House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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

CHAPTER 68

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)

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

Section 1. Title 15, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 15-219, to read:

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

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

Sec. 2. 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; definition

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 4, 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 or the equivalent as established by the board. A pupil may not be retained if data regarding the pupil's performance on the Arizona instrument to measure standards test, or a successor test, is not available before the start of the following academic year. A pupil who is not retained due to the unavailability of test data must receive intervention and remedial strategies pursuant to subdivision (c) of this paragraph if the third grade assessment data subsequently demonstrates that the pupil's reading ability falls far below the third grade level or the equivalent.

(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:

(i) A good cause exemption if 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.

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

(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.

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

5. 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 ensuring that the cultural background of a pupil is taken into consideration when criteria for promotion are being applied.

B. 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:

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

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

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

4. 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 an exemption pursuant to subsection A of this section.

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

C. Pursuant to the guidelines 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.

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

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 4 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.

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.

G. 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. 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. 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.

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

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

APPROVED BY THE GOVERNOR MARCH 26, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2015.

Passed the House March 19, 2015,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate March 5, 2015,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Assistant

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

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

S.B. 1461

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 24, **20** 15

by the following vote: 28 **Ayes,**

0 **Nays,** 2 **Not Voting**

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

24th **day of** March **, 20** 15

at 4:27 **o'clock** P. **M.**

Secretary to the Governor

Approved this 26th **day of**

March

at 11:35 **o'clock** A. **M.**

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27th **day of** March **, 20** 15

S.B. 1461

at 9:00 **o'clock** A. **M.**

Secretary of State