

REFERENCE TITLE: statewide assessments; parental opt-out

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HB 2056

Introduced by  
Representatives Ackerley, Boyer: Senator Allen

## AN ACT

AMENDING SECTIONS 15-102, 15-701 AND 15-741, ARIZONA REVISED STATUTES;  
RELATING TO PUPIL ASSESSMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-102, Arizona Revised Statutes, is amended to  
3 read:

4 15-102. Parental involvement in the school; definition

5 A. The governing board, in consultation with parents, teachers and  
6 administrators, shall develop and adopt a policy to promote the involvement  
7 of parents and guardians of children enrolled in the schools within the  
8 school district, including:

9 1. A plan for parent participation in the schools ~~which~~ **THAT** is  
10 designed to improve parent and teacher cooperation in such areas as homework,  
11 attendance and discipline.

12 2. Procedures by which parents may learn about the course of study for  
13 their children and review learning materials, including the source of any  
14 supplemental educational materials.

15 3. Procedures by which parents who object to any learning material or  
16 activity on the basis that it is harmful may withdraw their children from the  
17 activity or from the class or program in which the material is used.  
18 Objection to a learning material or activity on the basis that it is harmful  
19 includes objection to a material or activity because it questions beliefs or  
20 practices in sex, morality or religion.

21 4. If a school district offers any sex education curricula pursuant to  
22 section 15-711 or 15-716 or pursuant to any rules adopted by the state board  
23 of education, procedures to prohibit a school district from providing sex  
24 education instruction to a pupil unless the pupil's parent provides written  
25 permission for the child to participate in the sex education curricula.

26 5. Procedures by which parents will be notified in advance of and  
27 given the opportunity to withdraw their children from any instruction or  
28 presentations regarding sexuality in courses other than formal sex education  
29 curricula.

30 6. Procedures by which parents may learn about the nature and purpose  
31 of clubs and activities that are part of the school curriculum,  
32 extracurricular clubs and activities that have been approved by the school.

33 7. Procedures by which parents may learn about parental rights and  
34 responsibilities under the laws of this state, including the following:

35 (a) The right to opt in to a sex education curriculum if one is  
36 provided by the school district.

37 (b) Open enrollment rights pursuant to section 15-816.01.

38 (c) The right to opt out of assignments pursuant to this section.

39 (d) The right to opt out of immunizations pursuant to section 15-873.

40 (e) The promotion requirements prescribed in section 15-701.

41 (f) The minimum course of study and competency requirements for  
42 graduation from high school prescribed in section 15-701.01.

43 (g) The right to opt out of instruction on the acquired immune  
44 deficiency syndrome pursuant to section 15-716.

45 (h) The right to review test results pursuant to section 15-743.

1 (i) The right to participate in gifted programs pursuant to section  
2 15-779.01.

3 (j) The right to access instructional materials pursuant to section  
4 15-730.

5 (k) The right to receive a school report card pursuant to section  
6 15-746.

7 (l) The attendance requirements prescribed in sections 15-802, 15-803  
8 and 15-821.

9 (m) The right to public review of courses of study and textbooks  
10 pursuant to section 15-721.

11 (n) The right to be excused from school attendance for religious  
12 purposes pursuant to section 15-806.

13 (o) Policies related to parental involvement pursuant to this section.

14 (p) The right to seek membership on school councils pursuant to  
15 section 15-351.

16 (q) The right to participate in a parental satisfaction survey  
17 pursuant to section 15-353.

18 (r) Information about the student accountability information system as  
19 prescribed in section ~~15-1042~~ 15-1041.

20 (s) The right to access the failing schools tutoring fund pursuant to  
21 section 15-241.

22 (t) THE RIGHT TO OPT OUT OF THE STATEWIDE ASSESSMENTS PRESCRIBED IN  
23 CHAPTER 7, ARTICLE 3 OF THIS TITLE.

24 B. The policy adopted by the governing board pursuant to this section  
25 may also include the following components:

26 1. A plan by which parents will be made aware of the district's  
27 parental involvement policy and this section, including:

28 (a) Rights under the family educational rights and privacy act of 1974  
29 (20 United States Code section 1232g) relating to access to children's  
30 official records.

31 (b) The parent's right to inspect the school district policies and  
32 curriculum.

33 2. Efforts to encourage the development of parenting skills.

34 3. The communication to parents of techniques designed to assist the  
35 child's learning experience in the home.

36 4. Efforts to encourage access to community and support services for  
37 children and families.

38 5. The promotion of communication between the school and parents  
39 concerning school programs and the academic progress of the parents'  
40 children.

41 6. Identifying opportunities for parents to participate in and support  
42 classroom instruction at the school.

43 7. Efforts to support, with appropriate training, parents as shared  
44 ~~decision-makers~~ DECISION-MAKERS and to encourage membership on school  
45 councils.

1           8. The recognition of the diversity of parents and the development of  
2 guidelines that promote widespread parental participation and involvement in  
3 the school at various levels.

4           9. The development of preparation programs and specialized courses for  
5 certificated employees and administrators that promote parental involvement.

6           10. The development of strategies and programmatic structures at  
7 schools to encourage and enable parents to participate actively in their  
8 children's education.

9           C. The governing board may adopt a policy to provide to parents the  
10 information required by this section in an electronic form.

11           D. A parent shall submit a written request for information pursuant to  
12 this section during regular business hours to either the school principal at  
13 the school site or the superintendent of the school district at the office of  
14 the school district. Within ten days of receiving the request for  
15 information, the school principal or the superintendent of the school  
16 district shall either deliver the requested information to the parent or  
17 submit to the parent a written explanation of the reasons for the denial of  
18 the requested information. If the request for information is denied or the  
19 parent does not receive the requested information within fifteen days after  
20 submitting the request for information, the parent may submit a written  
21 request for the information to the school district governing board, which  
22 shall formally consider the request at the next scheduled public meeting of  
23 the governing board if the request can be properly noticed on the agenda. If  
24 the request cannot be properly noticed on the agenda, the governing board  
25 shall formally consider the request at the next subsequent public meeting of  
26 the governing board.

27           E. For the purposes of this section, "parent" means the natural or  
28 adoptive parent or legal guardian of a minor child.

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

30           15-701. Common school; promotions; requirements; certificate;  
31           supervision of eighth grades by superintendent of  
32           high school district; high school admissions;  
33           academic credit; definition

34           A. The state board of education shall:

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

38           2. Prescribe competency requirements for the promotion of pupils from  
39 the eighth grade and competency requirements for the promotion of pupils from  
40 the third grade incorporating the academic standards in at least the areas of  
41 reading, writing, mathematics, science and social studies. Notwithstanding  
42 section 15-521, paragraph 4, the competency requirements for the promotion of  
43 pupils from the third grade shall include the following:

44           (a) UNLESS THE PUPIL'S PARENT OPTS OUT OF THE STATEWIDE ASSESSMENTS  
45 PRESCRIBED IN ARTICLE 3 OF THIS CHAPTER, a requirement that a pupil not be

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

12 (b) A mechanism to allow a school district governing board or the  
13 governing body of a charter school to promote a pupil from the third grade  
14 who obtains a score on the reading portion of the Arizona instrument to  
15 measure standards test, or a successor test, that demonstrates that the  
16 pupil's reading falls far below the third grade level for any of the  
17 following:

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

21 (ii) A pupil who is in the process of a special education referral or  
22 evaluation for placement in special education ~~or~~, a pupil who has been  
23 diagnosed as having a significant reading impairment, including dyslexia, or  
24 a pupil who is a child with a disability as defined in section 15-761 if the  
25 pupil's individualized education program team and the pupil's parent or  
26 guardian agree that promotion is appropriate based on the pupil's  
27 individualized education program.

28 (c) Intervention and remedial strategies developed by the state board  
29 of education for pupils who are not promoted from the third grade. A school  
30 district governing board or the governing body of a charter school shall  
31 offer at least one of the intervention and remedial strategies developed by  
32 the state board of education. The parent or guardian of a pupil who is not  
33 promoted from the third grade and the pupil's teacher and principal may  
34 choose the most appropriate intervention and remedial strategies that will be  
35 provided to that pupil. The intervention and remedial strategies developed  
36 by the state board of education shall include:

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

39 (ii) Summer school reading instruction.

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

43 (iv) Online reading instruction.

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

4           4. Develop intervention and remedial strategies pursuant to paragraph  
5 2, subdivision (c) of this subsection for pupils in kindergarten programs and  
6 grades one through three who are identified as having reading deficiencies  
7 pursuant to section 15-704.

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

13           B. School districts and charter schools shall provide annual written  
14 notification to parents of pupils in kindergarten programs and first, second  
15 and third grades that a pupil who obtains a score on the reading portion of  
16 the Arizona instrument to measure standards test, or a successor test, that  
17 demonstrates the pupil is reading far below the third grade level will not be  
18 promoted from the third grade. If the school has determined that the pupil  
19 is substantially deficient in reading before the end of grade three, the  
20 school district or charter school shall provide to the parent of that pupil a  
21 separate written notification of the reading deficiency that includes the  
22 following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36          K. For the purposes of this section, "dyslexia" means a brain-based  
37 learning difference that impairs a person's ability to read and spell, that  
38 is independent of intelligence and that typically causes a person to read at  
39 levels lower than expected.

40          Sec. 3. Section 15-741, Arizona Revised Statutes, is amended to read:

41          15-741. Assessment of pupils; parental opt out

42          A. The state board of education shall:

43          1. Adopt rules for purposes of this article pursuant to title 41,  
44 chapter 6.

1           2. Adopt and implement an Arizona instrument to measure standards test  
2 to measure pupil achievement of the state board adopted academic standards in  
3 reading, writing and mathematics in at least four grades designated by the  
4 board. The board shall determine the manner of implementation. The board  
5 may administer assessments of the academic standards in social studies and  
6 science, except that a pupil shall not be required to meet or exceed the  
7 social studies or science standards measured by the Arizona instrument to  
8 measure standards test.

9           3. Ensure that the tests prescribed in this section are uniform  
10 throughout the state.

11           4. Ensure that the tests prescribed in this section are able to be  
12 scored in an objective manner and that the tests are not intended to advocate  
13 any sectarian, partisan or denominational viewpoint.

14           5. Include within its budget all costs pertaining to the tests  
15 prescribed in this article. If sufficient monies are appropriated, the state  
16 board may provide achievement test services to school districts that request  
17 assistance in testing pupils in grades additional to those required by this  
18 section.

19           6. Survey teachers, principals and superintendents on ~~achievement~~  
20 ~~related~~ ACHIEVEMENT-RELATED nontest indicators, including information on  
21 graduation rates by ethnicity and dropout rates by ethnicity for each grade  
22 level. Before the survey, the state board of education shall approve at a  
23 public meeting the nontest indicators on which data will be collected. In  
24 conducting the survey and collecting data, the state board of education shall  
25 not violate the provisions of the family educational rights and privacy act  
26 (P.L. 93-380), as amended, nor disclose personally identifiable information.

27           7. Establish a fair and consistent method and standard by which test  
28 scores from schools in a district may be evaluated taking into consideration  
29 demographic data. The board shall establish intervention strategies to  
30 assist schools with scores below the acceptable standard. The board shall  
31 annually review district and school scores and shall offer assistance to  
32 school districts in analyzing data and implementing intervention  
33 strategies. The board shall use the adopted test and methods of data  
34 evaluation for a period of at least ten years.

35           8. Participate in other assessments that provide national comparisons  
36 as needed.

37           B. The achievement tests adopted by the state board as provided in  
38 subsection A of this section shall be given at least annually. Nontest  
39 indicator data and other information shall be collected at the same time as  
40 the collection of achievement test data.

41           C. Local school district governing boards shall:

42           1. Administer the tests prescribed in subsection A of this section.

43           2. Survey teachers, principals and superintendents on achievement  
44 related nontest indicator data as required by the state board, including  
45 information related to district graduation and dropout rates. In conducting

1 the survey and collecting data, the governing board shall not violate the  
2 provisions of the family educational rights and privacy act (P.L. 93-380), as  
3 amended, nor disclose personally identifiable information.

4 D. Any additional assessments for high school pupils that are adopted  
5 by the state board of education after November 24, 2009 shall be designed to  
6 measure college and career readiness of pupils.

7 E. A test for penmanship shall not be required pursuant to this  
8 article.

9 F. A PARENT, ON BEHALF OF THAT PARENT'S CHILD, MAY OPT OUT OF THE  
10 STATEWIDE ASSESSMENTS THAT ARE PRESCRIBED IN THIS ARTICLE. THE STATE BOARD  
11 OF EDUCATION SHALL DEVELOP AND MAKE AVAILABLE A FORM FOR PARENTS TO SIGN AND  
12 SUBMIT TO THE SCHOOL PRINCIPAL OR HEAD TEACHER IN ORDER TO OPT THEIR CHILDREN  
13 OUT OF THE STATEWIDE ASSESSMENTS PRESCRIBED IN THIS ARTICLE. IF A PARENT  
14 OPTS OUT OF THE STATEWIDE ASSESSMENTS:

15 1. THE LACK OF ASSESSMENT RESULTS FOR THAT CHILD MAY NOT BE FACTORED  
16 INTO THE SCHOOL OR SCHOOL DISTRICT ACHIEVEMENT PROFILE CLASSIFICATION  
17 ASSIGNED PURSUANT TO SECTION 15-241.

18 2. THE LACK OF ASSESSMENT RESULTS FOR THAT CHILD MAY NOT BE FACTORED  
19 INTO THE INFORMATION CONTAINED ON THE SCHOOL REPORT CARD DISTRIBUTED PURSUANT  
20 TO SECTION 15-746.

21 3. THE LACK OF ASSESSMENT RESULTS FOR THAT CHILD MAY NOT BE FACTORED  
22 INTO PERFORMANCE CLASSIFICATIONS ADOPTED PURSUANT TO SECTION 15-203,  
23 SUBSECTION A, PARAGRAPH 38 OR PERFORMANCE BASED COMPENSATION SYSTEMS ADOPTED  
24 PURSUANT TO SECTION 15-977.

25 4. AND IF THE CHILD IS IN THE THIRD GRADE, THE SCHOOL DISTRICT OR  
26 CHARTER SCHOOL SHALL USE AN ALTERNATIVE OTHER THAN A STATEWIDE ASSESSMENT  
27 PRESCRIBED IN SECTION 15-701 TO DETERMINE WHETHER THAT PUPIL'S READING  
28 ABILITY IS SUFFICIENT TO PROMOTE THAT PUPIL FROM THE THIRD GRADE.

29 5. AND IF THE SCHOOL DISTRICT OR CHARTER SCHOOL REQUIRES A PASSING  
30 SCORE ON A STATEWIDE ASSESSMENT AS A REQUIREMENT TO GRADUATE FROM HIGH  
31 SCHOOL, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL USE AN ALTERNATIVE OTHER  
32 THAN A STATEWIDE ASSESSMENT TO DETERMINE WHETHER THAT PUPIL HAS SATISFIED  
33 THAT PORTION OF THE GRADUATION REQUIREMENTS.

34 G. SUBSECTION F OF THIS SECTION DOES NOT APPLY TO THE CIVICS PORTION  
35 OF THE NATURALIZATION TEST PRESCRIBED IN SECTION 15-701.01.