

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 150

SENATE BILL 1258

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-249.03; AMENDING SECTION 15-701, ARIZONA REVISED STATUTES; RELATING TO SCHOOL CURRICULUM.

(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 Statutes,
3 is amended by adding section 15-249.03, to read:

4 15-249.03. Best practice examples of reading intervention and
5 remedial reading strategies; posting

6 THE DEPARTMENT OF EDUCATION SHALL PROMINENTLY POST ON THE WEBSITE
7 MAINTAINED BY THE DEPARTMENT BEST PRACTICE EXAMPLES OF READING INTERVENTION
8 AND REMEDIAL READING STRATEGIES USED IN SCHOOL DISTRICTS AND CHARTER SCHOOLS
9 IN THIS STATE.

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

11 15-701. Common school; promotions; requirements; certificate;
12 supervision of eighth grades by superintendent of
13 high school district; high school admissions;
14 academic credit

15 A. The state board of education shall:

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

19 2. Prescribe competency requirements for the promotion of pupils from
20 the eighth grade and competency requirements for the promotion of pupils from
21 the third grade incorporating the academic standards in at least the areas of
22 reading, writing, mathematics, science and social studies. Notwithstanding
23 section 15-521, paragraph 3, the competency requirements for the promotion of
24 pupils from the third grade shall include the following:

25 (a) A requirement that a pupil not be promoted from the third grade if
26 the pupil obtains a score on the reading portion of the Arizona instrument to
27 measure standards test, or a successor test, that demonstrates that the
28 pupil's reading falls far below the third grade level.

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

35 ~~(i) The pupil is a child with a disability as defined in section~~
36 ~~15-761 and did not take the Arizona instrument to measure standards test, or~~
37 ~~a successor test.~~

38 ~~(ii) The pupil is a child with a disability as defined in section~~
39 ~~15-761, has taken the Arizona instrument to measure standards test, or a~~
40 ~~successor test, and has been previously retained in a grade.~~

41 ~~(iii)~~ (i) A GOOD CAUSE EXEMPTION IF the pupil is an English learner
42 or a limited English proficient student as defined in section 15-751 and has
43 had fewer than two years of English language instruction.

44 ~~(iv) The pupil has a reading deficiency and has been previously~~
45 ~~retained twice in a grade.~~

1 ~~(v) The pupil has demonstrated reading proficiency on an alternate~~
2 ~~assessment approved by the state board of education.~~

3 ~~(vi) The school district governing board or the charter school~~
4 ~~governing body accepts a parent's request for an exemption for a pupil who~~
5 ~~does not meet any of the good cause exemptions prescribed in items (i)~~
6 ~~through (v) of this subdivision. Within thirty days after receipt of~~
7 ~~notification that the pupil will not be promoted from the third grade, a~~
8 ~~parent may submit a written request to the school district governing board or~~
9 ~~the charter school governing body for an exemption pursuant to this item.~~
10 ~~The written request shall include documentation showing that the promotion of~~
11 ~~the pupil is appropriate based on the pupil's academic record and shall~~
12 ~~include academic progress reports, the pupil's individualized education plan,~~
13 ~~if applicable, and letters from the pupil's teacher and the principal of the~~
14 ~~school recommending that the pupil be promoted from the third grade. The~~
15 ~~school district governing board or the charter school governing body shall~~
16 ~~issue a written acceptance or rejection of the parent's exemption request~~
17 ~~pursuant to this item within thirty days after receipt of the parent's~~
18 ~~request.~~

19 (ii) A CHILD WITH A DISABILITY AS DEFINED IN SECTION 15-761 IF THE
20 PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM TEAM AND THE PUPIL'S PARENT OR
21 GUARDIAN AGREES THAT PROMOTION IS APPROPRIATE BASED ON THE PUPIL'S
22 INDIVIDUALIZED EDUCATION PROGRAM.

23 (c) Intervention and remedial strategies developed by the state board
24 of education for pupils who are not promoted from the third grade. A school
25 district governing board or the governing body of a charter school shall
26 offer at least one of the intervention and remedial strategies developed by
27 the state board of education. The parent or guardian of a pupil who is not
28 promoted from the third grade and the pupil's teacher and principal may
29 choose the most appropriate intervention and remedial strategies that will be
30 provided to that pupil. The intervention and remedial strategies developed
31 by the state board of 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 of
37 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 PARAGRAPH
43 2, SUBDIVISION (c) OF THIS SUBSECTION FOR PUPILS IN KINDERGARTEN PROGRAMS AND
44 GRADES ONE THROUGH THREE WHO ARE IDENTIFIED AS HAVING READING DEFICIENCIES
45 PURSUANT TO SECTION 15-704.

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

6 B. Beginning in the 2010-2011 school year, school districts and
7 charter schools shall provide annual written notification to parents of
8 pupils in kindergarten programs and first, second and third grades that a
9 pupil who obtains a score on the reading portion of the Arizona instrument to
10 measure standards test, or a successor test, that demonstrates the pupil is
11 reading far below the third grade level will not be promoted from the third
12 grade. If the school has determined that the pupil is substantially
13 deficient in reading before the end of grade three, the school district or
14 charter school shall provide to the parent of that pupil a separate written
15 notification of the reading deficiency that includes the following
16 information:

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

19 2. A description of the available supplemental instructional services
20 and supporting programs that are designed to remediate reading
21 deficiencies. EACH SCHOOL DISTRICT OR CHARTER SCHOOL SHALL OFFER AT LEAST
22 ONE INTERVENTION STRATEGY AND AT LEAST ONE REMEDIAL STRATEGY FOR PUPILS WITH
23 READING DEFICIENCIES. THE NOTIFICATION SHALL LIST THE INTERVENTION AND
24 REMEDIAL STRATEGIES OFFERED AND SHALL INSTRUCT THE PARENT OR GUARDIAN TO
25 CHOOSE THE STRATEGY THAT WILL BE IMPLEMENTED FOR THAT CHILD.

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.

Passed the House March 22, 2012,

Passed the Senate February 28, 2012,

by the following vote: 54 Ayes,

by the following vote: 29 Ayes,

4 Nays, 2 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1258

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

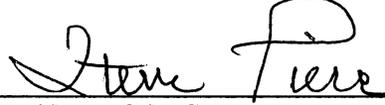
Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 28, 2012

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate

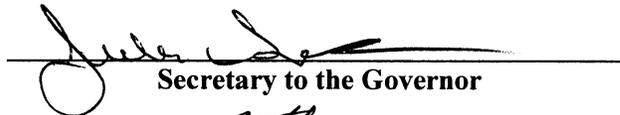

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

28 day of March, 2012

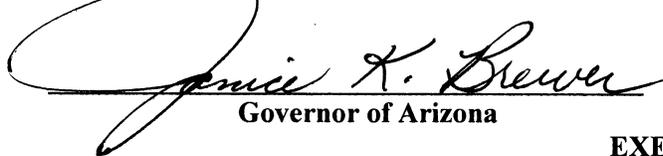
at 12:30 o'clock P M.


Secretary to the Governor

Approved this 29th day of

March

at 2:50 o'clock P. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29th day of March, 2012

S.B. 1258

at 4:58 o'clock P M.


Secretary of State