

REFERENCE TITLE: schools; dyslexia; handbook; definition

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

## **HB 2202**

Introduced by  
Representatives Norgaard: Boyer, Carter, Coleman, Finchem, Salman,  
Senator Allen S

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-249.07; AMENDING SECTION 15-701, ARIZONA REVISED  
STATUTES; RELATING TO SCHOOL CURRICULA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised  
3 Statutes, is amended by adding section 15-249.07, to read:

4 15-249.07. Dyslexia handbook

5 THE DEPARTMENT OF EDUCATION, SUBJECT TO APPROVAL BY THE STATE BOARD  
6 OF EDUCATION, SHALL DEVELOP AND MAINTAIN A HANDBOOK FOR USE IN THE SCHOOLS  
7 OF THIS STATE THAT PROVIDES GUIDANCE FOR PUPILS, PARENTS AND TEACHERS  
8 CONCERNING DYSLEXIA. THE HANDBOOK SHALL INCLUDE THE FOLLOWING:

9 1. GUIDELINES FOR TEACHERS AND PARENTS TO IDENTIFY DYSLEXIA.

10 2. A DESCRIPTION OF EDUCATIONAL STRATEGIES THAT HAVE BEEN SHOWN TO  
11 IMPROVE THE ACADEMIC PERFORMANCE OF PUPILS WITH DYSLEXIA.

12 3. A DESCRIPTION OF RESOURCES AND SERVICES THAT ARE AVAILABLE TO  
13 PUPILS WITH DYSLEXIA AND TO TEACHERS AND PARENTS OF PUPILS WITH  
14 DYSLEXIA.

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

17 15-701. Common school; promotions; requirements; certificate;  
18 supervision of eighth grades by superintendent of  
19 high school district; high school admissions;  
20 academic credit; definition

21 A. The state board of education shall:

22 1. Prescribe a minimum course of study, as defined in section  
23 15-101 and incorporating the academic standards adopted by the state board  
24 of education, to be taught in the common schools.

25 2. Prescribe competency requirements for the promotion of pupils  
26 from the eighth grade and competency requirements for the promotion of  
27 pupils from the third grade incorporating the academic standards in at  
28 least the areas of reading, writing, mathematics, science and social  
29 studies. Notwithstanding section 15-521, paragraph 4, the competency  
30 requirements for the promotion of pupils from the third grade shall  
31 include the following:

32 (a) A requirement that a pupil not be promoted from the third grade  
33 if the pupil obtains a score on the reading portion of the Arizona  
34 instrument to measure standards test, or a successor test, that  
35 demonstrates that the pupil's reading falls far below the third grade  
36 level or the equivalent as established by the board. A pupil may not be  
37 retained if data regarding the pupil's performance on the Arizona  
38 instrument to measure standards test, or a successor test, is not  
39 available before the start of the following academic year. A pupil who is  
40 not retained due to the unavailability of test data must receive  
41 intervention and remedial strategies pursuant to subdivision (c) of this  
42 paragraph if the third grade assessment data subsequently demonstrates  
43 that the pupil's reading ability falls far below the third grade level or  
44 the equivalent.

1 (b) A mechanism to allow a school district governing board or the  
2 governing body of a charter school to promote a pupil from the third grade  
3 who obtains a score on the reading portion of the Arizona instrument to  
4 measure standards test, or a successor test, that demonstrates that the  
5 pupil's reading falls far below the third grade level for any of the  
6 following:

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

10 (ii) A pupil who is in the process of a special education referral  
11 or evaluation for placement in special education, a pupil who has been  
12 diagnosed as having a significant reading impairment, including dyslexia,  
13 or a pupil who is a child with a disability as defined in section 15-761  
14 if the pupil's individualized education program team and the pupil's  
15 parent or guardian agree that promotion is appropriate based on the  
16 pupil's individualized education program.

17 (iii) A pupil who receives intervention and remedial services  
18 during the summer or subsequent school year pursuant to subdivision (c) of  
19 this paragraph and demonstrates sufficient progress may be promoted from  
20 the third grade based on guidelines issued pursuant to subsection B,  
21 paragraph 5 of this section.

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

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

34 (ii) Summer school reading instruction.

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

38 (iv) Online reading instruction.

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

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

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

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

16           1. A description of the current reading services provided to the  
17 pupil.

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

25           3. Parental strategies to assist the pupil to attain reading  
26 proficiency.

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

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

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

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

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

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

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

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

18 G. Within any high school district or union high school district,  
19 the superintendent of the high school district shall supervise the work of  
20 the 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  
22 of sixteen and twenty-one years admission to a high school because the  
23 pupil does not hold an eighth grade certificate. Governing boards shall  
24 establish procedures for determining the admissibility of pupils who are  
25 under sixteen 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  
28 course or subject to obtain academic credit for the course or subject  
29 without enrolling in the course or subject.

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

32 K. For the purposes of this section, "dyslexia" means a ~~brain-based~~  
33 ~~learning difference that impairs a person's ability to read and spell,~~  
34 ~~that is independent of intelligence and that typically causes a person to~~  
35 ~~read at levels lower than expected.~~ SPECIFIC LEARNING DISABILITY THAT IS  
36 NEUROLOGICAL IN ORIGIN. IT IS CHARACTERIZED BY DIFFICULTIES WITH ACCURATE  
37 OR FLUENT WORD RECOGNITION AND BY POOR SPELLING AND DECODING ABILITIES.  
38 DIFFICULTIES TYPICALLY RESULT FROM A DEFICIT IN THE PHONOLOGICAL COMPONENT  
39 OF LANGUAGE THAT IS OFTEN UNEXPECTED IN RELATION TO OTHER COGNITIVE  
40 ABILITIES AND TO THE PROVISION OF EFFECTIVE CLASSROOM INSTRUCTION.  
41 SECONDARY CONSEQUENCES MAY INCLUDE PROBLEMS IN READING COMPREHENSION AND  
42 REDUCED READING EXPERIENCE THAT CAN IMPEDE THE GROWTH OF VOCABULARY AND  
43 BACKGROUND KNOWLEDGE.