

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE BILL 1461

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-219; AMENDING SECTION 15-701, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(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 1, Arizona Revised Statutes,
3 is amended by adding section 15-219, to read:

4 15-219. Dyslexia and reading disability screening,
5 intervention, accommodation and technology;
6 continuing education

7 THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO ALLOW CERTIFICATED
8 TEACHERS AND ADMINISTRATORS TO COUNT TRAINING REGARDING SCREENING,
9 INTERVENTION, ACCOMMODATION, USE OF TECHNOLOGY AND ADVOCACY FOR STUDENTS WITH
10 READING IMPAIRMENTS, INCLUDING DYSLEXIA, AS CONTINUING EDUCATION CREDITS.

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

12 15-701. Common school; promotions; requirements; certificate;
13 supervision of eighth grades by superintendent of
14 high school district; high school admissions;
15 academic credit; definition

16 A. The state board of education shall:

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

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

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

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

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

4 (ii) A pupil who IS IN THE PROCESS OF A SPECIAL EDUCATION REFERRAL OR
5 EVALUATION FOR PLACEMENT IN SPECIAL EDUCATION OR A PUPIL WHO HAS BEEN
6 DIAGNOSED AS HAVING A SIGNIFICANT READING IMPAIRMENT, INCLUDING DYSLEXIA OR A
7 PUPIL WHO is a child with a disability as defined in section 15-761 if the
8 pupil's individualized education program team and the pupil's parent or
9 guardian agree that promotion is appropriate based on the pupil's
10 individualized education program.

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

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

22 (ii) Summer school reading instruction.

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

26 (iv) Online reading instruction.

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

30 4. Develop intervention and remedial strategies pursuant to paragraph
31 2, subdivision (c) of this subsection for pupils in kindergarten programs and
32 grades one through three who are identified as having reading deficiencies
33 pursuant to section 15-704.

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

39 B. School districts and charter schools shall provide annual written
40 notification to parents of pupils in kindergarten programs and first, second
41 and third grades that a pupil who obtains a score on the reading portion of
42 the Arizona instrument to measure standards test, or a successor test, that
43 demonstrates the pupil is reading far below the third grade level will not be
44 promoted from the third grade. If the school has determined that the pupil
45 is substantially deficient in reading before the end of grade three, the

1 school district or charter school shall provide to the parent of that pupil a
2 separate written notification of the reading deficiency that includes the
3 following information:

4 1. A description of the current reading services provided to the
5 pupil.

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

13 3. Parental strategies to assist the pupil to attain reading
14 proficiency.

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

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

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

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

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

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

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

42 F. A governing board may provide and issue certificates of promotion
43 to pupils whom it promotes from the eighth grade of a common school. Such
44 certificates shall be signed by the principal or superintendent of schools.
45 Where there is no principal or superintendent of schools, the certificates

1 shall be signed by the teacher of an eighth grade. The certificates shall
2 admit the holders to any high school in the state.

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

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

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

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

17 K. FOR THE PURPOSES OF THIS SECTION, "DYSLEXIA" MEANS A BRAIN-BASED
18 LEARNING DIFFERENCE THAT IMPAIRS A PERSON'S ABILITY TO READ AND SPELL, THAT
19 IS INDEPENDENT OF INTELLIGENCE AND THAT TYPICALLY CAUSES A PERSON TO READ AT
20 LEVELS LOWER THAN EXPECTED.