

Conference Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

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

**CHAPTER 194**  
**HOUSE BILL 2202**

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, MAY 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 statewide  
34 assessment that demonstrates that the pupil's reading falls far below the  
35 third grade level or the equivalent as established by the board. A pupil  
36 may not be retained if data regarding the pupil's performance on the  
37 statewide assessment is not available before the start of the following  
38 academic year. A pupil who is not retained due to the unavailability of  
39 test data must receive intervention and remedial strategies pursuant to  
40 subdivision (c) of this paragraph if the third grade assessment data  
41 subsequently demonstrates that the pupil's reading ability falls far below  
42 the third grade level or the equivalent.

43 (b) A mechanism to allow a school district governing board or the  
44 governing body of a charter school to promote a pupil from the third grade  
45 who obtains a score on the reading portion of the statewide assessment

1 that demonstrates that the pupil's reading falls far below the third grade  
2 level for any of the following:

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

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

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

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

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

30 (ii) Summer school reading instruction.

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

34 (iv) Online reading instruction.

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

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

42 5. Distribute guidelines for the school districts to follow in  
43 prescribing criteria for the promotion of pupils from grade to grade in  
44 the common schools. These guidelines shall include recommended procedures

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

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

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

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

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

24 4. A statement that the pupil will not be promoted from the third  
25 grade if the pupil obtains a score on the reading portion of the statewide  
26 assessment that demonstrates the pupil is reading far below the third  
27 grade level, unless the pupil is exempt from mandatory retention in grade  
28 three or the pupil qualifies for an exemption pursuant to subsection A of  
29 this section.

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

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

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

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

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

1 than the course of study and competency requirements the state board  
2 prescribes.

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

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

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

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

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

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

30 K. For the purposes of this section, "dyslexia" means a ~~brain-based~~  
31 ~~learning difference that impairs a person's ability to read and spell,~~  
32 ~~that is independent of intelligence and that typically causes a person to~~  
33 ~~read at levels lower than expected.~~ CONDITION THAT:

- 34 1. IS NEUROLOGICAL IN ORIGIN.  
35 2. IS CHARACTERIZED BY DIFFICULTIES WITH ACCURATE OR FLUENT WORD  
36 RECOGNITION AND BY POOR SPELLING AND DECODING ABILITIES, INCLUDING  
37 DIFFICULTIES THAT TYPICALLY RESULT FROM A DEFICIT IN THE PHONOLOGICAL  
38 COMPONENT OF LANGUAGE THAT IS OFTEN UNEXPECTED IN RELATION TO OTHER  
39 COGNITIVE ABILITIES AND TO THE PROVISION OF EFFECTIVE CLASSROOM  
40 INSTRUCTION.  
41 3. MAY INCLUDE SECONDARY CONSEQUENCES SUCH AS PROBLEMS WITH READING  
42 COMPREHENSION AND REDUCED READING EXPERIENCE THAT MAY IMPEDE THE GROWTH OF  
43 VOCABULARY AND BACKGROUND KNOWLEDGE.

**APPROVED BY THE GOVERNOR APRIL 26, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2017.**

Passed the House February 9, 2017

Passed the Senate March 20, 2017

by the following vote: 56 Ayes,

by the following vote: 27 Ayes,

2 Nays, 2 Not Voting

2 Nays, 1 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

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

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2202

HOUSE FINAL PASSAGE  
as per Joint Conference

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the House April 20, 20 17

Passed the Senate April 24, 20 17

by the following vote: 55 Ayes,

by the following vote: 29 Ayes,

1 Nays, 3 Not Voting  
1 Vacant

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Pro Tempore

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

25<sup>th</sup> day of April, 20 17

at 12:09 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

April 2017

at 3:04 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 26 day of April, 20 17

at 4:44 o'clock P. M.

[Signature]  
Secretary of State