Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

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

CHAPTER 296

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)

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

Section 1. Section 15-701, Arizona Revised Statutes, is amended to read:

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

A. The state board of education shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) SUMMER SCHOOL READING INSTRUCTION.

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

(iv) ONLINE READING INSTRUCTION.

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

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

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

NOTIFICATION OF THE READING DEFICIENCY THAT INCLUDES THE FOLLOWING INFORMATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. A school district curriculum specialist.

6. A higher education literacy specialist.

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

8. A member of the public.

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

C. The task force shall:

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

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

(a) Phonics.

(b) Phonemic awareness.

(c) Reading comprehension.

(d) Fluency.

(e) Vocabulary.

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

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

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

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

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

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

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

Sec. 4. Conditional enactment

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

APPROVED BY THE GOVERNOR MAY 10, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2010.