-704.

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

32 B. School districts and charter schools shall provide annual written  
33 notification to parents of pupils in kindergarten programs and first, second  
34 and third grades that a pupil who obtains a score on the reading portion of  
35 the Arizona instrument to measure standards test, or a successor test, that  
36 demonstrates the pupil is reading far below the third grade level will not be  
37 promoted from the third grade. If the school has determined that the pupil  
38 is substantially deficient in reading before the end of grade three, the  
39 school district or charter school shall provide to the parent of that pupil a  
40 separate written notification of the reading deficiency that includes the  
41 following information:

42 1. A description of the current reading services provided to the  
43 pupil.

1           2. A description of the available supplemental instructional services  
2 and supporting programs that are designed to remediate reading deficiencies.  
3 Each school district or charter school shall offer at least one intervention  
4 strategy and at least one remedial strategy for pupils with reading  
5 deficiencies. The notification shall list the intervention and remedial  
6 strategies offered and shall instruct the parent or guardian to choose the  
7 strategy that will be implemented for that child.

8           3. Parental strategies to assist the pupil to attain reading  
9 proficiency.

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

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

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

20           1. Prescribe curricula that include the academic standards in the  
21 required subject areas pursuant to subsection A, paragraph 1 of this section.  
22 **THE CURRICULA SHALL INCLUDE INSTRUCTION IN CURSIVE READING AND WRITING.**

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

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

32          E. A teacher shall determine whether to promote or retain a pupil in  
33 grade in a common school as provided in section 15-521, paragraph 4 on the  
34 basis of the prescribed criteria. The governing board, if it reviews the  
35 decision of a teacher to promote or retain a pupil in grade in a common  
36 school as provided in section 15-342, paragraph 11, shall base its decision  
37 on the prescribed criteria.

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

1 G. Within any high school district or union high school district, the  
2 superintendent of the high school district shall supervise the work of the  
3 eighth grade of all schools employing no superintendent or principal.

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

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

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

15 K. For the purposes of this section, "dyslexia" means a brain-based  
16 learning difference that impairs a person's ability to read and spell, that  
17 is independent of intelligence and that typically causes a person to read at  
18 levels lower than expected.

19 Sec 2. Section 15-741, Arizona Revised Statutes, is amended to read:

20 15-741. Assessment of pupils

21 A. The state board of education shall:

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

24 2. Adopt and implement an Arizona instrument to measure standards test  
25 to measure pupil achievement of the state board adopted academic standards in  
26 reading, writing and mathematics in at least four grades designated by the  
27 board. The board shall determine the manner of implementation. The board  
28 may administer assessments of the academic standards in social studies and  
29 science, except that a pupil shall not be required to meet or exceed the  
30 social studies or science standards measured by the Arizona instrument to  
31 measure standards test.

32 3. Ensure that the tests prescribed in this section are uniform  
33 throughout the state.

34 4. Ensure that the tests prescribed in this section are able to be  
35 scored in an objective manner and that the tests are not intended to advocate  
36 any sectarian, partisan or denominational viewpoint.

37 5. Include within its budget all costs pertaining to the tests  
38 prescribed in this article. If sufficient monies are appropriated, the state  
39 board may provide achievement test services to school districts that request  
40 assistance in testing pupils in grades additional to those required by this  
41 section.

42 6. Survey teachers, principals and superintendents on achievement  
43 related nontest indicators, including information on graduation rates by  
44 ethnicity and dropout rates by ethnicity for each grade level. Before the  
45 survey, the state board of education shall approve at a public meeting the

1 nontest indicators on which data will be collected. In conducting the survey  
2 and collecting data, the state board of education shall not violate the  
3 provisions of the family educational rights and privacy act (P.L. 93-380), as  
4 amended, nor disclose personally identifiable information.

5 7. Establish a fair and consistent method and standard by which test  
6 scores from schools in a district may be evaluated taking into consideration  
7 demographic data. The board shall establish intervention strategies to  
8 assist schools with scores below the acceptable standard. The board shall  
9 annually review district and school scores and shall offer assistance to  
10 school districts in analyzing data and implementing intervention  
11 strategies. The board shall use the adopted test and methods of data  
12 evaluation for a period of at least ten years.

13 8. Participate in other assessments that provide national comparisons  
14 as needed.

15 B. The achievement tests adopted by the state board as provided in  
16 subsection A of this section shall be given at least annually. Nontest  
17 indicator data and other information shall be collected at the same time as  
18 the collection of achievement test data.

19 C. Local school district governing boards shall:

20 1. Administer the tests prescribed in subsection A of this section.  
21 2. Survey teachers, principals and superintendents on achievement  
22 related nontest indicator data as required by the state board, including  
23 information related to district graduation and dropout rates. In conducting  
24 the survey and collecting data, the governing board shall not violate the  
25 provisions of the family educational rights and privacy act (P.L. 93-380), as  
26 amended, nor disclose personally identifiable information.

27 D. Any additional assessments for high school pupils that are adopted  
28 by the state board of education after November 24, 2009 shall be designed to  
29 measure college and career readiness of pupils.

30 E. A test for penmanship [OR FOR THE CURSIVE READING AND WRITING](#)  
31 [REQUIREMENT PURSUANT TO SECTION 15-701](#) shall not be required pursuant to this  
32 article.