



**Arizona Association of School Psychologists**  
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## **SCHOOL PSYCHOLOGISTS' GUIDE TO BEST PRACTICES IN THIRD GRADE MANDATORY RETENTION**

### **BACKGROUND**

On May 10, 2010, Governor Jan Brewer signed HB 2732 into law. Known as the Third Grade Retention Law, HB 2732 follows in the footsteps of Florida's 2002 Legislation mandating that third graders who do not pass the reading portion of the state standardized test be retained. Arizona's law states, "...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."

HB 2732 provides "good cause exemptions" from retention under certain circumstances. For example, ELL or LEP students with fewer than two years of instruction in English would be exempt from the mandate. Students who have already been retained would not be retained again. If a student demonstrates reading proficiency on an ADE-approved alternative reading test that student would be exempt from retention.

There are two exemptions related to students with educational disabilities. Students who receive special education services are exempt if the severity of their disability precludes them from taking the regular AIMS test. Students who receive special education services who take the AIMS and fall far below in the area of Reading are only exempt from retention if they have been retained before.

Parents (including parents of students with educational disabilities) may request that their child be exempted from the retention mandate. The parent's request must be in writing, must be submitted within 30 days of the retention notification, and must include documentation including progress reports, the student's individualized education plan (if they have one), and letters from teachers and the student's principal requesting promotion. The school district or charter school's governing board is tasked with considering the request and making the determination of whether or not to promote the child.

Universal screening in reading for students in preschool through the third grade is mandated by HB 2732. This requirement was already in place via A.R.S. 15-704, which went into effect in 2004 and mandated universal screening and progress monitoring and intervention for students who are deemed at-risk for reading failure on one of the three approved screening measures (AIMSweb, Dynamic Indicators of Basic Early Literacy Skills, or the Texas Primary Reading Inventory). HB 2732 requires that parents are notified when their first and second-grade student is deficient in reading.

After a student is retained in the third grade, the principal and the student's parents choose the most appropriate interventions for the student including summer school, supplemental reading instruction, assigning the student to a different reading teacher, and/or online reading instruction. School districts and charter schools are compelled to offer at least one of the aforementioned interventions; parents are required to choose the intervention (given that more than one is offered).

HB 2732 also established the Task Force on Reading Assessment, responsible for looking into how other states implement mandatory retention policies, determining the best way to measure reading abilities in the first and second grade, and determining the best way to initiate mid-year promotion of retained students. The Task Force will report its findings to the Arizona Department of Education (ADE), and ADE will disseminate the information to school districts and charter schools.

## **MANDATORY RETENTION AND THE SCHOOL PSYCHOLOGIST**

There are a number of ways that school psychologists can assist schools as they prepare for and implement this law, including the following:

1. School psychologists should become familiar with Arizona's mandatory retention law, especially how the law impacts students with an identified learning disability in reading.
2. School psychologists can share information regarding retention with their school boards, building administrators, and parents. The NASP website offers numerous resources on retention, including the following position paper:

[http://www.nasponline.org/information/pospaper\\_graderetent.html](http://www.nasponline.org/information/pospaper_graderetent.html)

3. School psychologists are leaders in the design and implementation of problem-solving models, such as Response to Intervention, for students at-risk of reading failure. School psychologists should serve on school teams that plan, conduct, and analyze data from universal screenings in reading.
4. As experts in the psychometric properties of assessment, school psychologists are able to assist in the exploration and adoption of alternative reading assessments that demonstrate reading proficiency per HB 2732 and the Arizona Department of Education.
5. School psychologists should assist in data analysis and program evaluation to determine if a school's reading curriculum is meeting the needs of most students.
6. School psychologists should advocate for parents and students by informing them of their right to appeal mandatory retention based upon an educational disability or a school's failure to comply with HB 2732 in terms of parent notification, conducting universal screening, or providing ongoing reading intervention to remediate identified skill deficits.

7. School psychologists should advocate for best practices in education by gathering and disseminating data regarding any disproportionality that results from the implementation of HB 2732 beginning in the 2013-1014 school year.

## **SUMMARY**

HB 2732, the Third Grade Retention Law, mandates that pupils that fall far below the Third Grade level on the Reading portion of mandated state testing shall be retained. School psychologists possess the knowledge regarding early screening and intervention to assist their schools in identifying and remediating reading deficits in order to minimize the number of students affected by Arizona's new mandatory third grade retention law. School psychologists will be required to balance their knowledge of the potential harmful effects of retention with the implementation of state law. As ever, the school psychologist acts as a diplomatic liaison between educational research and practice.

## **RESOURCES**

Arizona Department of Education (2009, September). AZ Response to Intervention Literacy. Retrieved from ADE School Effectiveness K-12 Main Page:  
<http://www.ade.az.gov/AZRTI/LiteracyforRTI.pdf>

National Association of School Psychologists (NASP) (2003). Position statement: Student grade retention and social promotion. Silver Spring, MD; Author. Available on-line at [www.nasponline.org](http://www.nasponline.org)

Section 15 – 701, Arizona Revised Statutes (2010).