Replacement Check List
For rules filed within the
2nd Quarter
April 1 – June 30, 2016

THE ARIZONA ADMINISTRATIVE CODE

Within the stated calendar quarter, this Chapter contains all rules made, amended, repealed, renumbered, and recodified; or rules that have expired or were terminated due to an agency being eliminated under sunset law. These rules were either certified by the Governor's Regulatory Review Council or the Attorney General's Office; or exempt from the rulemaking process, and filed with the Office of the Secretary of State. Refer to the historical notes for more information. Please note that some rules you are about to remove may still be in effect after the publication date of this Supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

Title 7. Education

Chapter 2. State Board of Education

Supplement Release Quarter: 16-2

Sections, Parts, Exhibits, Tables or Appendices modified

R7-2-300, R7-2-301, R7-2-302, R7-2-302.01, R7-2-302.02, R7-2-302.04, R7-2-302.06, R7-2-302.07, R7-2-302.08, R7-2-302.09, R7-2-302.10, R7-2-615, R7-2-621

REMOVE Supp. 16-1	REPLACE with Supp. 16-2
Pages: 1 - 158	Pages: 1 - 150

The agency's contact person who can answer questions about rules in Supp. 16-2:

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Disclaimer: Please be advised the person listed is the contact of record as submitted in the rulemaking package for this supplement. The contact and other information may have changed and is provided as a public courtesy.

PUBLISHER
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Office of the Secretary of State, Public Services Division

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
PUBLIC SERVICES DIVISION
June 30, 2016

RULES

A.R.S. § 41-1001(17) states: "'Rule' means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency."

THE ADMINISTRATIVE CODE

The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions.Virtually everything in your life is affected in some way by rules published in the Arizona Administrative Code, from the quality of air you breathe to the licensing of your dentist. This chapter is one of more than 230 in the Code compiled in 21 Titles.

ADMINISTRATIVE CODE SUPPLEMENTS

Rules filed by an agency to be published in the Administrative Code are updated quarterly. Supplement release dates are printed on the footers of each chapter:

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2016 is cited as Supp. 16-1.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARTICLES AND SECTIONS

Rules in chapters are divided into Articles, then Sections. The "R" stands for "rule" with a sequential numbering and lettering system separated into subsections.

HISTORICAL NOTES AND EFFECTIVE DATES

Historical notes inform the user when the last time a Section was updated in the Administrative Code. Be aware, since the Office publishes each quarter by entire chapters, not all Sections are updated by an agency in a supplement release. Many times just one Section or a few Sections may be updated in the entire chapter.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature's website, www.azleg.gov. An agency's authority note to make rules are often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in the introduction of a chapter can be found at the Secretary of State's website, www.azsos.gov/services/legislative-filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency's exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Arizona Administrative Register online at www.azsos.gov/rules, click on the Administrative Register link.

In the Administrative Code the Office includes editor's notes at the beginning of a chapter indicating that certain rulemaking Sections were made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

If you are researching rules and come across rescinded chapters on a different paper color, this is because the agency filed a Notice of Exempt Rulemaking. At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

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Public Services managing rules editor, Rhonda Paschal, assisted with the editing of this chapter.

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

Authority: A.R.S. § 15-201 et seq.

Editor's Note: This Chapter contains rules that were filed out of sequence by adoption date. The Office has made every effort to codify the previous filings with the current Chapter and update the historical references where necessary. Refer to the historical notes for more information (Supp. 16-2).

Editor's Note: Supp. 16-1 contains rules that were submitted as final exempt rules and approved by the Board February 25, 2008. Although approved by the Board in 2008, the rulemaking was not filed in the Secretary of State's Office for publication in this Chapter until 2016. The final exempt rulemaking was filed by the Board on January 6, 2016 (Supp. 16-1).

Editor's Note: Supp. 15-3 contains rules that were submitted as final exempt rules. Pursuant to the Board's rulemaking procedures a public hearing was held on the rules after they were proposed at a Board meeting. Even though the proposed rules were not published in the Register, the Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Final exempt rulemakings are those filed with conditional exemptions to the Arizona Administrative Procedures Act such as requirements to conduct a public hearing or accept public comments on a proposed exempt rulemaking. Although approved by the Board, these final exempt rulemakings were not filed with the Secretary of State's Office at the time of approval. Therefore these rules were in effect prior to the release of Supp. 15-3. Refer to the historical notes for effective dates.

Editor's Note: This Chapter contains rules made, amended, repealed, renumbered and approved by the State Board of Education that were exempt from the rulemaking process. Although approved by the Board, certain rulemakings were not filed with the Secretary of State's Office at the time of approval. These rulemakings were filed in 2009 and 2010 and printed as Exempt Rulemakings in the Arizona Administrative Register. The Office has expedited the publishing of these Sections in the Arizona Administrative Code because these rules were in effect prior to Supp. 09-1, Supp. 09-2, Supp. 09-3, Supp. 09-4, Supp. 10-1, Supp. 10-2, Supp. 10-3, Supp. 10-4, Supp. 11-1, and Supp. 12-2 releases. Refer to the historical notes for more information.

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Article 12, consisting of Section R7-2-1201, repealed effective February 20, 1997 (Supp. 97-1).

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ARTICLE 1. STATE BOARD OF EDUCATION MEETINGS

R7-2-101. Governance

A. Officers
1. The elective officers of the State Board of Education ("Board") shall be a President and a Vice President.
2. The State Superintendent of Public Instruction shall serve as the Secretary and as the Executive Officer of the Board.
3. The President shall preside over all meetings of the Board, call meetings as herein provided and perform such other special duties as may be vested in him or her by the Board.
4. In the absence of the President, the Vice President shall preside over all meetings and shall perform such other special duties as may be vested in him or her by the Board.
5. The President shall appoint a nominating committee that will prepare a slate of candidates for presentation to the Board at the first regular meeting following January 1 of each year. Other candidates may be nominated from the floor. The two elected officers shall be elected by written ballot and shall serve for one year, or until their successors are elected.
6. If a vacancy occurs in the office of President, the Vice President shall immediately become the President. As soon as practicable, the Board shall elect a new Vice President.

B. Regular and special meetings
1. Unless otherwise agreed upon by a majority of the Board, meetings shall be held on the fourth Monday of each month.
2. The place of the meeting shall be designated by the President. In the absence of the President, the place of meeting shall be designated by the Vice President.

C. Public input to the Board
1. Requests for matters to be placed on the agenda.
   a. When any person wishes to have a matter placed on the agenda, that person shall submit a written request to the President of the Board not less than 21 days prior to the Board meeting.
   b. The President of the Board may choose not to place an item submitted by a person other than a Board member on the agenda.
2. Public comment on agenda items.
   a. Any member of the public who wishes to address the Board regarding a matter on the agenda for Board action may submit a written request to be heard on forms provided by the Board.
   b. The President of the Board or a majority of the Board may allot a reasonable time for members of the public to address the Board with respect to agenda items.

Historical Note

Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 27, 1980 (Supp. 80-1). Former Section R7-2-101 repealed, new Section R7-2-101 adopted effective June 17, 1985 (Supp. 85-3).

R7-2-102. Repealed

Historical Note

Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-103. Repealed

Historical Note

Repealed effective December 4, 1978 (Supp. 78-6).

ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES

R7-2-201. Advisory Committees

A. The State Board of Education ("Board") may create an advisory committee for the purpose of providing advice and recommendations as assigned by the Board. Any advisory committee or similar body that has been created by either the Board or legislation shall be appointed and conduct its business in accordance with this rule except as otherwise required by law.

B. The Board shall determine the structure, membership, and tasks of any advisory committee the Board has created. An advisory committee created by the Board shall exist for the time necessary to accomplish its assigned task or for one year from the date it is created, whichever is less. An advisory committee created by the Board may continue to function beyond a one-year period only with the express approval of the Board.

C. The Board's Appointments Subcommittee, whose members are appointed by the President of the Board, shall review nominations submitted by the Board members for appointment to an advisory committee and shall provide a recommendation to the Board for consideration. A vacancy on an advisory committee shall be filled in the manner described in this Section.

D. The Board may in its discretion remove any member from and dissolve any advisory committee that the Board has created.

E. An advisory committee shall not conduct a meeting of its members without prior acknowledgment from the Administrator to the Board that there are sufficient funds to meet all expenses that would be incurred in connection with such meeting. An advisory committee member shall not obligate the payment of Board funds.

F. The meetings of an advisory committee shall be held at the offices of the Department of Education or any other facility for which no charges would be incurred for use of the facility. Meetings of an advisory committee shall be held as needed but shall not exceed four meetings per fiscal year without prior express approval of the Superintendent of Public Instruction.

G. Activities of an advisory committee are limited to preparation of advice and recommendations to be presented to the Board for issues which relate directly to the task assigned by the Board.

H. Advisory committees are not authorized the use of Board letterhead stationery without the express approval of the President of the Board and are not authorized the use of Department of Education letterhead stationery without the express approval of the Superintendent of Public Instruction.

I. An advisory committee shall:
1. Select from its members a chair and vice chair;
2. Create procedures for conducting business not inconsistent with *Robert's Rules of Order.*
3. Request information, assistance, or opinions from the Department of Education necessary to accomplish its task. An advisory committee shall convey any such request through the Department liaison designated pursuant to this rule.

J. A quorum of an advisory committee shall be a majority of the voting members of the advisory committee. Voting members shall be only those members specifically appointed by the Board. A quorum of an advisory committee is necessary to conduct its business. An affirmative vote of the majority of voting members present is necessary for an advisory committee to take action.

K. The Superintendent shall designate an employee of the Department of Education to serve as a liaison to each advisory committee. The President of the Board may appoint a member of the Board to serve as an additional liaison to each advisory committee as the President deems appropriate.

Historical Note
Amended effective July 1, 1977 (Supp. 77-4). Former Section R7-2-201 repealed, new Section R7-2-201 adopted effective December 4, 1978 (Supp. 78-6). Amended effective February 25, 1987 (Supp. 87-1). Section repealed, new Section adopted effective March 18, 1994 (Supp. 94-1).

R7-2-202. Repealed

Historical Note
Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-202 repealed, new Section R7-2-202 adopted effective June 21, 1979 (Supp. 79-3). Amended effective June 12, 1989 (Supp. 89-2). Amended effective December 12, 1990 (90-4). Amended effective August 28, 1992 (Supp. 92-3). Repealed effective March 18, 1994 (Supp. 94-1).

R7-2-203. Repealed

Historical Note
Former Section R7-2-203 repealed, new Section R7-2-203 adopted effective April 9, 1984 (Supp. 84-2). Amended subsections (A) and (B) effective December 30, 1988 (Supp. 88-4). Repealed effective February 20, 1997 (Supp. 97-1).

R7-2-204. Repealed

Historical Note
Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-204 repealed, new Section R7-2-204 adopted effective December 31, 1984 (Supp. 84-6). Amended effective August 28, 1992 (Supp. 92-3). Repealed effective February 20, 1997 (Supp. 97-1).

R7-2-205. Certification Review, Suspension, and Revocation

A. Professional Practices Advisory Committees ("Committees") shall act in an advisory capacity to the State Board of Education ("Board") in regard to certification or recertification unfitness to teach, and revocation, suspension, or surrender of certificates.

B. Committees shall each consist of seven members comprised of the following:
1. One elementary classroom teacher,
2. One secondary classroom teacher,
3. One principal,
4. One superintendent or assistant/associate superintendent,
5. Two lay members, one lay member who shall be a parent of a student currently attending public school in Arizona, and
6. One local Governing Board member.

C. Members appointed pursuant to subsections (B)(1), (2), (3) and (4) shall meet at least the following requirements:
1. Certified to teach in Arizona.
2. Currently employed in or retired from the education profession in the specific category of their appointment.
3. If currently employed, shall have been employed in this category for the three years immediately preceding their appointment.

D. Terms
1. All regular terms shall be for four years except as set forth in subsection (E).
2. A member may be reappointed with Board approval.

E. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsection (C), and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.

F. The Committee shall:
1. Select from its members a Chairman and Vice-Chairman,
2. Establish procedures for conducting business according to Robert's Rules of Order Revised. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
4. Recommend the removal of any member who is absent from three consecutive meetings.
5. Refer to R7-2-1308 to assist in determining whether the acts complained of constitute unprofessional conduct.
6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

Historical Note
Adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). Former Section R7-2-205 repealed, new Section R7-2-205 adopted effective August 30, 1984 (Supp. 84-4). Amended effective February 21, 1986 (Supp. 86-1). Amended subsections (H), (I), and (J) effective February 3, 1987 (Supp. 87-1). Amended effective December 15, 1989 (Supp. 89-4). Amended effective May 31, 1991 (Supp. 91-2). Amended effective April 9, 1993 (Supp. 93-2). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3).

R7-2-206. Certification Denial Appeals Process for Applications for Certification that Do Not Involve Allegations of Immoral or Unprofessional Conduct

A. The Certification Appeals Advisory Committee ("Committee" or "CAAC") shall act in an advisory capacity to the State Board of Education ("Board") and shall serve as the hearing body for the Board in regard to appeals of certification denials pursuant to A.R.S. § 15-534.01 that do not involve allegations of immoral or unprofessional conduct. Applications for certification that involve allegations of immoral or unprofessional conduct shall be reviewed by the Professional Practices Advisory Committee as established by R7-2-205.

B. The Committee shall be appointed by the Board and shall consist of five members comprised of the following:
1. One certificated elementary classroom teacher,
2. One certificated secondary classroom teacher,
3. One certificated administrator,
4. One lay member, and
5. One local Governing Board member.

C. Terms of the members

1. All regular terms shall be for two years except as set forth in subsection (D).
2. A member may be reappointed with Board approval.

D. The Board may remove any member from the Committee. All vacancies shall be filled in a timely fashion and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.

E. The Committee shall:
1. Select from its members a Chairman and Vice-Chairman.
2. A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
3. Hold meetings once a month or as often as necessary to conduct hearings or other Committee business.
4. Recommend the removal of any member who is absent from three consecutive meetings.
5. Conduct appeals pursuant to A.R.S. Title 41, Chapter 6, Article 6 and this Section.

F. Request for hearing. A person who has had an application for certification denied by the Board or the Department of Education pursuant to A.R.S. § 15-534.01(B) may file a written request for a hearing with the Board within 15 days after receiving the notice of denial. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the 15 days. If the final day of the 15 day deadline falls on a Saturday, Sunday or legal holiday, the next business day is the final day of the deadline.

G. Notice of hearing
1. If an applicant requests a hearing to appeal the denial of an application for certification, a notice of hearing shall be given at least 20 days prior to the date set for the hearing.
2. The notice shall include:
   a. A statement of the time, place and nature of the hearing.
   b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
   c. A reference to the particular sections of the statutes and rules involved.
   d. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
3. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
4. The Board may dispose of any certification appeal by decision or approved stipulation, agreed settlement, consent agreement or by default.
5. A hearing before the hearing body or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
6. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
7. The record in an appeal of a certification denial shall include:
   a. All pleadings, motions and interlocutory rulings.
   b. Evidence received or considered.
   c. A statement of matters officially noticed.
   d. Objections and offers of proof and rulings thereon.
   e. Proposed findings of fact and conclusions of law and exceptions thereto.
   f. Any decision, opinion, recommendation or report of the hearing body.
   g. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
8. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

H. Service of documents; change of address notice requirement
1. Every notice or decision issued by the Board pertaining to the denial of an application for initial certification or renewal of a certificate shall be served by personal delivery or certified mail, return receipt requested, to the applicant or certificated person's last address of record with the Department of Education or by any other method that is reasonably calculated to give actual notice to the applicant or the certificated person.
2. Each applicant or certificated person shall inform the Department of Education of any change of address within 30 days of the change of address.

I. Hearing process
1. Parties may participate in the hearing in person or through an attorney.
2. Upon request of either party, the presiding officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the presiding officer.
3. A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order providing the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Every person who is a party to such proceedings shall have the right to be represented by counsel, to submit evidence in open hearing and shall have the right of cross-examination. Unless otherwise provided by law, hearings may be held at any place determined by the Committee. At such hearing such applicant shall be the moving party and have the burden of proof.
4. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.
5. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

J. Subpoenas
1. The Department of Education may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a party.

2. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
   a. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
   b. The name and address of the witness subpoenaed; and
   c. The documents, if any, sought to be provided.
3. On application of a party or the agency and for use as evidence, the hearing body may permit a deposition to be taken, in the manner and upon the terms designated by the hearing body, of a witness who cannot be subpoenaed or is unable to attend the hearing.
4. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing body grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing body shall grant or deny such request by order.
5. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the hearing body.

K. Conduct of hearing
1. The presiding officer may conduct all or part of the hearing by telephone, television, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.
2. Except for those hearings which may involve presentation of evidence protected by law as confidential, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.
3. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

L. Evidence
1. All witnesses shall testify under oath or affirmation.
2. The hearing body shall have the power to administer oaths and affirmations.
3. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.
4. The hearing body shall receive evidence, rule upon offers of proof, and exclude evidence the hearing body has determined to be irrelevant, immaterial, or unduly repetitious.
5. Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

M. Stipulations. Parties to an appeal of a certification denial may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing body may require presentation of evidence for proof of stipulated facts for the hearing body's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

N. Recommendations
1. A recommended decision shall be prepared for the Board by the CAAC.
2. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing unless the Board extends the period for good cause.

O. Decisions and orders
1. Any final decision or order adverse to a party shall be in writing or stated in the record.
2. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing.
3. Within 30 days after receipt of any recommended decision from the CAAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the recommendation and may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.

P. Rehearing and review of decisions
1. After a hearing is held, a party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.
2. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
   a. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
   b. Misconduct of the hearing body or the prevailing party.
   c. Accident or surprise which could not have been prevented by ordinary prudence.
   d. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
   e. Excessive or insufficient penalties.
   f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
   g. That the decision is not justified by the evidence or is contrary to the law.
3. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection (B) herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

4. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.
5. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.
6. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within 10 days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.
8. Any party in an appeal of a certification denial who is aggrieved by a decision rendered by the Board may file with the Board, not later than 20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

Historical Note

Former Section R7-2-206 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 24, 1982. See R7-2-205 adopted effective February 24, 1982 (Supp. 82-1). New Section R7-2-206 adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 16 A.A.R. 156, effective December 7, 2009 (Supp. 09-4).

R7-2-207. Repealed

Historical Note

Adopted effective August 9, 1989 (Supp. 89-3). Repealed effective March 18, 1994 (Supp. 94-1).

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-300. Adoption of Assessments

As required in A.R.S. §15-741, the Board shall adopt assessments as Arizona instruments to measure standards in order to measure pupil achievement of the state board adopted academic standards in at least grades 3 through 10.

Historical Note

New Section made by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools

A. Students shall demonstrate competency as defined by the State Board-adopted Essential Skills, at the grade levels specified, in the following required subject areas. District instructional programs shall include an ongoing assessment of student progress toward meeting the competency requirements.
1. Language arts
2. Literature
3. Mathematics
4. Science
5. Social Studies
6. Music
7. Visual Arts
8. Health/Physical Education
9. Foreign or native American Language (includes modern and classical)

B. Additional subjects may be offered by the local governing board as options and may include, but are not limited to:
1. Performing Arts
2. Practical Arts

C. Prior to the issuance of a standard certificate of promotion from the 8th grade, each student shall demonstrate competency, as defined by the local governing board, of the State Board-adopted Essential Skills for grade 8 in the subject areas listed in subsection (A).

D. Special education and promotion from the 8th grade.
1. The local governing board of each school district shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq.
2. Students placed in special education classes in grades K-8 are eligible to receive the standard certificate of promotion without meeting State Board competency requirements, but reference to special education shall be placed on the student's transcript or in the permanent file.

E. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. §15-808.

F. Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsection (A) in lieu of classroom time.

Historical Note

Former Section R7-2-301 repealed, new Section R7-2-301 adopted effective December 4, 1978 (Supp. 78-6). Amended subsections (A) and (B) effective May 4, 1982 (Supp. 82-3). Amended subsection (B) by adding subsection (10) effective July 26, 1982 (Supp. 82-4). Section repealed, new Section adopted effective April 12, 1993 (Supp. 93-2). Amended effective May 3, 1993 (Supp. 93-2). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013 (the making of subsection (F)); filed in the Office January 15, 2016, with historical note added for clarification as the Board adopted the same amendment June 23, 2014 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-301.01. Repealed

Historical Note

R7-2-301(A), (B), and (C) repeated and numbered as R7-2-301.01(A), (B), and (C); R7-2-301(D) and (E) repeated and numbered as R7-2-301.01(D) and (E) and amended; the text of R7-2-301.01 as amended is effective January 1, 1989 (Supp. 86-2). Complete text printed and historical note added (Supp. 89-3). Repealed effective April 12, 1993 (Supp. 93-2).

R7-2-301.02. Repealed

Historical Note

Adopted effective March 26, 1990 (Supp. 90-1). Amended effective December 18, 1991; amended effec-

tive December 20, 1991 (Supp. 91-4). Repealed effective March 18, 1994 (Supp. 94-1).

R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and receipt of a passing score on the reading, mathematics, and writing portions of the AIMS (Arizona's Instrument to Measure Standards) assessment for the graduation of pupils from high school or issuance of a high school diploma, effective for the graduation class of 2013.

1. Subject area course requirements. The Board establishes 22 credits as the minimum number of credits necessary for high school graduation. Students shall obtain credits for required subject areas as specified in subsections (1)(a) through (e) based on completion of subject area course requirements or competency requirements. At the discretion of the local school district governing board or charter school, credits may be awarded for completion of elective subjects specified in subsection (1)(f) based on completion of subject area course requirements or competency requirements. The awarding of a credit toward the completion of high school graduation requirements shall be based on successful completion of the subject area requirements prescribed by the State Board and local school district governing board or charter school as follows:
   a. Four credits of English or English as a Second Language, which shall include but not be limited to the following: grammar, writing, and reading skills, advanced grammar, composition, American literature, advanced composition, research methods and skills and literature. One-half credit of the English requirement shall include the principles of speech and debate but not be limited to those principles.
   b. Three credits in social studies to include the following:
      i. One credit of American history, including Arizona history;
      ii. One credit of world history/geography;
      iii. One-half credit of American government, including Arizona government; and
      iv. One-half credit in economics.
   c. Four credits of mathematics to minimally include:
      i. Two credits containing course content covering the following areas in preparation for proficiency at the high school level on the AIMS test: Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iv).
      ii. One credit covering Algebra II or course content equivalent to Algebra II. Courses meeting this requirement may include, but are not limited to, career and technical education and vocational education, economics, science, and arts courses as determined by the local school district governing board or charter school.
      iii. One credit that includes significant mathematics content as determined by the local school district governing board or charter school.
      iv. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
      v. The mathematics requirements may be modified for students using a personal curriculum pursuant to R7-2-302.03.
   d. Three credits of science in preparation for proficiency at the high school level on the AIMS test.
   e. One credit of fine arts or career and technical education and vocational education.
   f. Seven credits of additional courses prescribed by the local school district governing board or charter school.
   g. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
2. Credits earned through correspondence courses to meet graduation requirements shall be taken from an accredited institution as defined in R7-2-601. Credits earned thereby shall be limited to four, and only one credit may be earned in each of the following subject areas:
   a. English as described in subsection (1)(a) of this Section,
   b. Social Studies,
   c. Mathematics, and
   d. Science.
3. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to A.R.S. § 15-808.
4. Local school district governing boards or charter schools may grant to career and technical education and vocational education program completers a maximum of 5 1/2 credits to be used toward the Board English, mathematics, science, and economics credit requirements for graduation, subject to the following restrictions:
   a. The Board has approved the career and technical education and vocational education program for equivalent credit to be used toward the Board English, mathematics, science, and economics credit requirements for graduation.
   b. A credit or partial credit may apply toward more than one subject area but shall count only as one credit or partial credit toward satisfying the 22 required credits.
   c. A student who satisfies any part of the Board English, mathematics, science, and economics requirements through the completion of a career and technical education and vocational education program shall still be required to earn 22 total credits to meet the graduation requirements prescribed in this Section.
5. Competency requirements.
   a. The awarding of a credit toward the completion of high school graduation requirements shall be based on the successful completion of State Board-adopted academic standards for subject areas listed in subsections (1)(a) through (1)(e), the successful completion of the competency requirements for the elective subjects specified in subsection (1)(f). Competency requirements for elective subjects as specified in subsection (1)(f) shall be the academic standards adopted by the State Board. If there are no adopted academic standards for an elective subject,

the local school district governing board or charter school shall be responsible for developing and adopting competency requirements for the successful completion of the elective subject.

b. The determination and verification of student accomplishment and performance shall be the responsibility of the subject area teacher.

c. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for the student to demonstrate competency in the subject areas listed in subsections (1)(a) through (1)(f) of this Section above in lieu of classroom time. In appropriate courses, a school district governing board or charter school shall include as a mechanism to demonstrate competency a score determined by the State Board as college and career ready on the competency test adopted by the State Board.

6. The local school district governing board or charter school shall be responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with A.R.S. Title 15, Chapter 7, Article 4 and A.A.C. R7-2-401 et seq. Students placed in special education classes, grades 9-12, are eligible to receive a high school diploma upon completion of graduation requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

Historical Note

Former Section R7-2-302 repealed, new Section R7-2-302 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 8, 1983 (Supp. 83-4). Amended subsections (1) and (5) effective January 1, 1987 (Supp. 84-3). See R7-2-302.01 and R7-2-302.02 for minimum credits for graduating classes of 1987 forward (Supp. 86-5). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. Amended effective November 17, 1994 (Supp. 94-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section adopted by final rulemaking at 7 A.A.R. 1255, effective February 20, 2001 (Supp. 01-1). Amended by final rulemaking at 8 A.A.R. 3893, effective August 21, 2002 (Supp. 02-3). Amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; since the Board did not file the amendments until January 15, 2016, subsection (3)(a) through (b) was already repealed at the time of publishing the Section in Supp. 15-3; therefore, there is no record of the amendments in the Administrative Code; these amendments can be viewed at 21 A.A.R. 1778 (Supp. 16-2). Amended by final exempt rulemaking at 21 A.A.R. 1778, effective June 23, 2014; filed in the Office August 4, 2015 (Supp. 15-3).

R7-2-302.01. Repealed

Historical Note

Section R7-2-302 repeated and amended effective January 1, 1987, filed September 24, 1986 (Supp. 86-5). Amended as an emergency by adding a new subsection (B) effective May 3, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Filing date for January 1, 1987, amendments corrected to September 24, 1986 (Supp. 89-3). Emergency expired. Adopted as a permanent rule effective February 7, 1990 (Supp 90-1). Repealed effective August 28, 1992; Inadvertently omitted from Supp. 92-3; corrected Supp. 93-4. New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.02. Repealed

Historical Note

Adopted effective January 1, 1991, filed September 24, 1986 (Supp. 86-5). Amended effective May 9, 1988 (Supp. 88-2). Amended effective June 12, 1989 (Supp. 89-2). Amended effective March 26, 1990 (Supp.90-1). Repealed effective March 18, 1994 (Supp. 94-1). New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.03. Personal Curriculum

A. Definitions.

1. "Personal Curriculum" means a documented process that may be used to modify the high school graduation requirements for mathematics delineated in R7-2-302.02(1)(c). A student may use a personal curriculum to modify the Algebra II requirement delineated in R7-2-302.02(1)(c)(ii) and reduce the credit requirements for mathematics from four to three credits. A student who successfully completes the student's personal curriculum meets the requirements for high school graduation.
2. "Development Team" means a team that develops a personal curriculum for a student and consists of the student, the parent or legal guardian of the student, and a school counselor or principal or their designee. A school principal may add additional members to the development team as the principal deems appropriate.

B. A student is eligible for a personal curriculum if the student meets the following criteria:

1. The student has successfully completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i); and
2. Despite the student's successful completion of the mathematics requirements delineated in R7-2-302.02(1)(c)(i), the development team determines that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content.

C. The requirements for a personal curriculum are as follows:

1. An eligible student may only modify the mathematics requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content;
2. In lieu of successfully completing Algebra II or its equivalent course content, an eligible student shall successfully complete at least one credit in mathematics that shall include significant mathematics content as determined by the local school district governing board or charter school; and
3. An eligible student shall successfully complete a course in mathematics in the student's senior year.

D. The procedures for developing and implementing a personal curriculum are as follows:

1. The parent or legal guardian of a student, an emancipated student, or a student with permission from the student's parent or legal guardian may request a personal curriculum in a manner prescribed by the local school district governing board or charter school.
2. Upon receipt of a request for a personal curriculum made pursuant to subsection (D)(1), the local school district or charter school shall verify that the student successfully

completed the mathematics requirements delineated in R7-2-302.02(1)(c)(i) and, upon verification, shall convene a development team.

3. The development team shall:
   a. Verify that the student demonstrates a need to modify the requirement delineated in R7-2-302.02(1)(c)(ii) for Algebra II or its equivalent course content,
   b. Identify an appropriate alternative mathematics course or courses to modify the requirement for Algebra II or its equivalent course content,
   c. Develop a written personal curriculum plan that includes the alternative mathematics course or courses identified in subsection (D)(3)(b) and a plan for monitoring student progress toward successfully completing the alternative mathematics course or courses. In developing the personal curriculum plan the development team shall consider how the proposed modifications maintain the integrity of the high school diploma and enable the student to achieve the student's post-secondary education and career goals.
4. The development team may modify the personal curriculum plan based upon the development team's evaluation of the student's progress.

E. The Superintendent of Public Instruction shall monitor a school district or charter school if there is reason to believe that the school district or charter school is allowing modifications inconsistent with the requirements delineated in this Section.

Historical Note

Adopted effective November 1, 1989 (Supp. 89-4). Amended effective December 12, 1990 (Supp. 90-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by exempt rulemaking at 14 A.A.R. 195, effective December 10, 2007 (Supp. 08-1).

R7-2-302.04. Repealed

Historical Note

Adopted effective July 10, 1992 (Supp. 92-3). Amended effective May 3, 1993 (Supp. 93-2). Amended effective December 17, 1998 (Supp. 98-4). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.05. Arizona Education and Career Action Plan for Students in Grades 9-12

A. Effective for the graduation class of 2013, schools shall complete for every student in grades 9-12 an Arizona Education and Career Action Plan ("ECAP") prior to graduation. Schools shall develop an Education and Career Action Plan in consultation with the student, the student's parent or guardian and the appropriate school personnel as designated by the school principal or chief administrative officer. Schools shall monitor, review and update each Education and Career Action Plan at least annually. Completion of an Education and Career Action Plan shall be verified by appropriate school personnel.

B. An Arizona Education and Career Action Plan shall at a minimum allow students to enter, track and update the following information:

1. Academic Goals that include identifying and planning the coursework necessary to achieve the high school graduation requirements and pursue postsecondary education and career options; analyzing assessment results to determine progress and identify needs for intervention and advisement; and documenting academic achievement;
2. Career Goals that include identifying career plans, options, interests and skills; exploring entry level opportunities; and evaluating educational requirements;
3. Postsecondary Education Goals that include identifying progress toward meeting admission requirements, completing application forms and creating financial assistance plans; and
4. Extracurricular Activity Goals that include documenting participation in clubs, organizations, athletics, fine arts, community service, recreational activities, volunteer activities, work-related activities, leadership opportunities, and other activities.

Historical Note

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Section R7-2-302.05 renumbered to R7-2-302.06; new Section R7-2-302.05 made by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1).

R7-2-302.06. Repealed

Historical Note

New Section made by exempt rulemaking at 12 A.A.R. 876, effective August 22, 2005 (Supp. 06-1). Amended by exempt rulemaking at 15 A.A.R. 1570, effective September 25, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 2031, effective August 25, 2008 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.06 renumbered to R7-2-302.07; new Section R7-2-302.06 renumbered from Section R7-2-302.05 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.07. Repealed

Historical Note

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.07 renumbered to R7-2-302.08; new Section R7-2-302.07 renumbered from Section R7-2-302.06 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.08 Repealed

Historical Note

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). Section R7-2-302.08 renumbered to R7-2-302.09; new Section R7-2-302.08 renumbered from Section R7-2-302.07 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.09 Repealed

Historical Note

New Section made by exempt rulemaking at 15 A.A.R. 1602, effective August 24, 2009 (Supp. 09-3). R7-2-302.09 renumbered to R7-2-302.10; new Section R7-2-302.09 renumbered from Section R7-2-302.08 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section repealed by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-302.10. AIMS, Substitute Passing Scores or Additional Credit; Beginning with the Graduation Class of 2013

A. For the purpose of satisfying the graduation requirement to achieve a passing score on the AIMS:
1. The Board shall adopt a minimum score required on one or more nationally recognized college entrance examinations selected by the state board of education, if examination information may be accessed at no cost to this state, as a substitute for passing scores on the AIMS test for a pupil who is in grade twelve;
2. The Board shall adopt a minimum score required on a board examination prescribed in Arizona Revised Statutes, Title 15, Chapter 7, Article 6, as a substitute for passing scores on the AIMS test if a pupil who is in grade twelve has previously taken the board examination and has not achieved the minimum score required to be eligible for a Grand Canyon diploma; and
3. If a pupil has transferred into a district from out-of-state and has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the state board adopted academic standards, the pupil shall not be required to pass AIMS in order to graduate from high school;
4. The Board shall adopt a minimum score required on any subsequently adopted assessments to measure pupil achievement of the state board adopted academic standards in reading writing and mathematics adopted by the Board pursuant to A.R.S. § 15-741, as a substitute for passing scores on the AIMS test for pupils in the graduating class of 2015 and 2016.

B. Beginning with the graduation class of 2013 a pupil who fails to achieve a passing score on the AIMS assessment for high school graduation may graduate if the pupil meets the AIMS augmentation requirements established pursuant to this Section.

C. A school district or charter school is not required to comply with this Section if it is determined that augmenting the pupil's score on any section of the AIMS assessment by five percent would not meet or exceed the "Meets the Standard" threshold.

D. A pupil is eligible for the AIMS augmentation requirement established pursuant to this Section if all of the following apply:
1. The pupil has completed with a passing grade all coursework and credits prescribed for the graduation of pupils from high school by the governing board of the pupil's school district or charter school.
2. The pupil has taken the AIMS assessment each time the test was offered when the pupil was eligible to take the test after August 12, 2005.
3. The pupil has participated in any academic remediation program available in the pupil's school in those subject areas where the pupil failed to achieve a passing score on AIMS.

E. If a pupil is not eligible for the AIMS augmentation due to a failure to meet the requirements in subsections (D)(2) and/or (3) the student may appeal this decision to the local governing board. The governing board may delegate these appeals to other school district or charter school officials. All appeals held pursuant to this subsection shall comply with the following requirements:
1. The governing board shall adopt a form for a petition that a pupil, or a pupil's parent or legal guardian, must complete to initiate an appeal. The petition shall indicate what requirement is being appealed and the basis for the appeal. The petition shall also include a written explanation of the appeal procedures used by the school district or charter school.
2. The pupil, or the pupil's representative, shall have the burden of demonstrating what circumstances prevented compliance with the requirements in subsections (D)(2) and/or (3).
3. An appeal for failing to meet the requirement in subsection (D)(2) should be granted only upon presentation of credible evidence that extreme circumstances made the pupil ineligible for each AIMS assessment administration the student did not attend.
4. An appeal for failing to meet the requirement in subsection (D)(3) should be granted only upon presentation of credible evidence that the pupil has participated in at least one state or school sanctioned remediation program in those subject areas where the pupil failed to achieve a passing score on the AIMS assessment.
5. School district or charter school officials shall provide adequate notice to the pupil and the pupil's parents or legal guardians regarding the date, time and place of the appeal. A pupil, or a pupil's representative, may participate in the appeal either personally, by telephone, or by providing written documentation.
6. All other procedures regarding these appeals shall be determined by the local school district or charter school governing board.

F. Every school district or charter school that graduates pupils from high school shall determine whether the pupils that have failed to achieve a passing score on any section of the AIMS assessment meet the AIMS augmentation requirements established by this Section. In making this determination the school or school district shall adhere to the following requirements:
1. The school district or charter school shall augment the score of each section of the AIMS assessment where a pupil failed to achieve a passing score with additional points derived from classroom performance. These points shall represent a potential percentage augmentation from a pupil's original score. The number of additional points shall be calculated as follows:
   a. Only classes that satisfy the following 15 credits shall be included in the calculation:
      i. Four credits of English or English as a Second Language, which shall include but not be limited to the following: grammar, writing, and reading skills, advanced grammar, composition, American literature, advanced composition, research methods and skills and literature. One-half credit of the English requirement shall include the principles of speech and debate but not be limited to those principles.
      ii. Three credits in social studies to include the following:
         (1) One credit of American history, including Arizona history;
         (2) One credit of world history/geography;
         (3) One-half credit of American government, including Arizona government; and

(4) One-half credit of economics.

iii. Four credits of mathematics to minimally include the following:

(1) Two credits containing course content covering the following areas in preparation for proficiency on the AIMS test: Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to R7-2-302(1)(c)(iv).

(2) One credit covering Algebra II or course content equivalent to Algebra II. Courses meeting this requirement may include but are not limited to, career and technical education and vocational education, economics, science, and arts courses as determined by the local school district governing board or charter school.

(3) One credit that includes significant mathematics content as determined by the local school district governing board or charter school.

(4) Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirement may be applied toward satisfying those requirements.

(5) Mathematics credits earned using a personal curriculum pursuant to R7-2-302.03 may be substituted for the credit in subsection (F)(1)(a)(iii)(2).

iv. Three credits of science in preparation for proficiency at the high school level on the AIMS test.

v. One credit of fine arts or career and technical education and vocational education.

b. Each eligible grade in an advanced placement class, or a school district or charter school designated "honors" class, up to the 11 1/2 credits prescribed in this Section, shall receive additional points as follows:

i. A letter grade of "A," or its equivalent, shall receive additional points equal to five times the amount of credit for that class.

ii. A letter grade of "B," or its equivalent, shall receive additional points equal to four times the amount of credit for that class.

iii. A letter grade of "C," or its equivalent, shall receive additional points towards the average augmentation equal to three times the amount of credit for that class.

iv. A letter grade of "D" or "F," or its equivalent, shall receive zero points towards the average.

c. All other eligible grades, up to the 15 credits prescribed in this Section, shall receive additional points as follows:

i. A letter grade of "A," or its equivalent, shall receive additional points towards the average augmentation equal to four times the amount of credit for that class.

ii. A letter grade of "B," or its equivalent, shall receive additional points towards the average augmentation equal to three times the amount of credit for that class.

iii. A letter grade of "C," or its equivalent, shall receive additional points towards the average augmentation equal to two times the amount of credit for that class.

iv. Letter grades of "D" or "F," or their equivalent, shall receive zero points towards the average.

d. Pupils that have earned additional credits in any of the areas prescribed in this Section may apply the grade that would award the highest augmentation.

e. After determining a pupil's additional points the school district or charter school shall calculate the average number of points awarded per credit by dividing the sum of additional points earned by 15.

f. The pupil's augmentation shall be calculated by applying the following formula:

$$\left(\frac{\text{Avg. Additional Points per Credit}}{100}\right) \times \left(\text{Pupil's Original Score}\right) = \left(\text{Augmentation Points}\right)$$

2. The augmentation points shall be added to the pupil's highest achieved score on each section of the AIMS assessment where the student failed to achieve a passing score. If a pupil's augmented score exceeds the passing score for the applicable section of the AIMS assessment, the pupil shall be considered to have passed that section of the assessment for graduation purposes.

3. The school district or charter school shall augment the highest achieved score of each section of the AIMS assessment where a pupil failed to achieve a passing score separately and concurrently.

G. A pupil's augmented score shall be used only for the purpose of determining whether the pupil meets the competency test requirement for graduation from high school.

H. All school districts and charter schools shall report to the Arizona Department of Education the number of students in their schools that met the AIMS augmentation requirement prescribed in this Section. School districts and charter schools shall also report disaggregated data showing the number of students whose augmented scores met or exceeded the passing scores for the reading, writing and math sections of the AIMS assessment respectively. These reports shall be made annually and shall be received by the Arizona Department of Education by June 30.

Historical Note

New Section R7-2-302.10 renumbered from Section R7-2-302.09 by final exempt rulemaking at 22 A.A.R. 111, effective February 25, 2008; filed in the Office January 6, 2016 (Supp. 16-1). Section amended by final exempt rulemaking at 22 A.A.R. 143, effective August 26, 2013; filed in the Office on January 15, 2016 (Supp. 16-2).

R7-2-303. Sex education

A. Instruction in sex education in the public schools of Arizona shall be offered only in conformity with the following requirements.

1. Common schools: Nature of instruction; approval; format.

a. Supplemental/elective nature of instruction. The common schools of Arizona may provide a specific

elective lesson or lessons concerning sex education as a supplement to the health course of study.
i. This supplement may only be taken by the student at the written request of the student's parent or guardian.
ii. Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
iii. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/8 of the school year for grades K-4.
iv. Elective sex education lessons shall not exceed the equivalent of one class period per day for 1/4 of the school year for grades 5-8.

b. Local governing board approval. All elective sex education lessons to be offered shall first be approved by the local governing board.
i. Each local governing board contemplating the offering of elective sex education shall establish an advisory committee with membership representative of district size and the racial and ethnic composition of the community to assist in the development of lessons and advise the local governing board on an ongoing basis.
ii. The local governing board shall review the total instructional materials for lessons presented for approval.
iii. The local governing board shall publicize and hold at least two public hearings for the purpose of receiving public input at least one week prior to the local governing board meeting at which the elective sex education lessons will be considered for approval.
iv. The local governing board shall maintain for viewing by the public the total instructional materials to be used in approved elective sex education lessons within the district.

c. Format of instruction.
i. Lessons shall be taught to boys and girls separately.
ii. Lessons shall be ungraded, require no homework, and any evaluation administered for the purpose of self-analysis shall not be retained or recorded by the school or the teacher in any form.
iii. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or his parents' personal beliefs or practices in sex, family life, morality, values or religion.

2. High schools: Course offering; approval; format.
a. A course in sex education may be provided in the high schools of Arizona.
b. The local governing board shall review the total instructional materials and approve all lessons in the course of study to be offered in sex education.
c. Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about the student's or his parents' personal beliefs or practices in sex, family life, morality, values or religion.
d. Local governing boards shall maintain for viewing by the public the total instructional materials to be used in all sex education courses to be offered in high schools within the district.

3. Content of instruction: Common schools and high schools.
a. All sex education materials and instruction shall be age appropriate, recognize the needs of exceptional students, meet the needs of the district, recognize local community standards and sensitivities, shall not include the teaching of abnormal, deviate, or unusual sexual acts and practices, and shall include the following:
i. Emphasis upon the power of individuals to control their own personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control and ethical considerations such as respect for self and others; and
ii. Instruction on how to say "no" to unwanted sexual advances and to resist negative peer pressure. Pupils shall be taught that it is wrong to take advantage of, or to exploit, another person.

b. All sex education materials and instruction which discuss sexual intercourse shall:
i. Stress that pupils should abstain from sexual intercourse until they are mature adults;
ii. Emphasize that abstinence from sexual intercourse is the only method for avoiding pregnancy that is 100% effective;
iii. Stress that sexually transmitted diseases have severe consequences and constitute a serious and widespread public health problem;
iv. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of preadolescent and adolescent pregnancy;
v. Promote honor and respect for monogamous heterosexual marriage; and
vi. Advise pupils of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.

B. Certification of compliance. All districts offering a local governing board-approved sex education course or lesson shall certify, under the notarized signature of both the president of the local governing board and the chief administrator of the school district, compliance with this rule except as specified in subsection (C). Acknowledgment of receipt of the compliance certification from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.

C. All districts offering State Board approved sex education lessons or courses prior to the effective date of this rule shall comply with this rule on or before June 30, 1990.

Historical Note

Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-303 repealed, new Section R7-2-303 adopted effective June 12, 1989 (Supp. 89-2).

R7-2-304. Extended school year

The governing board of a common high school considering the adoption of an extended school year shall:

1. Prepare a comparative cost analysis of the extended school year program versus the cost of new facilities and sites.

2. Hold at least one public hearing, publicized a week in advance, to present the alternatives, including the results of the comparative cost analysis.
3. Determine faculty, community, and parental support prior to making a final determination.

Historical Note

Former Section R7-2-304 repealed, new Section R7-2-304 adopted effective December 4, 1978 (Supp. 78-6).

R7-2-305. Declaration of Independence

The governing board of each common school district shall adopt policies that:

1. Require pupils to recite the following passage from the Declaration of Independence for pupils in grades 4 through 6 at the commencement of the first class of the day in the schools: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."; and
2. Enable the pupil or the parent or legal guardian of the pupil to object to reciting the passage of the Declaration of Independence, and that specify that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects.

Historical Note

Repealed effective December 4, 1978 (Supp. 78-6). Adopted effective February 15, 1979 (Supp. 79-1). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 7 A.A.R. 5363, effective November 7, 2001 (Supp. 01-4).

R7-2-306. English Language Learner Programs

A. Definitions. All terms defined in A.R.S. § 15-751 are applicable, with the following additions:

1. "AIMS test" means the Arizona Instrument to Measure Standards test prescribed by A.R.S. § 15-741.
2. "Arizona Academic Standards" means the standards adopted by the State Board of Education pursuant to A.R.S. §§ 15-203, 15-701, and 15-701.01.
3. "Board" means the State Board of Education.
4. "Compensatory instruction" means instruction given in addition to regular classroom instruction, such as individual or small group instruction, extended day classes, summer school or intersession school.
5. "Department" means the Department of Education.
6. "ELL" means English language learner.
7. "FEP" means fluent English language proficient, a student who has met the requirements for exit from an English language learner program.
8. "Federal ELL grant monies" means federal grants or funds awarded to an LEA to educate ELLs or to improve the LEA's capacity to educate ELLs, including but not limited to grants awarded under Title III of the No Child Left Behind Act of 2001, 20 U.S.C. 6301, et seq.
9. "IEP" means individualized education program, a written statement specifying special education services to be provided to a child with a disability.
10. "LEA" means local education agency, the school district or charter school that provides educational services.
11. "PHLOTE" means primary or home language other than English.
12. "Reassessment for reclassification" means the process of determining whether an English language learner may be reclassified as fluent English proficient (FEP).
13. "Superintendent" means the State Superintendent of Public Instruction.
14. "WICP" means written individualized compensatory plan that documents the scope and type of services provided to an ELL to overcome the identified language and academic deficiencies.

B. Identification of students to be assessed.

1. The primary or home language of all students shall be identified by the students' parent or legal guardian on the enrollment form and on the home language survey. These documents shall inform parents that the responses to these questions will determine whether their student will be assessed for English language proficiency.
2. A student shall be considered as a PHLOTE student if the home language survey or enrollment form indicates that one or more of the following are true:
   a. The primary language used in the home is a language other than English, regardless of the language spoken by the student.
   b. The language most often spoken by the student is a language other than English.
   c. The student's first acquired language is a language other than English.
3. The English language proficiency of all PHLOTE students shall be assessed as provided in subsection (C).

C. English language proficiency assessment.

1. PHLOTE students in kindergarten and first grade shall be administered an oral English language proficiency test approved by the Board. Students who score below the publisher's designated score for fluent English language proficiency, or other such score based on the publisher's designated score that is adopted by the Board, shall be classified as ELLs.
2. PHLOTE students in grades 2-12 shall be administered the oral, reading and writing English language proficiency tests approved by the Board. Students who score below the publisher's designated score for fluent English proficiency, or such other score based on the publisher's designated score, that is adopted by the Board, shall be classified as ELLs. PHLOTE students in grades 2-12 who have scored at or above the 40th percentile on the English reading comprehension subtest of the nationally standardized norm-referenced achievement test adopted pursuant to A.R.S. § 15-741 or who have met or exceeded the standards on the reading and writing portions of the AIMS test are exempt from taking the oral, reading, and writing English language proficiency tests and shall not be classified as ELLs.
3. English language proficiency assessments shall be conducted by individuals who are proficient in English and trained in language proficiency testing to administer and score the tests.
4. The LEA shall assess the English language proficiency of all new PHLOTE students as prescribed above within 60 days of the beginning of the school year or within 30 school days of a student's enrollment in school, whichever is later, unless the LEA receives funds under Title III of the No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq. or another federal grant that requires earlier assessment and parental notification.

D. Assessment of students in special education or in the special education referral process. If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsections (B)

and (C) inappropriate for a particular special education student, the LEA shall employ alternate procedures for identifying such students or assessing their English language proficiency. Persons conducting the English language assessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.

E. Screening and assessment of students in gifted education. ELLs who meet the qualifications for placement in a gifted educational program shall receive programmatic services designed to develop their specific areas of potential and academic ability and may be concurrently enrolled in gifted pro grams and English language learner programs.

F. English language learner programs.

1. All ELLs shall be provided daily instruction in English language development appropriate to their level of English language proficiency and consistent with A.R.S. §§ 15-751, 15-752, and, as applicable, 15-753. The English language instruction shall include listening and speaking skills, reading and writing skills, and cognitive and academic development in English.
2. ELLs shall be provided daily instruction in subject areas required under the minimum course of study adopted by the Board pursuant to R7-2-301 and R7-2-302 that is understandable and appropriate to the level of academic achievement of the ELL and is in conformity with accepted strategies for teaching ELLs. This subsection does not require an LEA to provide daily instruction in every subject area required pursuant to R7-2-301 and R7-2-302 if those subject areas are not provided daily to English proficient students.
3. The curriculum of all English language learner programs shall incorporate the Academic Standards adopted by the Board and shall be comparable in amount, scope and quality to that provided to English language proficient students.
4. ELLs who are not progressing toward achieving proficiency of the Arizona Academic Standards adopted by the Board, as evidenced by the failure to improve scores on the AIMS test or the nationally standardized norm-referenced achievement test adopted pursuant to A.R.S. § 15-741, shall be provided compensatory instruction to assist them in achieving those Arizona Academic Standards. A WICP describing the compensatory instruction provided shall be kept in the student's academic file.
5. On request of a parent or legal guardian of an ELL the principal of the ELL's school shall require a meeting with the principal or principal's designee, the parent or legal guardian and the classroom teacher to review the student's progress in achieving proficiency in the English language or in making progress toward the Arizona Academic Standards adopted by the Board, to identify any problems, to determine appropriate solutions and to identify the person or persons responsible for implementing the changes and determining their effectiveness.

G. Reassessment for reclassification.

1. The purpose of reassessment is to determine if an ELL has developed the English language skills necessary to succeed in the English language curricula.
2. An ELL may be reassessed for reclassification at any time, but shall be reassessed for reclassification at least once per year.
3. ELLs in kindergarten or first grade shall be reassessed with an alternate version of the oral test of English language proficiency used for initial assessment, unless the same test is no longer published or available when a student is to be reassessed. In such case, the school shall select a test from the Board approved tests for reassessment. Students who score at or above the test publisher's designated score for English language proficiency, or such other score adopted by the Board based on the publisher's designated score, may be reclassified as FEP. LEAs may also consider other indications of a student's overall progress, including teacher evaluation, and subject matter assessments that are aligned with grade level state content and performance standards in deciding whether to reclassify a student who has passed the oral proficiency test.
4. ELLs in grades 2-12 shall be reassessed with an alternate version of the oral, reading and writing English language proficiency tests used for initial assessment, unless the same test is no longer published or available when a student is to be reassessed. In such case the school shall select a test from the Board approved tests for reassessment. Students who score at or above the test publisher's designated score for English language proficiency, or such other score adopted by the Board, in all of the tests shall be reclassified as FEP.
5. LEAs shall notify the parents or legal guardians in writing that their child has been reclassified as FEP when the student meets the criteria for such reclassification.

H. Reassessment of special education students for English language reclassification. If a multidisciplinary evaluation or IEP team finds the procedures prescribed in subsection (G) inappropriate for a particular special education student, the LEA shall employ alternate procedures for reassessing the student for purposes of English language reclassification. Persons conducting the English language reassessment shall participate with the special education multidisciplinary evaluation or IEP team in the determination of the student's English language proficiency designation.

I. Evaluation of FEP students after exit from ELL programs.

1. The LEA shall monitor exited students based on the criteria provided in this Section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to Board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an ELL program. A WICP describing the compensatory instruction provided shall be maintained in the students' ELL files.
2. The LEA shall use AIMS test scores to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an ELL program unless no score is available. Performing satisfactorily will be measured by whether a student meets or exceeds the state standards in reading, writing, and mathematics as measured by AIMS.
3. If an AIMS test score is not available because the test is not administered in the students' grade or to assess progress in academic subjects not assessed by AIMS, the LEA shall use one or more of the following criteria in its evaluation to determine progress toward achieving the Arizona Academic Standards in monitoring FEP students after exit from an ELL program:

a. LEA-developed criterion-referenced tests of academic achievement that demonstrate alignment to the Arizona Academic Standards; or
b. Standardized tests measuring academic achievement that demonstrate alignment to the Arizona Academic Standards; or
c. Nationally norm-referenced test scores; or
d. Teacher recommendations based on classroom assessments that demonstrate alignment to the Arizona Academic Standards.

J. Monitoring of ELL programs.
1. Each year the Department shall monitor at least 32 LEAs, as follows:
   a. At least 12 of the 50 LEAs with the highest ELL enrollment;
   b. At least 10 LEAs with ELLs that are not included in the 50 described above;
   c. At least 10 LEAs that have reported that they have 25 or fewer ELL students in their schools; and
   d. Other LEAs upon receipt of a documented written complaint from any Arizona resident, the U.S. Department of Education, or the U.S. Office for Civil Rights, alleging that the LEA is not complying with state or federal law regarding ELLs.
2. All of the 50 LEAs in subsection (J)(1)(a) shall be monitored by the Department at least once every four years.
3. The monitoring shall be on-site monitoring and shall include classroom observations, curriculum reviews, faculty interviews, student records reviews, and review of ELL programs. The Department may use personnel from other schools to assist in the monitoring.
4. The Department shall issue a report on the results of its monitoring within 45 days after completing the monitoring. If the Department determines that an LEA is not complying with state or federal laws applicable to ELL students, the LEA shall prepare and submit to the Department, within 60 days of the Department's determination, a corrective action plan that sets forth steps that the LEA will take to correct the deficiencies noted in the report.
5. The Department shall review and return such corrective action plan to the LEA within 30 days, noting any required changes. No later than 30 days after receiving its corrective action plan back from the Department, the LEA shall begin implementing the measures set forth in the plan, including any revisions required by the Department.
6. The Department shall conduct a follow-up evaluation of the LEA within one year after returning the corrective action plan to the LEA.
7. If the Department finds continued non-compliance during the follow-up evaluation, the LEA shall be referred to the Board for a determination of non-compliance. If the Board determines the LEA to be out of compliance with state or federal laws applicable to ELL students, it may take one or more of the following actions:
   a. Temporarily withhold cash payments of federal ELL grant monies;
   b. Disallow (that is deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
   c. Wholly or partly suspend or terminate the current award of federal ELL grant monies;
   d. Withhold further awards of federal ELL grant monies for the program.
8. The Department shall monitor all LEAs that the Board has determined to be non-compliant and which have had federal ELL grant monies withheld or terminated to ensure that such LEAs do not reduce the amount of funds spent on their ELL programs as the result of its loss of funds.

Historical Note

Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-306 adopted effective July 10, 1979 (Supp. 79-4). Amended effective August 20, 1981 (Supp. 81-4). Former Section R7-2-306 repealed, new Section R7-2-306 adopted effective November 14, 1984 (Supp. 84-6). Amended by final rulemaking at 10 A.A.R. 353, effective March 8, 2004 (Supp. 04-1).

R7-2-307. High School Equivalency Diplomas

A. For the purposes of this rule, the following definitions shall apply:
1. "DANTES" means the Defense Activity for Non-Traditional Education Support.
2. "Department" means the Adult Education Services Division of the Arizona Department of Education.
3. "Equivalency Test" means a High School Equivalency Test approved by the State Board of Education.
4. "High School Equivalency Testing Center" means a testing center established by the Department for the purpose of administering High School Equivalency tests and providing High School Equivalency testing services pursuant to the requirements established by a State Board approved testing provider and state jurisdictional rules.
5. "USAFI" means the United States Armed Forces Institute.

B. Eligibility requirements. Any individual who is 16 years of age or older and who has officially been withdrawn from school may take a High School Equivalency Test.
1. Individuals shall be required to provide the High School Equivalency Testing Center with positive identification and proof of age, and
2. Individuals who are at least 16 years of age and under 18 years of age shall also be required to provide:
   a. A signed and notarized statement of consent from a parent or legal guardian, and
   b. A letter from the last school attended verifying that the individual has officially withdrawn from the school.

C. Issuance of a diploma. The Department shall issue a high school equivalency diploma to any individual who has not received a high school diploma or high school equivalency certificate or diploma if the individual:
1. Meets the eligibility requirements specified in subsection (B) and has received passing scores on a High School Equivalency Test; or
2. Is a member of the U.S. Armed Forces and has received passing scores on a High School Equivalency Test through USAFI or DANTES provided that the individual's last high school enrollment was in an Arizona high school. Individuals who have taken a High School Equivalency Test through USAFI or DANTES shall send their military permanent record and application card to DANTES with a request that the official High School Equivalency Test scores and application card be forwarded to the Department; or
3. Has received passing scores on a High School Equivalency Test taken at an approved testing provider's site, provided that the Department receives an official transcript directly from the approved testing provider.

D. The Department shall keep a record of test scores for each individual who has taken a High School Equivalency Test.

E. The Arizona Department of Education may collect fees for the issuance of High School Equivalency Diplomas and Transcripts. Fees established pursuant to this Section shall not exceed $20.
1. The State Board of Education will deposit, pursuant to A.R.S. §§ 35-146 and 35-147, fees collected under this Section in the High School Equivalency Testing Revenue Account within the Arizona Department of Education budget, to be used to offset costs of providing these services.
2. If the state fee for General High School Equivalency Diplomas and/or Transcripts presents a financial hardship for the examinee, the examinee may request a fee waiver.
3. A fee waiver shall be granted if all of the following apply:
   a. Applicant presents documented proof of Arizona residency.
   b. Applicant submits a completed Fee Waiver Request Form, available from the State High School Equivalency Testing Office or from any official High School Equivalency Testing Center.
   c. Applicant demonstrates sufficient need for a fee waiver. This may include, but is not limited to the following:
      i. Proof of eligibility for public assistance and/or federally subsidized housing,
      ii. Residence in a foster home,
      iii. Enrollment in a program for the economically disadvantaged such as Upward Bound, or
      iv. Participation in a free or reduced lunch program.

Historical Note

Adopted effective August 20, 1981 (Supp. 81-4). Amended subsections (A), (C), and (G) effective October 2, 1984 (Supp. 84-5). Amended effective December 22, 1997 (Supp. 97-4). Amended effective December 31, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1023, effective October 24, 2011 (Supp. 12-2). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3).

R7-2-308. Adult Education

A. For the purposes of this rule the following definitions apply:
1. "Adult Basic Education" (ABE) means instruction in reading, writing and math equivalent to grades one through eight, speaking and citizenship skills.
2. "Adult Secondary Education" (ASE) means instruction in reading, writing, math, science and social studies equivalent to the completion of high school.
3. "Eligible applicants" may include local educational agencies, community based organizations, volunteer literacy organizations, institutions of higher education, public or private nonprofit organizations, institutions of higher education, public or private nonprofit agencies, libraries, public housing authorities, and consortiums of any of the aforementioned entities.
4. "English Language Acquisition for Adults" (ELAA) means a program of instruction designed to help individuals of limited English proficiency achieve competency in the English language, including reading, writing, listening and speaking.
5. "Literacy" means an individual's ability to read, write and speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family and in society.
6. "Project" means the approved and funded application which is administered by the eligible applicant.

B. Application for funding
1. Only eligible applicants may apply for funding.
2. Contracts shall be awarded through a competitive funding process.
3. Applications shall include budgets and be submitted according to the standard procurement and grants management policies of the Department of Education for the awarding of competitive grants.

C. Board priorities and criteria for application approval
1. Priority shall be given to projects funded during the previous fiscal year which:
   a. Adhered to all applicable state and federal rules and regulations.
   b. Operated in an efficient and effective manner demonstrating high levels of student educational gains as measured by standardized assessments and student retention as compared with the state average for these projects.
   c. Completed and submitted all required state and federal reports.
   d. Utilized volunteers where possible.
2. Equal opportunity for project application approval will be given to eligible applicants who demonstrate previous comparable experience and performance in another adult literacy program.
3. Criteria for approval shall include a determination by the project review committee that the application meets state and federal rules and regulations and the policies and procedures contained in the Arizona State Plan for Adult Education.

D. Use of funds and student reporting
1. Federal and state funds shall not be co-mingled.
2. Projects shall not assess students a tuition charge for instruction or fees for books, instructional supplies, or materials used in the program.
3. Student attendance hours reported to the Adult Education Division shall not be used in securing financing from any other source. Classes taught by volunteers are not to be reported unless they are administered and supervised by the local project.

E. An adult education certificate issued by the Board shall be required to teach in the Adult Education Program.

F. Students enrolled in adult education classes must be at least 16 years of age and officially withdrawn from school.

G. Course of study
1. Adult Basic Education (A.B.E.) students shall be functioning academically below the eighth grade level. The sequential course of study shall:
   a. Develop and improve communication and computational skills of students.
   b. Raise the general educational level of students.
   c. Improve the student's ability to benefit from occupational training.
   d. Increase opportunities for more productive and profitable employment.
   e. Assist students to be better able to meet their adult responsibilities as parents, citizens and as co-workers.
2. Adult Secondary Education (A.S.E.) students shall be functioning below the 12th grade level. The course of study shall:
   a. Give the students a foundation in the areas of English, social studies, literature, science and math.
   b. Enable students, through the development of critical thinking, to utilize new learning experiences in rec-

ognizing, evaluating and solving problems of daily life.
c. Attempt to motivate students to continue their education through more advanced study and to become more proficient in observing and adopting new skills in a changing society.
d. Equip students with the knowledge prerequisite for satisfactory achievement on a High School Equivalency Test approved by the State Board of Education.
3. English Language Acquisition for Adults (ELAA) and citizenship students shall be resident aliens. The course of study shall:
a. Develop an increasing ability to speak, understand, read, and write English.
b. Encourage the student to become a participating citizen and give insight into the values of such participation.
c. Help the student prepare for the Naturalization Test for U.S. Citizenship by developing a background in American history and government.
d. Create a desire for continued learning and self-realization.

H. Reports
1. Each project shall maintain bookkeeping records and must be able to substantiate expenditures.
2. A financial report shall be filed quarterly for each project with the Adult Education Division within 30 days after the close of the quarter.
3. Projects shall be completed by June 30. A fiscal completion report which has been reconciled with the County School Superintendent's Office, or if another agency, that agency's comparable administrative office, shall be filed with the Adult Education Division within 60 days after the project ending date.
4. Participation in the project reporting system designed to collect student and staff attendance, demographic information and student performance data is required. These reports shall be filed with the Adult Education Division monthly.
5. An annual written report on the year's activities, including internal written monitoring reports, shall be submitted to the Adult Education Division, no later than August 15.

I. If changes in the approved program or budget are desired, an amendment shall be submitted to the Adult Education Division for review and approval prior to expending any funds for the proposed changes.

Historical Note
Adopted effective December 14, 1984 (Supp. 84-6). Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 1781, effective September 23, 2013 (Supp. 15-3).

R7-2-309. Completion of grade 10
Completion of grade 10 is accomplished when a student has earned 10 credits which shall include:
1. Two credits of English.
2. One credit of mathematics.
3. One credit of science.
4. Six credits of additional courses prescribed by the local Governing Board.

Historical Note
Adopted effective March 13, 1986 (Supp. 86-2).

R7-2-310. Pupil achievement testing

A. The nationally standardized norm-referenced achievement tests adopted by the State Board shall be given annually during a week in September or October. By June 1 of each year the Board shall designate the week during the fall for testing for the next school year and all school districts shall administer the test during the week designated.

B. The superintendent or head of district shall be responsible for:
1. Providing school district enrollment data to the Department of Education annually for purposes of test material distribution.
2. Verifying the count of test materials received and distributing the test materials to each public school in the district.
3. Securing the test materials prior to distribution to pupils or persons administering the tests at the time of testing, as well as after the time of testing. Test materials shall be kept in locked storage.
4. Advising all district employees that the test materials are not to be reproduced in any manner.
5. Familiarizing each person who will administer the test with the test publishers' directions for administering the tests, the timing of the tests and the testing schedule. This is to be accomplished through meetings which shall not be held prior to one week before the first day of testing. At the conclusion of each such meeting, all test materials are to be collected and returned to locked storage.
6. Distributing actual test materials to persons administering the tests on the day of testing.
7. Training persons administering the tests on how to properly complete the identification information on the test booklet/answer sheet and how to code the information required on the variables being collected pursuant to A.R.S. § 15-741, et seq.
8. Properly packaging all tests/answer sheets which are to be scored by the scoring contractor. Packaging shall comply with instructions furnished by the scoring contractor or Department of Education.
9. Forwarding all tests/answer sheets to be scored to the scoring contractor per instructions. Tests/answer sheets for the entire district should be forwarded in one shipment.
10. Retaining all unused and reusable test materials, reporting them in the school's inventory and storing them in a safe and secure manner.
11. Immediately reporting to the Department of Education any losses of test materials or other irregularities.
12. The superintendent or head of district may designate a testing coordinator to act on his behalf.

C. Persons designated by the superintendent or head of district to administer the test shall:
1. Keep all test materials in locked storage.
2. Not reproduce any test materials in any manner.
3. Not disclose any actual test items to pupils prior to testing.
4. Not provide answers of any test items to any pupils.
5. Administer only practice tests which are provided by the test publishers. Previous editions of the test series being used in the statewide testing program may not be used as practice tests.
6. Strictly observe all timed subtests. The test publishers' suggested time limits for untimed subtests shall be followed as closely as possible in order to maintain uniformity in test administration.
7. Follow directions for administering the test explicitly. No test item may be repeated unless otherwise indicated in the directions.

8. Not change a pupil's answer.
9. Return all test materials to the superintendent or head of district immediately upon completion of testing.

D. All violations of this rule shall be referred by the superintendent or head of district to the State Superintendent of Public Instruction, for appropriate action.

E. For purposes of determining if a student may be exempt from the norm-referenced achievement testing requirement pursuant to A.R.S. § 15-744(B), the local governing board shall:
1. Verify that all students to be exempted have been assessed for language proficiency as required by R7-2-306 in the areas of listening, speaking, reading and writing in English and the primary language and have been determined to be limited English proficient.
2. Verify that all limited-English-proficient students considered for exemption are enrolled in one of the following programs as required by A.R.S. § 15-754:
   a. K-6 Transitional Bilingual Program;
   b. 7-12 Structured Bilingual Program;
   c. K-12 Bilingual Bicultural Program;
   d. English as a Second Language Program; or
   e. Individualized Education Program (this program is only acceptable if there are fewer than 10 limited-English-proficient students in a kindergarten program or a grade in a school).
3. Submit to the Arizona Department of Education, no later than September 30 of each year, a governing board resolution for the exemption of eligible students. This resolution shall contain the number, grade level, year of exemption status and primary language of all students to be exempted and an assurance signed by the governing board president and notarized that the requirements of subsections (E)(1) and (E)(2) have been met.
4. Submit to the Arizona Department of Education, no later than December 1 of each year, a final report describing the total number of actual students to be exempted.

F. Limited English students exempted from the norm-referenced achievement testing program shall be assessed annually with an alternative to the norm-referenced achievement test. If the exempted student is in grades 3, 8, or 12, the student shall be administered the assessments prescribed in subsection (F)(2)(c). Alternatives shall be as follows:
1. In the first year a limited-English-proficient student is enrolled within the district, the district may:
   a. Administer the language proficiency testing conducted pursuant to R7-2-306; or
   b. Administer the assessments prescribed in subsection (F)(2)(a) or (b) as the alternative assessment in the areas of reading and writing. In the area of mathematics, districts shall administer the district measurement that has been adopted to assess the essential skills in English or in the primary language to such students.
2. In the years following the first year of enrollment in the district, the alternative assessment shall be:
   a. The tests that have been adopted by the district in accordance with A.R.S. § 15-741 to assess the essential skills in reading, writing and mathematics in English; or
   b. The tests that have been adopted by the district in accordance with A.R.S. § 15-741 to assess the essential skills in the student's primary language in reading, writing and mathematics. In determining which primary language assessment to administer, the governing board shall consider the extent to which the exempted student has received recent schooling in the primary language;
   c. Beginning in the 1991-92 school year, the Arizona Student Assessment Program Essential Skills Tests in English or Spanish shall be administered to exempted students who are enrolled in grades 3, 8, or 12.
3. Alternative assessment instruments specified in subsection (F)(2)(a) or (b) shall be used at the instructional levels for which they were designed.
4. Alternative assessment administered as specified in subsection (F)(2)(a) or (b) shall be conducted at any time prior to April 30 of the school year.
5. The results of alternative assessments administered pursuant to subsections (F)(2)(a) and (b) of this subsection shall be submitted to the Department of Education prior to May 30 of the school year.

G. The school district shall maintain cumulative files regarding exemptions.

H. Beginning in the 1991-1992 school year, the District Assessment Plan filed pursuant to A.R.S. § 15-741(C)(3) shall include plans for the alternative assessment of limited-English- proficient students.

Historical Note

Adopted effective March 13, 1986 (Supp. 86-2). Amended subsections (A) and (B) effective February 25, 1987 (Supp. 87-1). Amended effective October 22, 1991; amended effective December 20, 1991 (Supp. 91-4).

R7-2-311. Pupil testing variable information

Persons designated by the superintendent or head of district to administer the State Board approved nationally standardized norm-referenced achievement tests shall assure that the following information is properly completed on the answer document for each pupil participating in the testing program:
1. Sex
2. Primary language
3. Racial/ethnic background.
4. Limited English proficient pupils participating in required programs by type pursuant to A.R.S. § 15-754, where applicable.

Historical Note

Adopted effective June 25, 1986 (Supp. 86-3).

R7-2-312. Honorary High School Diploma

A. An honorary high school diploma shall be provided to an individual who has never obtained a high school diploma and who meets each of the following requirements:
1. Is at least 65 years of age;
2. Currently resides in Arizona;
3. Provides documented evidence from the Arizona Department of Veterans' Services that the individual enlisted in the armed forces of the United States before completing high school in a public or private school; and
4. Was honorably discharged from service with the armed forces of the United States.

B. All high schools shall provide for the presentation of an honorary high school diploma to an individual eligible pursuant to subsection (A). The individual shall not be required to reside within the school boundaries.

Historical Note

Adopted effective December 15, 1989 (Supp. 89-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by final rulemaking at 9 A.A.R. 1125,

effective May 10, 2003 (Supp. 03-1).

R7-2-313. Academic contests fund

The State Board of Education establishes an academic contests fund consisting of monies appropriated by the legislature or received as gifts or grants for deposit in the academic contests fund pursuant to A.R.S. § 15-1241.

1. The Superintendent of Public Instruction shall, at least annually, compile a list of national contests to be presented to the State Board of Education for approval. Contest requirements are:
   a. Shall be sponsored by a recognized national organization.
   b. Shall be academic in nature, motivate pupils to be creative and demonstrate excellence.
   c. Shall be open to all pupils, regardless of race, creed, sex or national origin. Contests may separate pupils by age or grade level.
2. School districts shall submit an application for academic contest funds to the Superintendent of Public Instruction for student and chaperone expenses. Requirements are:
   a. No other sponsoring agency is assuming the total costs.
   b. The participation of the students shall be the result of successfully competing at the local or state level, or both, of that contest.
   c. The governing board of the school district in which the students attend shall approve the participation and travel of the students.
   d. The fiscal agent applying for academic contest funds shall be an authorized district representative and responsible for the disbursement of travel funds.
   e. A school district receiving academic contest funds shall submit a completion report and return any unused portion within 90 days after completion of travel to the Department of Education.
3. Application review and approval; funding limitations.
   a. The State Board of Education shall annually set expenditure limitations for expenses of students and chaperones. These limitations shall be based on the number of applicants, monies available and current state travel regulations.
   b. The Superintendent of Public Instruction shall review applications for academic contest funds and shall approve applications based upon the criteria set forth in this rule and the availability of funds.

Historical Note

Adopted effective December 15, 1989 (Supp. 89-4).

R7-2-314. Definitions

The following definitions apply to Sections R7-2-315 and R7-2-315.01:

1. "Board examination system" means a complete instructional system that includes all of the following components:
   a. A coherent group of courses that collectively constitutes a core curriculum at the high school level,
   b. A comprehensive syllabus for each course,
   c. Appropriate instructional and teaching materials for each course,
   d. High quality examinations that are closely aligned with the course syllabus,
   e. Professional scoring of examinations, and
   f. Teacher education that is designed to train teachers to properly teach those courses.
2. "Grand Canyon Diploma" means a high school diploma that is offered to any student who demonstrates readiness for college level mathematics and English according to standards prescribed by an interstate compact on board examination systems, who has passing grades on an additional set of required approved board examinations in core academic courses as determined by the State Board of Education.
3. "Readiness for college level mathematics and English" means that a student has the mathematics and English skills and knowledge needed to succeed in college level courses that count toward a degree or certificate without taking remedial or developmental coursework.

Historical Note

Adopted effective August 14, 1991 (Supp. 91-4).
Repealed effective February 20, 1997 (Supp. 97-1). New Section made by exempt rulemaking at 18 A.A.R. 1025, effective January 24, 2011 (Supp. 12-2).

R7-2-315. Board Examination Systems; Offerings; Procedures

A. The State Board of Education shall select board examination systems that may be used by traditional public schools and charter schools in accordance with the requirements of this Section. Board examination systems selected by the State Board of Education shall:
   1. Be approved by an interstate compact on board examination systems,
   2. Be periodically modified to reflect core standards selected by an interstate compact on board examination systems,
   3. Be aligned to State Board of Education approved academic standards,
   4. Have common passing scores that are prescribed by an interstate compact on board examination systems that are set to the level of literacy required to succeed in college-level courses offered by community colleges in this state that count toward a degree or certificate without taking remedial or developmental coursework.

B. The State Board of Education shall contract with a private organization to act as primary administrator of approved board examination systems. The private organization shall:
   1. Identify, select and contract with a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services to develop and maintain an interstate system of approved board examination systems.
   2. Provide data and other information to a national organization that is devoted to issues concerning education and the economy and that is selected by the State Board of Education to provide technical services the national organization deems necessary to set appropriate performance standards for students in this state. The Department of Education shall provide data and other information to the private organization, as necessary.
   3. Conduct technical studies required by the State Board of Education to compare the scores on approved board examinations by the students in this state to scores on the Arizona Instrument to Measure Standards Test and other measures deemed necessary to ensure the efficacy of the approved board examinations. The private organization may contract with other entities that are selected by the State Board of Education for the purpose of conducting technical studies.
   4. In cooperation with the Superintendent of Public Instruction and the State Board of Education, solicit monies from all lawful private and public sources, including fed-

eral monies, to offset the costs of instruction provided to students pursuant to this Section.
5. Exercise general supervision over the implementation of the approved board examination systems in this state.
6. Prepare an annual report for the State Board of Education, which shall forward it to the legislature and the governor, on the progress made toward the goals established in A.R.S. Title 15, Chapter 7, Article 6. Participating schools and the Department of Education shall provide data to the private organization as needed in order to complete the annual report.
7. Identify, select and represent this state on the national governing body of an interstate compact on board examination systems, as approved by the State Board of Education.
8. Select this state's representatives in an interstate compact on board examination systems in accordance with the policies prescribed by that interstate compact.
9. Develop the Grand Canyon Diploma to be approved and adopted by the State Board of Education.

C. The Department of Education shall develop a system, subject to State Board of Education approval, to track the academic progress of pupils who participate in board examination systems.

D. School districts or charter schools wishing to implement an approved board examination in one or more schools shall:
1. Send written notice to the private organization described in this Section indicating that school district's or charter school's interest in implementing an approved board examination system,
2. Submit an implementation plan to the private organization described in this Section that includes at least the following elements:
   a. The specific approved board examination system the school district wishes to implement;
   b. A proposed timeline for the implementation of an approved board examination system;
   c. A description of the funding model that will be employed to ensure the sustainability of the approved board examination system offering;
   d. A communication plan for students and parents that provides an overview of the selected approved board examination system, potential course offerings, a description of student support systems, and contact information for students and parents to obtain more detailed information regarding board examination systems and the Grand Canyon Diploma option, as defined in R7-2-315.01.

E. Upon receipt of an implementation plan described in this Section the private organization shall work cooperatively with the applicable school district or charter school to ensure that the plan is feasible and to modify any elements of the plan deemed necessary for successful implementation of the approved board examination system.

Historical Note

Adopted effective November 17, 1994 (Supp. 94-4). Repealed effective February 20, 1997 (Supp. 97-1). New Section made by exempt rulemaking at 18 A.A.R. 1025, effective January 24, 2011 (Supp. 12-2).

R7-2-315.01. Grand Canyon Diploma

A. School districts and charter schools in this state may choose to offer a Grand Canyon Diploma beginning in the 2012 – 2013 school year. A high school student who is enrolled in a school district or charter school that offers a Grand Canyon Diploma may choose to pursue a Grand Canyon Diploma.

B. A student may be awarded a Grand Canyon Diploma at the end of grade 10 or during or at the end of grade 11 or 12 provided that the student has passed both the mathematics and English assessments for the applicable approved board examination system, and the student has successfully completed the following subject area requirements within board examination system curriculum:
1. Two credits of English;
2. Two credits of mathematics;
3. Two credits of science, including lab-based science, engineering or information technologies;
4. One credit of American History;
5. One credit of World History;
6. One credit of fine arts or career and technical education and vocational education; and
7. One-half credit of economics.

C. A student that satisfies all the criteria for issuance of a Grand Canyon Diploma is exempt from the minimum course of study requirements delineated in R7-2-302.02.

D. Students who earn a Grand Canyon Diploma shall have multiple pathways available to them and may:
1. Enroll the following semester in a community college under the jurisdiction of a community college in this state. Students who take community college courses on high school campuses pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
2. Remain in high school and enroll in additional advanced preparation board examination programs that are designed to prepare students for admission to high quality postsecondary institutions that offer baccalaureate degree programs. These board examination programs shall be selected from a list provided by an interstate compact for board examination systems and approved by the State Board of Education. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
3. Enroll in a full-time career and technical education program offered on a community college campus, a high school campus or a joint technical education district campus, or any combination of these campuses. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.
4. Return to a traditional academic program without completing the next level of board examination systems curriculum through the end of grade 12. Students who elect to remain in high school pursuant to this subsection shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade 12.

E. Students who pursue but do not earn a Grand Canyon Diploma at the end of grade 10 or 11 shall receive a customized program of assistance during the next school year that addresses the areas in which the student demonstrated deficiencies in the approved board examinations. These students may retake the board examinations at the next available examination administration. Students may choose to return to a traditional academic program without completing the board examination system curriculum.

F. A student who remains in a board examination system curriculum through grade 12 and does not pass the board examination may graduate with a standard diploma provided that the student meets the following requirements:

1. The student has passed the Arizona Instrument to Measure Standards assessments in mathematics and English or received a sufficient score as determined by the State Board of Education on the ACT, SAT, or an approved board examination in mathematics and English.
2. The student has earned at least 22 credits and has passed a State Board of Education approved sequence of courses within the board examination system curriculum. For the purpose of this requirement the private organization and the Department of Education shall recommend for State Board of Education approval a sequence of courses for each approved board examination system. The sequence of courses for each board examination system shall ensure that students receive instruction in all State Board of Education approved academic standards encompassed in R7-2-302.02(1)(a) through (e).

G. A student who is enrolled in a school district or charter school that does not offer a board examination system curriculum may earn a Grand Canyon Diploma by:
1. Obtaining a passing score on the assessments of an approved board examination system in each of the subject areas delineated in R7-2-315.01(B)(1) through (6), and
2. Completing a high school course in economics.

Historical Note
New Section made by exempt rulemaking at 18 A.A.R. 1025, effective January 24, 2011 (Supp. 12-2).

Appendix A. Repealed

Historical Note
Adopted effective November 17, 1994 (Supp. 94-4).
Repealed effective February 20, 1997 (Supp. 97-1).

R7-2-316. Charter Schools Stimulus Fund

A. "Start-up costs" mean those costs associated with developing or implementing the following essential components of a charter school:
1. The hiring of teachers and other essential staff members;
2. The hiring of a chief administrative officer and other costs associated with instituting the administrative structure of the school;
3. Curriculum development and implementation;
4. The leasing of physical facilities or equipment and costs associated with establishment of utility services and accounts;
5. Operational expenses incurred prior to the date on which the charter school begins operations;
6. The development and implementation of an accounting system which complies with the uniform system of financial records requirements;
7. Obtaining insurance, including prepayment of premiums which will effectuate insurance coverage during the first year of operation;
8. Costs associated with licensing and compliance with other health, safety and civil rights requirements.

B. "Costs associated with renovating or remodeling existing buildings and structures" means those costs associated with the following essential components:
1. Modifications affecting the structural integrity of the building, including those changes needed to meet building code and zoning standards.
2. Modifications needed to meet non-structural building code requirements, such as those related to plumbing, electrical wiring and fire safety.
3. Modifications needed to meet state health standards, such as those related to rest rooms and food preparation and service.
4. Adjusting the size of rooms to accommodate the number of students to be served.
5. Construction-related finish work, such as exterior and interior replastering and painting, carpeting, flooring, baseboards and door hanging.
6. Roofing and air conditioning/heating installation or repair required prior to operation of the school.
7. Access requirements for persons with disabilities.

C. The State Board of Education shall, subject to legislative appropriation, provide an initial grant or an additional grant from the charter schools stimulus fund to applicants who have a charter or application that has been approved by a sponsor pursuant to A.R.S. § 15-183 and who meet the requirements of A.R.S. § 15-188 and this Section. The grant may be in any amount up to $100,000 per charter school applicant or charter school.

D. The application for an initial grant shall include:
1. A copy of the applicant's charter;
2. The identity of the sponsor which approved the charter;
3. The total amount of funding requested;
4. An itemization of the specific start-up costs and costs associated with renovating or remodeling existing building and structures for which the funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested;
5. The number of students to be served at the school;
6. The dimensions of the facility in which the school is to be operated;
7. A description of the extent to which the facility must be remodeled or renovated in order to meet applicable health and safety standards, unless this information is included in the applicant's charter.

E. The application for an additional grant shall be in a format approved by the State Board of Education and shall include:
1. The date and amount of the initial grant award.
2. A copy of any amendments or other modifications to the charter or application which formed the basis for the initial grant.
3. The identity of the current sponsor of the charter school.
4. An itemized accounting of the expenditures made with the initial grant monies.
5. The total amount of additional funding requested.
6. An itemization of the specific start-up costs associated with renovating or remodeling existing buildings and structures for which the additional funds will be used. Itemization shall include the amount of funds requested for each essential component and a detailed explanation of the basis for calculating the amount requested.

F. In its review of an application for a stimulus fund grant, the State Board of Education may receive information concerning the application from the Department of Education, an advisory committee, and any other source. The State Board may award a grant in an amount different from that requested by the applicant. No grant shall be awarded pursuant to this Section unless the State Board determines that:
1. Every amount requested in the applicant's itemization of costs is for the essential component with which the amount is associated; and
2. Based on all of the information before the State Board concerning the application, there is a rational basis for the award of funds.

G. No applicant or charter school shall be eligible for more than one initial grant and one additional grant, regardless of the amount awarded.

H. An applicant who receives an initial grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the initial 18-month period.

I. An applicant who receives an additional grant and fails to begin operating a charter school within the 18 months following the date of the award shall reimburse the Department of Education for the amount of the initial grant plus interest calculated at a rate of 10% per year. Such reimbursement is immediately due and payable at the end of the applicable 18-month period and is in addition to any amounts required by subsection (H).

J. An applicant for a grant pursuant to this rule shall be notified of the date at which the State Board of Education shall consider the application no less than 10 days in advance thereof. Written notification of the Board's decision concerning an application for a grant shall be mailed to the applicant within 10 days following such decision.

Historical Note
Adopted effective April 20, 1995 (Supp. 95-2).

ARTICLE 4. SPECIAL EDUCATION

R7-2-401. Special Education Standards for Public Agencies Providing Educational Services

A. For the purposes of this Article, the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated herein by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing Office, Attn: New Orders, P.O. Box 979050, St. Louis, MO 63197-9000 or the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson Street, Phoenix, Arizona 85007.

B. Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are applicable, with the following additions:

1. "Accommodations" means the provisions made to allow a student to access and demonstrate learning. Accommodations do not substantially change the instructional level, the content or the performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test.
2. "Adaptations" means changes made to the environment, curriculum, and instruction or assessment practices in order for a student to be a successful learner. Adaptations include accommodations and modifications. Adaptations are based on an individual student's strengths and needs.
3. "Administrator" means the chief administrative official or designee (responsible for special education services) of a public education agency.
4. "Audiologist" means a person who specializes in the identification and prevention of hearing problems and in the non-medical rehabilitation of those who have hearing impairments, and who is licensed to practice audiology according to A.R.S. Title 36, Chapter 17, Article 4.
5. "Boundaries of responsibility" means for:
   a. A school district, the geographical area within the legally designated boundaries.
   b. A public agency other than a school district, the population of students enrolled in a charter school or receiving educational services from a public agency.
6. "Certificate in speech and language therapy" means a speech-language pathologist or speech-language technician certificate awarded by the State Board of Education.
7. "Certified school psychologist" means a person holding a certificate from the Arizona State Board of Education issued pursuant to 7 A.A.C. 2, Article 6, in the area of school psychology.
8. "Certified speech-language therapist" means a person holding a speech-language pathologist or speech-language technician certificate from the Arizona State Board of Education issued pursuant to 7 A.A.C. 2, Article 6, and a license from the Arizona Department of Health Services as a speech-language pathologist in accordance with A.R.S. Title 36, Chapter 17, Article 4.
9. "Department" means the Arizona Department of Education.
10. "Doctor of medicine" means a person holding a license to practice medicine pursuant to A.R.S. Title 32, Chapter 13 (medical doctor) or Chapter 17 (doctor of osteopathy).
11. "Exceptional Student Services Division" or "ESS" means the Exceptional Student Services Division of the Arizona Department of Education.
12. "Evaluator" means a qualified person in a field relevant to the child's disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.
13. "Full and individual evaluation" means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes:
    a. A review of existing information about the child;
    b. A decision regarding the need for additional information;
    c. If necessary, the collection of additional information; and
    d. A review of all information about the child and a determination of eligibility for special education services and needs of the child.
14. "Independent educational evaluation" means an evaluation conducted by a qualified evaluator who is not employed by the public education agency responsible for the education of the child in question.
15. "Interpreter" means a person trained to translate orally or in sign language in matters pertaining to special education identification, evaluation, placement, the provision of FAPE, or assurance of procedural safeguards for parents and students who converse in a language other than spoken English. Each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE.
16. "Language in which the student is proficient" means all languages including sign language systems.
17. "Licensed psychologist" means a person holding a license from the state of Arizona Board of Psychologist examiners in accordance with A.R.S. Title 32, Chapter 19.1, Article 2.
18. "Modifications" means substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.
19. "Paraeducator" means a person employed to assist with the education of students but who is not certified to teach

by the Arizona Department of Education. Alternate terms may include paraprofessional, teacher aide, instructional assistant or other similar titles.

20. "Private school" means any nonpublic educational institution where academic instruction is provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state or a public education agency.
21. "Private special education school" means a private school that is established to serve primarily students with disabilities. The school may also serve students without disabilities.
22. "Psychiatrist" means a doctor of medicine who specializes in the study, diagnosis, treatment and prevention of mental disorders.
23. "Public education agency" or "PEA" means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the state that is responsible for providing education to children with disabilities.
24. "Screening" means an informal or formal process of determining the status of a child with respect to appropriate developmental and academic norms. Screening may include observations, family interviews, review of medical, developmental, or education records, or the administration of specific instruments identified by the test publisher as appropriate for use as screening tools.
25. "Special education teacher" means a teacher holding a special education certificate from the Arizona Department of Education.
26. "Suspension" means a disciplinary removal from a child's current placement that results in a failure to provide services to the extent necessary to enable the child to progress appropriately in the general curriculum and advance toward achieving the goals set out in the child's IEP. The term does not include disciplinary actions or changes in placement through the IEP process if the child continues to receive the services described above. The term does include actions such as "in-school" and "going home for the rest of the day" removals if the child does not receive the services described above.

C. Public Awareness.

1. Each public education agency shall inform the general public and all parents, within the public education agency's boundaries of responsibility, of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.
2. Each public education agency is responsible for public awareness within their enrolled population (including the families of enrolled students).
3. School districts are responsible for public awareness in private schools located within their geographical boundaries.

D. Child Identification and Referral.

1. Each public education agency shall establish, implement, and disseminate to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
2. Each public education agency will require all school-based staff to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of staff review.
3. Procedures for child identification and referral shall meet the requirements of the IDEA and regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.
4. The public education agency responsible for child identification activities is the school district in which the parents reside unless:
   a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;
   b. The student is enrolled in a non-profit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
   a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
   b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years.
6. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.
7. For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.
8. If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs.
9. Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.
10. If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally-placed private school students the school district within whose boundaries the non-profit private school is located is responsible for such evaluation.
11. If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

E. Evaluation/re-evaluation.
1. Each public education agency shall establish, implement, disseminate to its school-based personnel, and make available to parents within its boundaries of responsibility, written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.
2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and regulations, and state statutes and State Board of Education rules.
3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be completed as soon as possible, but shall not exceed 60 calendar days from receipt of informed written consent. If the public education agency initiates the evaluation, the 60-day period shall commence with the date of receipt of informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility. If the parent requests the evaluation and the MET concurs, the 60-day period shall commence with the date that the written parental request was received by the public education agency and shall conclude with the date of the MET determination of eligibility.
4. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parents and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation.
5. The public education agency may accept current information about the student from another state, public agency, public education agency, or independent evaluator. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).
6. For the following disabilities, the full and individual initial evaluation shall include:
   a. Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a certified school psychologist.
   b. Hearing impairment:
      i. An audiological evaluation by an audiologist, and
      ii. An evaluation of communication/language proficiency.
   c. Other health impairment: verification of a health impairment by a doctor of medicine.
   d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:
      i. A discrepancy between achievement and ability;
      ii. The child's response to scientific, research-based interventions; or
      iii. Other alternative research-based procedures.
   e. Orthopedic impairment: verification of the physical disability by a doctor of medicine.
   f. Speech/language impairment: an evaluation by a certified speech-language therapist.
   g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
      i. An audiometric screening within the past calendar year,
      ii. A review of academic history and classroom functioning,
      iii. An assessment of the speech problem by a speech therapist, or
      iv. An assessment of the student's functional communication skills.
   h. Traumatic brain injury: verification of the injury by a doctor of medicine.
   i. Visual impairment: verification of a visual impairment by an ophthalmologist or optometrist.
7. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(6)(a) through (i) are required for a student's re-evaluation.

F. Parental Consent.
1. A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.
2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:
   a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and
   b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.
4. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public education agency:
   a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
   b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
   c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
   d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.

5. If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

G. Individualized Education Program (IEP).
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures for the development, implementation, review, and revision of IEPs.
2. Procedures for IEPs shall meet the requirements of the IDEA and regulations, and state statutes and State Board of Education rules.
3. Procedures shall include the incorporation of Arizona Academic Standards into the development of each IEP. IEP goals aligned with the Arizona Academic Standards shall identify the specific level within the Standard that is being addressed.
4. Each IEP of a student with a disability shall stipulate the provision of instructional or support services by a special education teacher, certified speech-language therapist, and/or ancillary service provider(s), as appropriate.
5. Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without standard accommodations as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team.
6. A meeting shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting.
7. A parent or public education agency may request in writing a review of the IEP. Such review shall take place within 15 school days of the receipt of the request or at a mutually agreed upon time but not to exceed 30 school days.

H. Least Restrictive Environment.
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and regulations, and state statutes and State Board of Education rules.
2. A continuum of services and supports for students with disabilities shall be available through each public education agency.

I. Procedural Safeguards.
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination to parents information about the public education agency's and state's dispute resolution options.
2. In accordance with the prior written notice requirements of IDEA, prior written notice must be issued in a timely manner following a decision by a PEA to propose to initiate or change, or refuse to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child.

J. Confidentiality.
1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA, the Family Educational Rights and Privacy Act (FERPA) and regulations, and state statutes.
2. Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that the PEA must follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.
3. The rights of parents regarding education records are transferred to the student at age 18, unless the student has been declared legally incompetent, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.
4. Upon receiving a written request, each public education agency shall forward special education records to any other public education agency in which a student is attempting to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.

K. Preschool Programs. Each public education agency responsible for serving preschool children with disabilities shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for:
1. The operation of the preschool program in accordance with federal statute and regulation, and state statute;
2. The smooth and effective transition from the Arizona Early Intervention Program (AzEIP) to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
3. The provision of a minimum of 360 minutes of instruction in a program that operates at least three days a week.

L. Children in Private Schools. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures regarding the access to special education services to students enrolled in private schools as identified by the IDEA and regulations, and state statutes and State Board of Education rules.

M. State Education Agency Responsible for General Supervision and Obligations Related to and Methods of Ensuring Services.
1. The Department is responsible for the general supervision of services to children with disabilities aged 3 through 21 served through a public education agency.
2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and technical assistance that all eligible students receive a free appropriate public education in conformance with the IDEA regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules.
3. In exercising its general supervision responsibilities, the Department shall ensure that when it identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is corrected as soon as possible, and in no case later than one year after the Department's written notification to the PEA of its identification of the noncompliance.

N. Procedural Requirements Relating to Public Education Agency Eligibility.
1. Each public education agency shall establish eligibility for funding with the Arizona Department in accordance with the IDEA and regulations, and state statutes and with schedule and method prescribed by the Department.
2. In the event the Department determines that a public education agency does not meet eligibility for funding requirements, the public education agency has a right to a hearing before such funding is withheld.
3. The Department may temporarily interrupt payments during any time period when a public education agency has not corrected deficiencies in eligibility for federal funds as a result of fiscal requirements of monitoring, auditing, complaint and due process findings.
4. Each public education agency shall, on an annual basis, determine the number of children within each disability category who have been identified, located, evaluated, and/or receiving special education services. This includes children residing within the boundaries of responsibility of the public education agency who have been placed by their parents in private schools or who are home schooled.

O. Public Participation.
1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures to ensure that, prior to the adoption of any policies and procedures needed to comply with federal and state statutes and regulations, there are:
   a. Public hearings;
   b. Notice of the hearings; and
   c. An opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.
2. This requirement does not pertain to day-to-day operating procedures.

P. Suspension and Expulsion.
1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for the suspension and expulsion of students with disabilities.
2. Each public education agency shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.
3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and regulations, and state statutes.

Historical Note

Amended effective December 11, 1974. Amended effective July 14, 1975 (Supp. 75-1). Amended effective July 1, 1977 (Supp. 77-4). Amended effective April 26, 1978 (Supp. 78-2). Former Section R7-2-401 repealed, new Section R7-2-401 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding subsection (H) as an emergency effective July 20, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Amended (D)(11), (E)(5)(b) and added (H) effective December 14, 1984 (Supp. 84-6). Amended as an emergency effective June 18, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-3). Emergency expired. Amended subsection (D) by adding subsection (12) effective March 13, 1986 (Supp. 86-2). Amended subsection (G) effective July 8, 1986 (Supp. 86-4). Amended subsections (D) and (H) and added subsection (I) effective June 22, 1987 (Supp. 87-2). Amended effective August 2, 1988 (Supp. 88-3). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended to correct a manifest typographical error in subsection (D)(1) (Supp. 01-3). Subsections (D)(9), (E)(4), and (E)(6) amended under A.R.S. § 41-1011 to correct subsection cross-references (Supp. 02-2). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

R7-2-402. Standards for Approval of Special Education Programs in Private Schools

A. Definitions. All terms defined in the regulations for the Individuals with Disabilities Education Improvement Act (IDEA) Amendments, A.R.S. § 15-761, and State Board of Education rule R7-2-401 are applicable.

B. No student may be placed by a public education agency in a private school special education school program unless the facility has been approved as meeting the standards as outlined in this rule, and the public education agency is unable to provide satisfactory education and services through its own facilities and personnel.

C. In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall:
1. Provide special education instructional programs for students with disabilities that are at least comparable to those provided by the public schools of Arizona and meet the requirements of IDEA.
2. Provide the following documentation:
   a. Policies and procedures based on IDEA and state statues;
   b. Curriculum that is aligned with the Arizona Academic Standards;
   c. A completed application;
   d. Copies of all teacher and related service personnel certifications and licenses; and
   e. If applicable, a copy of North Central Accreditation.
3. Provide certificated special education teachers in each classroom to implement the IEPs of those students assigned to that classroom.
4. Provide related services to meet the needs of the students as indicated on their IEPs.
5. Provide administration personnel such as head teacher, principal, or other administrator certificated in an administrative area or experienced and certificated in the appropriate area of special education.
6. Provide an education that meets the standards that apply to education provided by the public education agency.
7. Maintain student records in accordance with the statutory requirements.
8. Accept all responsibilities concerning instructional programs to the disabled student and parent or guardian that are required of the public schools of Arizona. Ultimate responsibility for any student under contract in a private special education school rests with the public education agency contracting for the students' education.
9. Administer all required statewide assessments to those students placed in the private facility by a PEA or through the educational voucher system.

10. Maintain adequate liability insurance.
11. Maintain an accounting system and budget which includes the costs of operation, maintenance, transportation, and capital outlay, and which is open to review upon request.
12. Maintain an attendance reporting system that provides public education agencies and the Department with required information.
13. Provide notification to contracting public education agencies and the Department of any changes in staff or deletion of programs within 10 school days of the change or deletion.
14. Provide notification to the contracting PEA of any intent to discontinue, suspend, or terminate services to a student for longer than 10 days. Services to the student must be continued by the private school until an IEP meeting with the PEA is convened to determine an appropriate alternative placement. The PEA must be given up to 10 school days to arrange for the transition of the student after the IEP determination.
15. Permit onsite evaluation of the program by the Department or its designees, and the representatives of the public education agencies.
16. Request approval to contract with public education agencies from the Department in accordance with the prescribed procedures.

Historical Note

Former Section R7-2-402 repealed, new Section R7-2-402 adopted effective December 4, 1978 (Supp. 78-6). Amended by final rulemaking at 7 A.A.R. 1541, effective March 19, 2001 (Supp. 01-1). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2).

R7-2-403. Repealed

Historical Note

Adopted effective December 4, 1978 (Supp. 78-6). Amended as an emergency effective September 26, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-5). Former emergency adoption now adopted effective December 4, 1979 (Supp. 79-6). Section repealed by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

R7-2-404. Special Education Voucher Program Policies and Procedures

A. Institutional vouchers. Students residing and attending special education programs at the Arizona Schools for the Deaf and the Blind (ASDB) or the Arizona State Hospital (ASH) or students attending special education day programs provided by ASDB may be eligible for special education institutional voucher funding.

1. Eligibility criteria.
   a. Student shall be between the ages of 3 and 22 years.
   b. Student shall have a recognized disability as documented by a current educational evaluation. Evaluations shall be completed by the institution or the student's home school district (HSD), as determined by a multidisciplinary evaluation team (MET).
   c. Student shall have a current individualized education program (IEP) identifying the placement as the most appropriate and least restrictive educational environment.
2. Institutional voucher application/approval.
   a. Applications for special education institutional vouchers shall be completed by the institution and submitted to the Exceptional Student Services Division of the Department of Education. The institution shall provide all student information requested on the institutional voucher application.
   b. Institutions shall sign a Statement of Assurance guaranteeing their maintenance of and ability to produce all supporting documentation for each application.
   c. Institutional voucher applications shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Institutional voucher payments will not be made for student attendance prior to voucher approval date.
   d. Voucher identification numbers shall be assigned for each new student approval, and shall be used by the institution to complete claims for payment and the special education census form.
   e. Institutional vouchers are approved for the current year only; therefore the application process shall be repeated each school year for each student.
   f. Institutions shall report any changes in student status, including withdrawals, transfers, current evaluation dates and changes in disability categories to the Exceptional Student Services Division of the Department of Education. Changes shall be submitted within ten days of the occurrence.
3. Institutional voucher claim for payment.
   a. The special education institutional voucher claim for payment form shall be completed by the institution at the end of each calendar month. The claim shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
   b. Claims for payment shall be submitted to the School Finance Division of the Department of Education.
4. Special education census.
   All institutional voucher students shall be reported on the special education census in accordance with procedures established by the School Finance Division of the Department of Education.
5. Review of placement.
   a. It is the responsibility of the HSD to review student progress at least once a semester.
   b. The IEP may be completed by the institution but is ultimately the responsibility of the student's HSD to ensure that it is reviewed and revised annually.
   c. It is the responsibility of the HSD to ensure that re-evaluations are conducted on a tri-annual basis or more frequently as needed.

B. Residential vouchers: Students placed in private residential treatment facilities (PRF) may be eligible for residential voucher funding for the educational portion of the placement.

1. Eligibility Criteria.
   a. Students shall be enrolled in and eligible for educational services from a Public Education Agency (PEA).
   b. Placement shall be made by one of the State Placing Agencies. They are the Department of Economic Security (DES), the Department of Health Services (DHS), the Administrative Office of the Courts (AOC), or the Department of Juvenile Corrections (ADJC).

c. Residential facilities shall be licensed by the Department of Health Services or Department of Economic Security and approved by the Department of Education for the specific educational needs of each student placed there.
d. The following conditions invalidate eligibility.
i. Placement by any agency other than those noted in subsection (B)(1)(b).
ii. Placement in facilities not appropriately licensed by DHS or DES or approved by the Department of Education.
iii. Student attendance at a PEA while residing in a residential facility.
e. Eligible students are divided into three categories.
i. Non-special education (NSE): Students not eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
ii. Care special education (CSE): Students eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment.
iii. Residential special education (RSE): Students requiring residential placement to benefit from educational programming who are placed by an IEP team.
2. Voucher application/approval process. The process differs depending on category.
a. NSE and CSE options:
i. When a placement decision is reached, the State Placing Agency (SPA) shall complete a SPA Application for Voucher Funding, and forward a copy to the student's Home School District (HSD) for appropriate signatures within five days of placement.
ii. Upon placement, copies of the completed voucher shall be provided to the PRF and the Exceptional Student Services of the Department of Education (ESS).
iii. Upon receipt and review of the application and verification of facility approval, the SPA application will be approved for the initial 60 days of placement. An approval memo is sent to the PRF and the HSD. The Exceptional Student Services shall assign a student identification number to each approved voucher student. This number shall be used by the private facility when completing the special education census form and the claim for payment form.
iv. The HSD shall submit the HSD Application for Education Voucher Funding packet and submit it to the Exceptional Student Services of the Department of Education. Appropriate documentation of eligibility for special education and provision of services, if applicable, shall be included.
v. The HSD voucher application packet shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Approvals are granted from the date of receipt through the end of the school year. An approval memo is sent to the PRF and the HSD.
vi. If the HSD cannot complete the requirements for the HSD application packet within the initial 60-day approval period, they shall submit an Application For Extension Of Education Voucher Funding.
b. RSE option.
The HSD shall follow statutory requirements and procedures agreed upon by the ADE, DHS, and DES when considering placement in a PRF for educational reasons. If a need for such a placement is determined, the HSD shall complete and submit the HSD Application for Education Voucher Funding packet to the ESS. Documentation of the necessity for PRF placement, measurable exit criteria, and a reintegration plan shall be required.
3. Changes in placement/Discharge.
a. If a student is discharged or is absent without leave for more than ten days from the PRF, the facility shall notify the State Placing Agency, Home School District and the Exceptional Student Services Division of the Department of Education in writing within five days.
b. Students returning to a facility after a discharge or students transferred from one facility to another require a new SPA voucher application.
c. Students placed under the RSE option shall not be discharged without the consent of the IEP team.
4. Voucher claim for payment.
a. A special education voucher claim for payment shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.
b. Claim for payment shall be submitted to the School Finance Division of the Department of Education.
5. Special education census.
A special education census form shall be completed for all voucher students in accordance with procedures established by the School Finance Division of the Department of Education.
6. Review and continuation of placement.
a. The Home School District (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete three-year re-evaluations as applicable.
b. Voucher approval is for one school year only. Students remaining in an PRF from the end of one school year to the beginning of the next year require new voucher applications. Prior to the beginning of the new school year, the PRF shall submit an Application for Continuing Voucher funding, signed by both the SPA and the HSD. For a student who is eligible for special education services, a current IEP shall accompany the continuing application if the IEP has been reviewed or revised after the original voucher was approved.

Historical Note

Adopted effective December 4, 1978 (Supp. 78-6).
Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

Editor's Note: The following Section was erroneously published in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3).

R7-2-405. Special Education Dispute Resolution; Due Process

A. Definitions. The following definitions are applicable to this rule:

1. "Due process hearing" means a fair and impartial administrative hearing conducted by the State Education Agency by an impartial hearing officer through the Arizona Office of Administrative Hearings in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and its implementing regulations (34 CFR 300).
2. "Impartial hearing officer" or "hearing officer" means an Administrative Law Judge ("ALJ") of the Arizona Office of Administrative Hearings ("OAH") and who is knowledgeable in the laws governing special education and administrative hearings.
3. "Public agency" ("PEA") has the same definition as provided in R7-2-401.
4. "State Education Agency" ("SEA") means the Department of Education, Exceptional Student Services Section.

B. The due process procedures specified in this rule apply to all public agencies dealing with the identification, evaluation, special education placement of, and the provision of a free appropriate public education ("FAPE") for children with disabilities.

C. The SEA shall establish procedures concerning:
1. Impartial due process hearings, and
2. Confidentiality and access to student records.

D. An impartial hearing officer shall be:
1. Unbiased – not prejudiced for or against any party in the hearing;
2. Disinterested – not having any personal or professional interest that would conflict with objectivity in the hearing;
3. Independent – may not be an officer, employee, or agent of a public agency involved in the education or care of the child or the SEA. A person who otherwise qualifies to conduct a hearing is not an employee of the public agency or the SEA solely because the person is paid by the public agency to serve as a hearing officer;
4. Trained by the SEA as to the state and federal laws pertaining to the identification, evaluation, placement of, and the provision of FAPE for children with disabilities.

E. Hearing officer qualifications and training.
1. All hearing officers shall participate in all required training conducted by the SEA as to the state and federal laws pertaining to the identification, evaluation, educational placement, and the provision of FAPE for children with disabilities.
2. A hearing officer shall meet the requirements set forth by OAH regarding ALJs. A hearing officer shall not have represented a parent in a special education matter during the preceding 12 months, and shall not have represented a school district in any matter during the preceding 12 months.

F. Selection of hearing officers.
1. The SEA shall prepare and maintain a list of individuals who meet the qualifications specified in subsection (E) to serve as hearing officers. This list shall also include the qualifications of each hearing officer.
2. A hearing officer shall be assigned in accordance with the procedures of the Office of Administrative Hearings.

G. Request for due process hearing.
1. The due process complaint must allege a violation that occurred not more than two years before the date the parent or public education agency knew or should have known about the alleged action that forms the basis of the due process complaint.
2. A parent shall submit a written request for a due process hearing to the public education agency and the SEA. The SEA shall provide a model form that a parent may use in requesting a due process hearing. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and parents agree. If a parent requests a due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available, and provide a copy of the procedural safeguards notice. All correspondence to the parent shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.
3. If the public education agency requests a due process hearing, such request may be made on a model form, as noted in subsection (G)(2), and a copy shall be provided to the parent and the SEA. Upon receipt of a written request, there shall be no change in the educational placement of the child except under the applicable provisions of IDEA, unless the PEA and the parents agree. In conjunction with its request for due process hearing, the public education agency shall advise the parents of any free or low-cost legal services available and provide a copy of the procedural safeguards notice. All correspondence to the parent, including the due process request, shall be provided in English and the primary language of the home. If the written request involves an application for initial admission, the child, with the consent of the parent, shall be placed in the public school until the completion of all proceedings.

H. An impartial due process hearing shall be conducted in accordance with the following procedures:
1. The hearing officer shall hold a pre-hearing conference, either telephonically or at a location that is reasonably convenient to the parents and the child involved, to determine if the complaint is a legitimate due process complaint, to ensure that all matters are clearly defined, to establish the proceedings that will be used for the hearing, to determine who will represent and/or advise each party, and to set the time and dates for the hearing.
2. The hearing officer shall conduct the hearing at a location that is reasonably convenient to the parents and the child involved.
3. The hearing officer shall preside at the hearing and shall conduct the proceedings in a fair and impartial manner, and shall ensure that all parties involved have an opportunity to:
   a. Present their evidence and confront, cross-examine, and compel the attendance of witnesses;
   b. Object to the introduction of any evidence at the hearing that has not been disclosed to all parties at least five business days before the hearing;
   c. Produce outside expert witnesses;
   d. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.
4. The parent involved in the hearing shall be given the right to:
   a. Have the child who is the subject of the hearing present,
   b. Have the hearing conducted in public,
   c. Have an interpreter provided by the public agency.
5. The hearing officer shall review all relevant facts concerning the identification, evaluation, the educational placement, and the provision of FAPE. This shall include

any Independent Education Evaluation secured by the parent.
a. The hearing officer shall determine whether the public agency has met all requirements of federal and state law, rules, and regulations.
b. The hearing officer shall render findings of fact and a decision, which shall be binding on all parties unless appealed pursuant to this rule.
6. The hearing officer's findings of fact and decision shall be in writing and shall be provided to the parent, the public education agency, the SEA, and their respective representatives. The parent may choose to receive an electronic verbatim record of the hearing and electronic findings of fact and decision relative to the hearing in addition to the written findings of fact and decision. The hearing officer's findings of fact and decision shall be delivered by certified mail or by hand within 45 calendar days after notification to the hearing officer that the parties have been unable to resolve the matter in accordance with 20 U.S.C. 1415(f)(1)(B). A hearing officer may grant specific extensions of time beyond the 45 calendar days for good cause shown at the request of either party.
7. The findings of fact and decision of the hearing officer shall be final at the administrative level. The notification of the findings of fact and decision shall contain notice to the parties that they have a right to judicial review.
8. Any party to the proceeding has the right to appeal a final administrative decision to a court of competent jurisdiction within 35 calendar days after receipt of the decision.
9. The SEA, after deleting any personally identifiable information, shall make such written findings of fact and decision available to the public.

I. Expedited hearing.
1. An expedited hearing regarding disciplinary matters may be requested in accordance with federal law as set forth in 20 U.S.C. 1415(k).
2. Hearing officers for an expedited hearing shall be assigned by the Office of Administrative Hearings.
3. The expedited hearing shall be conducted within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

Historical Note

Adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (V) effective May 1, 1987 (Supp. 87-2). Amended effective July 20, 1990 (Supp. 90-3). Emergency amendment adopted effective November 21, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendment readopted effective March 21, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective November 17, 1994 (Supp. 94-4). Amended effective December 6, 1995 (Supp. 95-4). Amended by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Supp. 04-2 Historical Note entry is in error. R7-2-405 was erroneously included in Supp. 04-2 with amendments that were not approved by the Attorney General's Office. It is republished with the text in effect before Supp. 04-2. The correct notice was published at 10 A.A.R. 3274 (Supp. 04-3). Amended by exempt rulemaking at 15 A.A.R. 1732, effective January 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1849, effective May 19, 2008 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

R7-2-405.01. Special Education Dispute Resolution; State Administrative Complaints

A. Notwithstanding any other provision of law, a state administrative complaint filed with the Department regarding any alleged violations of Part B of the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) or its implementing regulations (34 CFR 300) shall be investigated in accordance with the Code of Federal Regulations Title 34.
1. The party filing the complaint shall forward a copy of the state administrative complaint to the public education agency serving the child at the same time the party files the complaint with the Department.
2. A written decision shall be issued to the complainant and the public education agency that is the subject of the state administrative complaint in accordance with the 60-day time limit specified in the Code of Federal Regulations Title 34.

B. The Department shall accept and investigate state administrative complaints that allege a violation that occurred not more than one year prior to the date that the complaint is received by the Department.

C. The state administrative complaint shall include all of the following:
1. A statement that a public education agency has violated a requirement of Part B of the IDEA or its implementing regulations.
2. The facts on which the statement is based.
3. The signature and contact information for the complainant.
4. If alleging violations with respect to a specific child, all of the following:
a. The name and address of the child.
b. The name of the school the child is attending.
c. In the case of a homeless child or youth (within the meaning of Section 725(2) of the McKinney-Vento Homeless Assistance Act (20 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending.
d. A description of the nature of the problem of the child, including facts relating to the problem.
e. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
5. The Department shall develop a model form to assist parents and public agencies in filing a state administrative complaint under this Section.

Historical Note

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

R7-2-405.02. Special Education Dispute Resolution; Mediation

In accordance with the Individuals with Disabilities Education Act, the Department shall provide parents of students with disabilities and public education agencies the opportunity to resolve disputes involving any matter under IDEA, including matters arising prior to the filing of a request for due process, through a mediation process.
1. The mediation process shall:
a. Be voluntary on the part of both parties,
b. Not be used to deny or delay a parent's right to a due process hearing or any other rights afforded under Part B of the IDEA,
c. Be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

2. The Department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.
3. The Department shall select mediators on a random or rotational basis.
4. The Department shall bear the cost of the mediation process.
5. Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to both the parent and the public education agency.
6. If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that:
   a. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings,
   b. Is signed by both the parent and a representative of the public education agency who has the authority to bind the agency, and
   c. Is enforceable in any state court of competent jurisdiction or in a district court of the United States.
7. Whether or not the dispute is resolved through mediation, discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any federal court or state court.
8. Impartiality of the Mediator. An individual who serves as a mediator:
   a. May not be an employee of the Department or of the public education agency that is involved in the education or care of the student.
   b. Shall not have a personal or professional interest that conflicts with the person's objectivity.
   c. Is not an employee of the Department or of a public education agency solely because the mediator is paid by the Department of Education to serve as a mediator.

Historical Note

New Section made by exempt rulemaking at 16 A.A.R. 201, effective December 7, 2009 (Supp. 10-1).

R7-2-406. Gifted Education Programs and Services

A. Governing boards shall adopt policies for the education of gifted students which shall include:
1. Procedures for identification and placement of students to be placed in gifted programs.
   a. Students shall be served who score at or above the 97th percentile on national norms in any one of three areas - verbal, nonverbal, or quantitative reasoning - on any test from the State Board-approved list. Students who score below the 97th percentile also may be served.
   b. Local educational agencies (LEAs) shall accept, as valid for placement, scores at or above the 97th percentile on any State Board-approved test submitted by other LEAs or by qualified professionals.
   c. LEAs shall place transfer students as soon as they have verified eligibility.
2. Curriculum, differentiated instruction, and supplemental services for gifted students.
   a. Expanded academic course offerings may include, for example, one or more of the following: acceleration, enrichment, flexible pacing, interdisciplinary curriculum, and seminars.
   b. Differentiated instruction, which emphasizes the development of higher order thinking, may include critical thinking, creative thinking, and problem solving skills.
   c. Supplemental services, which may be offered to meet the individual needs of each gifted student, may include, for example, guidance and counseling, mentorships, independent study, correspondence courses, and concurrent enrollment.
3. Parent involvement.
   a. Each LEA shall provide the following information to all parents or legal guardians:
      i. Definition of a gifted child;
      ii. Services mandated for gifted students by the state of Arizona;
      iii. Services available from the LEA:
      iv. Written criteria of the LEA for referral, screening, selection and placement.
   b. Each LEA shall develop policies and procedures which ensure that parents or legal guardians are:
      i. Given the opportunity to have their children tested;
      ii. Given advance notice of the week that their children are to be tested;
      iii. Given the opportunity to withhold permission for testing;
   c. Each LEA shall:
      i. Make testing available for students K-12 on a periodic basis but not less than three times per year;
      ii. Inform parents or legal guardians of the results of the district-administered test within 30 school days of determining the test results;
      iii. Upon request, explain test results to parents or legal guardians.
4. The scope and sequence shall be a written program description which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress and shall include:
   a. Statement of purpose;
   b. General population description;
   c. Identification process and placement criteria including provisions for special populations;
   d. Goals and objectives;
   e. Curriculum, differentiated instruction, and supplemental services;
   f. Program models;
   g. Time allocations for services;
   h. Procedures and criteria for evaluation of student and program outcomes.

B. The Arizona Department of Education shall develop and make available model policies for the development, implementation, and evaluation of services for gifted students.

Historical Note

Adopted effective December 12, 1990 (Supp. 90-4)

R7-2-407. Special Education Standards and Assistance for Providing Educational Services and Materials for Visually Impaired Students

A. All requirements in this Section are in addition to the general special education standards in R7-2-401 for public education agencies providing special education.

B. For the purposes of this rule, the following definitions apply:

1. "Accessible Electronic File" means, until the effective date of a nationally adopted file format, a digital file in a mutually agreed upon electronic file format that has been prepared using a markup language that maintains the structural integrity of the information and can be processed by Braille conversion software. Upon the effective date of a nationally adopted file format, such as the Instructional Materials Accessibility Standard (IMAS), "Accessible Electronic File" shall mean an electronic file conforming to the specifications of the nationally adopted file format, including future technical revisions and versions of this nationally adopted file format.
2. "Individualized Braille literacy assessment" means the Learning Media Assessment or other standardized or individualized assessments that pertain to the child's reading medium.
3. "Non-printed instructional materials" means non-printed textbooks and related core materials, including those that require the availability of electronic equipment in order to be used as a learning resource, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. These materials shall be available to the extent technologically available, and may include software programs, CD-ROMs and internet-based materials.
4. "Printed instructional materials" means textbooks and related printed core materials, that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or a local educational agency for use by pupils in the classroom. This may include workbooks, practice tests, and tests.
5. "Publisher" means an individual, firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending public schools in Arizona, including an on-line service, a software developer, or a distributor of an electronic textbook.
6. "Specialized format" means Braille, audio or digital text which is exclusively for use by blind or other persons with disabilities.
7. "Structural integrity" means the structure of all parts of the printed instructional material will be kept intact to the extent feasible and as mutually agreed upon by the publisher and the local educational agency. This may include appropriate representation of graphic illustrations.

C. Upon determination of a student having a visual impairment as assessed by a full and initial evaluation defined in R7-2-401(E)(6)(i), a visually impaired student who is determined to be blind as defined by A.R.S. § 15-214(B) shall receive an individualized Braille literacy assessment.

D. Individualized Education Programs (IEP) for blind students. In addition to the requirements for establishing and implementing an IEP consistent with R7-2-401(F) for a student determined to have a disability, each IEP for a student determined to be "blind" as assessed by R7-2-401(E)(6)(i) and defined by A.R.S. § 15-214(B), shall presume that proficiency in Braille is essential in achieving academic success unless otherwise determined by the IEP team established consistent with the regulations for the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA) and in the manner provided by the most recent reauthorization of the IDEA Act for developing an IEP. An IEP developed under this Section for a student determined to be blind shall include all required provisions of A.R.S. § 15-214(A)(3), including the following:

1. The results of the individualized Braille literacy assessment.
2. The date on which Braille instruction will begin, the methods to be used and the frequency and duration of the Braille instruction.
3. The level of competency expected to be achieved within specified time-frames and the objective measures to be used for evaluation.
4. The Braille materials and equipment necessary to achieve the stated expected competency gains, including ordering instructional materials to achieve the IEP-stated goals.
5. The rationale for not providing Braille instruction if Braille is not determined to be an appropriate medium by the IEP team and is not included in the IEP.

E. The Arizona Department of Education shall designate a central repository for publishers to, upon request, provide accessible electronic files for instructional materials used by public schools in Arizona as defined in subsection (B)(1). The central repository shall be responsible for maintaining a complete list of available accessible electronic files for instructional materials and instructional materials in specialized formats, processing requests from PEAs for instructional materials in specialized formats and providing access to these materials in specialized formats to schools throughout Arizona that are providing services to blind or other students with disabilities.

1. Upon receipt of a written request certifying to the requirements set forth in subsections (E)(1)(a) through (c) publishers shall deliver to the repository, at no additional cost and consistent with the time-frame for providing materials for students without disabilities, accessible electronic files for printed instructional materials and non-printed instructional materials. Certification shall include all of the following:
   a. The PEA purchased a copy of the printed instructional material or non-printed instructional material for use by a student who is blind or has a visual impairment in a course that the student is attending or registered to attend;
   b. The student who will utilize the instructional materials in a specialized format has an IEP stating that such materials and/or equipment are necessary for the student to achieve stated expected competency gains; and
   c. The instructional materials are for use by the student in connection with a course in which he or she is enrolled, as verified by the person overseeing the education of students who are blind or visually impaired.
2. A PEA may access the materials maintained by the central repository, upon written request, for instructional use with a student with a visual impairment, as identified by R7-2-401(E)(6)(i), who requires the use of instructional materials in a specialized format pursuant to the student's IEP.
3. Nothing in this Section shall be construed to prohibit the central repository from assisting a student with a disability by using the electronic format version of instructional material provided pursuant to this Section solely to transcribe or arrange for the transcription of the printed instructional material into Braille or large print. In the event a Braille transcription is made, the central repository has the right to share the Braille copy of the printed instructional material with other eligible students with disabilities. The PEA will be required to return the specialized format version of the instructional material to the central repository when the student no longer needs the

instructional material. The central repository may share the copies of the specialized format of the instructional material with other PEAs who have met the requirements of subsections (B) and (D) of this Section to provide services to students who require such services pursuant to R7-2-401(F)(5).

Historical Note
New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2).

R7-2-408. Extended School Year Programs for Children with Disabilities

A. "Extended school year" (ESY) shall be as defined in A.R.S. § 15-881.

B. Eligibility. Eligibility shall be determined by the Individualized Education Program (IEP) Team. Criteria for determining eligibility in an extended school year program shall be as defined in A.R.S. § 15-881.

C. For a student with a disability currently enrolled in special education, eligibility for ESY services shall be determined no later than 45 calendar days prior to the last day of the school year.

D. The availability of an extended school year program is required for all students for whom the IEP team has determined that it is necessary in order to ensure a free appropriate public education. Student participation in an ESY program is not compulsory. ESY services are not required for all students with a disability.

E. Factors that are inappropriate for consideration. Eligibility for participation shall not be based on need or desire for any of the following:
1. A day care or respite care service for students with a disability;
2. A program to maximize the academic potential of a student with a disability; and
3. A summer recreation program for students with a disability.

Historical Note
New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 4633, effective December 8, 2003 (Supp. 03-4).

ARTICLE 5. CAREER AND VOCATIONAL EDUCATION

R7-2-501. Repealed

Historical Note
Not in original publication, correction, Section R7-2-501. Adopted effective July 2, 1974. Amended effective November 8, 1974. Amended effective August 11, 1975 (Supp. 75-1). Former Section R7-2-501 repealed, new Section R7-2-501 adopted effective December 4, 1978 (Supp. 78-6). Repealed effective February 20, 1997 (Supp. 97-1).

R7-2-502. Vocational education provisions and standards

All eligible recipients receiving federal or state monies or services in support of vocational and technical education programs, courses, or classes shall comply with the applicable provisions and standards of the following plans, which are filed with the Secretary of State, which plans are incorporated herein by reference.
1. 1986-1988 Arizona State Plan for Vocational Education for Federal Funding as required by A.R.S. § 15-784; and
2. Arizona State Plan for Vocational Education for State Funding approved April 22, 1985, as required by A.R.S. § 15-787(C).

Historical Note
Adopted (FY 76) effective July 14, 1975 (Supp. 75-1). Adopted (FY 77) effective June 25, 1976 (Supp. 76-3). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective December 4, 1978 (Supp. 78-6). Former Section R7-2-502 repealed, new Section R7-2-502 adopted effective March 13, 1986 (Supp. 86-2).

R7-2-503. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-504. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-505. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-506. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-507. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-508. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-509. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-510. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-511. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-512. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-513. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-514. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-515. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-516. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-517. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-518. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-519. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

R7-2-520. Repealed

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6).

ARTICLE 6. CERTIFICATION

R7-2-601. Definitions
In this Article, the following definitions apply unless the context otherwise requires:

1. "Accredited institution" means one which is listed as accredited in the current Higher Education Directory. An institution based outside the United States shall be considered accredited if an approved foreign document evaluation firm approved by the Department declares it to be comparable to an accredited American institution.
2. "Board" means the State Board of Education.
3. "CTE" means Career and Technical Education.
4. "Department" means the Arizona Department of Education.
5. "Practicum" means a period of structured observation and practice of the skills being learned, supervised by an individual trained in that area. The commonly used terms "student teaching," "internship," "residency," or "observation course" are included in this definition.
6. "Professional development" means training to increase skills related to the occupation of education.
7. "Teaching experience" means full-time employment which included full responsibility for the planning and delivery of instruction and evaluation of student learning. Substitute teaching is not considered full-time teaching experience.

Historical Note
Former Section R7-2-601 repealed, new Section R7-2-601 adopted effective December 4, 1978 (Supp. 78-6). Amended subsection (C) effective May 31, 1983 (Supp. 83-3). Amended subsection (I) effective September 12, 1989 (Supp. 89-3). Amended effective August 14, 1991 (Supp. 91-3). Amended effective July 30, 1992 (Supp. 92-3). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective July 25, 1994 (Supp. 94-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (A) (Supp. 97-3). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

R7-2-602. Professional Teaching Standards

A. The standards presented in this Section shall be the basis for approved teacher preparation programs, described in R7-2-604, and the Arizona Teacher Proficiency Assessment, described in R7-2-606.

B. Standard 1. Learner Development: The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences. The teacher:

1. Regularly assesses individual and group performance in order to design and modify instruction to meet learners' needs in each area of development (cognitive, linguistic, social, emotional, and physical) and scaffolds the next level of development.
2. Creates developmentally appropriate instruction that takes into account individual learners' strengths, interests, and needs and that enables each learner to advance and accelerate his/her learning.
3. Collaborates with families, communities, colleagues, and other professionals to promote learner growth and development.
4. Understands how learning occurs – how learners construct knowledge, acquire skills, and develop disciplined thinking processes – and knows how to use instructional strategies that promote student learning.
5. Understands that each learner's cognitive, linguistic, social, emotional, and physical development influences learning and knows how to make instructional decisions that build on learners' strengths and needs.
6. Identifies readiness for learning, and understands how development in any one area may affect performance in others.
7. Understands the role of language and culture in learning and, consistent with Arizona law, knows how to modify instruction to make language comprehensible and instruction relevant, accessible, and challenging.
8. Respects learners' differing strengths and needs and is committed to using this information to further each learner's development.
9. Is committed to using learners' strengths as a basis for growth, and their misconceptions as opportunities for learning.
10. Takes responsibility for promoting learners' growth and development.

C. Standard 2. Learning Differences: The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards. The teacher:

1. Designs, adapts, and delivers instruction to address each student's diverse learning strengths and needs and creates opportunities for students to demonstrate their learning in different ways.
2. Makes appropriate and timely provisions (e.g., pacing for individual rates of growth, task demands, communication, assessment, and response modes) for individual students with particular learning differences or needs.
3. Designs instruction to build on learners' prior knowledge and experiences, allowing learners to accelerate as they demonstrate their understandings.
4. Brings multiple perspectives to the discussion of content, including attention to learners' personal, family, and community experiences and cultural norms.
5. Incorporates tools of language development into planning and instruction, including strategies for making content accessible to English language learners and for evaluating and supporting their development of English proficiency.
6. Accesses resources, supports, and specialized assistance and services to meet particular learning differences or needs.
7. Understands and identifies differences in approaches to learning and performance and knows how to design

instruction that uses each learner's strengths to promote growth.

8. Understands students with exceptional needs, including those associated with disabilities and giftedness, and knows how to use strategies and resources to address these needs.
9. Knows about second language acquisition processes and knows how to incorporate instructional strategies and resources to support language acquisition.
10. Understands that learners bring assets for learning based on their individual experiences, abilities, talents, prior learning, and peer and social group interactions, as well as language, culture, family, and community values.
11. Knows how to access information about the values of diverse cultures and communities and how to incorporate learners' experiences, cultures, and community resources into instruction.
12. Believes that all learners can achieve at high levels and persists in helping each learner reach his/her full potential.
13. Respects learners as individuals with differing personal and family backgrounds and various skills, abilities, perspectives, talents, and interests.
14. Makes learners feel valued and helps them learn to value each other.
15. Values diverse languages and dialects and seeks to integrate them into his/her instructional practice to engage students in learning.

D. Standard 3. Learning Environments: The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation. The teacher:

1. Collaborates with learners, families, and colleagues to build a safe, positive learning climate of openness, mutual respect, support, and inquiry.
2. Develops learning experiences that engage learners in collaborative and self-directed learning and that extend learner interaction with ideas and people locally and globally.
3. Collaborates with learners and colleagues to develop shared values and expectations for respectful interactions, rigorous academic discussions, and individual and group responsibility for quality work.
4. Manages the learning environment to actively and equitably engage learners by organizing, allocating, and coordinating the resources of time, space, and learners' attention.
5. Uses a variety of methods to engage learners in evaluating the learning environment and collaborates with learners to make appropriate adjustments.
6. Communicates verbally and nonverbally in ways that demonstrate respect for and responsiveness to the cultural backgrounds and differing perspectives learners bring to the learning environment.
7. Promotes responsible learner use of interactive technologies to extend the possibilities for learning locally and globally.
8. Intentionally builds learner capacity to collaborate in face-to-face and virtual environments through applying effective interpersonal communication skills.
9. Understands the relationship between motivation and engagement and knows how to design learning experiences using strategies that build learner self-direction and ownership of learning.
10. Knows how to help learners work productively and cooperatively with each other to achieve learning goals.
11. Knows how to collaborate with learners to establish and monitor elements of a safe and productive learning environment including norms, expectations, routines, and organizational structures.
12. Understands how learner diversity can affect communication and knows how to communicate effectively in differing environments.
13. Knows how to use technologies and how to guide learners to apply them in appropriate, safe, and effective ways.
14. Is committed to working with learners, colleagues, families, and communities to establish positive and supportive learning environments.
15. Values the role of learners in promoting each other's learning and recognizes the importance of peer relationships in establishing a climate of learning.
16. Is committed to supporting learners as they participate in decision making, engage in exploration and invention, work collaboratively and independently, and engage in purposeful learning.
17. Seeks to foster respectful communication among all members of the learning community.
18. Is a thoughtful and responsive listener and observer.

E. Standard 4. Content Knowledge: The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content. The teacher:

1. Effectively uses multiple representations and explanations that capture key ideas in the discipline, guide learners through learning progressions, and promote each learner's achievement of content standards.
2. Engages students in learning experiences in the discipline(s) that encourage learners to understand, question, and analyze ideas from diverse perspectives so that they master the content.
3. Engages learners in applying methods of inquiry and standards of evidence used in the discipline.
4. Stimulates learner reflection on prior content knowledge, links new concepts to familiar concepts, and makes connections to learners' experiences.
5. Recognizes learner misconceptions in a discipline that interfere with learning, and creates experiences to build accurate conceptual understanding.
6. Evaluates and modifies instructional resources and curriculum materials for their comprehensiveness, accuracy for representing particular concepts in the discipline, and appropriateness for his or her learners.
7. Uses supplementary resources and technologies effectively to ensure accessibility and relevance for all learners.
8. Creates opportunities for students to learn, practice, and master academic language in their content.
9. Accesses school and/or district-based resources to evaluate the learner's content knowledge in his or her primary language.
10. Understands major concepts, assumptions, debates, processes of inquiry, and ways of knowing that are central to the discipline(s) he or she teaches.
11. Understands common misconceptions in learning the discipline and how to guide learners to accurate conceptual understanding.
12. Knows and uses the academic language of the discipline and knows how to make it accessible to learners.

13. Knows how to integrate culturally relevant content to build on learners' background knowledge.
14. Has a deep knowledge of student content standards and learning progressions in the discipline(s) he or she teaches.
15. Realizes that content knowledge is not a fixed body of facts but is complex, culturally situated, and ever evolving. The teacher keeps abreast of new ideas and understandings in the field, and ensures instruction is consistent with Arizona's adopted academic standards.
16. Appreciates multiple perspectives within the discipline and facilitates learners' critical analysis of these perspectives.
17. Recognizes the potential of bias in his or her representation of the discipline and seeks to appropriately address problems of bias.
18. Commits to work toward each learner's mastery of disciplinary content and skills.

F. Standard 5. Application of Content: The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues. The teacher:

1. Develops and implements projects that guide learners in analyzing the complexities of an issue or question using perspectives from varied disciplines and cross-disciplinary skills (e.g., a water quality study that draws upon biology and chemistry to look at factual information and social studies to examine policy implications).
2. Engages learners in applying content knowledge to real world problems through the lens of interdisciplinary themes (e.g., financial literacy, environmental literacy).
3. Facilitates learners' use of current tools and resources to maximize content learning in varied contexts.
4. Engages learners in questioning and challenging assumptions and approaches in order to foster innovation and problem solving in local and global contexts.
5. Develops learners' communication skills in disciplinary and interdisciplinary contexts by creating meaningful opportunities to employ a variety of forms of communication that address varied audiences and purposes.
6. Engages learners in generating and evaluating new ideas and novel approaches, seeking inventive solutions to problems, and developing original work.
7. Facilitates learners' ability to develop diverse social and cultural perspectives that expand their understanding of local and global issues and create novel approaches to solving problems.
8. Develops and implements supports for learner literacy development across content areas.
9. Understands the ways of knowing in his/her discipline, how it relates to other disciplinary approaches to inquiry, and the strengths and limitations of each approach in addressing problems, issues, and concerns.
10. Understands how current interdisciplinary themes (e.g., civic literacy, health literacy, global awareness) connect to the core subjects and knows how to weave those themes into meaningful learning experiences.
11. Understands the demands of accessing and managing information as well as how to evaluate issues of ethics and quality related to information and its use.
12. Understands how to use digital and interactive technologies for efficiently and effectively achieving specific learning goals.
13. Understands critical thinking processes and knows how to help learners develop high level questioning skills to promote their independent learning.
14. Understands communication modes and skills as vehicles for learning (e.g., information gathering and processing) across disciplines as well as vehicles for expressing learning.
15. Understands creative thinking processes and how to engage learners in producing original work.
16. Knows where and how to access resources to build global awareness and understanding, and how to integrate them into the curriculum.
17. Is constantly exploring how to use disciplinary knowledge as a lens to address local and global issues.
18. Values knowledge outside his/her own content area and how such knowledge enhances student learning.
19. Values flexible learning environments that encourage learner exploration, discovery, and expression across content areas.

G. Standard 6. Assessment: The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making. The teacher:

1. Balances the use of formative and summative assessment as appropriate to support, verify, and document learning.
2. Designs assessments that match learning objectives with assessment methods and minimizes sources of bias that can distort assessment results.
3. Works independently and collaboratively to examine test and other performance data to understand each learner's progress and to guide planning.
4. Engages learners in understanding and identifying quality work and provides them with effective descriptive feedback to guide their progress toward that work.
5. Engages learners in multiple ways of demonstrating knowledge and skill as part of the assessment process.
6. Models and structures processes that guide learners in examining their own thinking and learning as well as the performance of others.
7. Effectively uses multiple and appropriate types of assessment data to identify each student's learning needs and to develop differentiated learning experiences.
8. Prepares all learners for the demands of particular assessment formats and makes appropriate accommodations in assessments or testing conditions, especially for learners with disabilities and language learning needs.
9. Continually seeks appropriate ways to employ technology to support assessment practice both to engage learners more fully and to assess and address learner needs.
10. Understands the differences between formative and summative applications of assessment and knows how and when to use each.
11. Understands the range of types and multiple purposes of assessment and how to design, adapt, or select appropriate assessments to address specific learning goals and individual differences, and to minimize sources of bias.
12. Knows how to analyze assessment data to understand patterns and gaps in learning, to guide planning and instruction, and to provide meaningful feedback to all learners.
13. Knows when and how to engage learners in analyzing their own assessment results and in helping to set goals for their own learning.
14. Understands the positive impact of effective descriptive feedback for learners and knows a variety of strategies for communicating this feedback.

15. Knows when and how to evaluate and report learner progress against standards.
16. Understands how to prepare learners for assessments and how to make accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
17. Is committed to engaging learners actively in assessment processes and to developing each learner's capacity to review and communicate about their own progress and learning.
18. Takes responsibility for aligning instruction and assessment with learning goals.
19. Is committed to providing timely and effective descriptive feedback to learners on their progress.
20. Is committed to using multiple types of assessment processes to support, verify, and document learning.
21. Is committed to making accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.
22. Is committed to the ethical use of various assessments and assessment data to identify learner strengths and needs to promote learner growth.

H. Standard 7. Planning for Instruction: The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context. The teacher:

1. Individually and collaboratively selects and creates learning experiences that are appropriate for curriculum goals and content standards, and are relevant to learners.
2. Plans how to achieve each student's learning goals, choosing appropriate strategies and accommodations, resources, and materials to differentiate instruction for individuals and groups of learners.
3. Develops appropriate sequencing of learning experiences and provides multiple ways to demonstrate knowledge and skill.
4. Plans for instruction based on formative and summative assessment data, prior learner knowledge, and learner interest.
5. Plans collaboratively with professionals who have specialized expertise (e.g., special educators, related service providers, language learning specialists, librarians, media specialists) to design and jointly deliver as appropriate learning experiences to meet unique learning needs.
6. Evaluates plans in relation to short- and long-range goals and systematically adjusts plans to meet each student's learning needs and enhance learning.
7. Understands content and content standards and how these are organized in the curriculum.
8. Understands how integrating cross-disciplinary skills in instruction engages learners purposefully in applying content knowledge.
9. Understands learning theory, human development, cultural diversity, and individual differences and how these impact ongoing planning.
10. Understands the strengths and needs of individual learners and how to plan instruction that is responsive to these strengths and needs.
11. Knows a range of evidence-based instructional strategies, resources, and technological tools and how to use them effectively to plan instruction that meets diverse learning needs.
12. Knows when and how to adjust plans based on assessment information and learner responses.
13. Knows when and how to access resources and collaborate with others to support student learning (e.g., special educators, related service providers, language learner specialists, librarians, media specialists, community organizations).
14. Respects learners' diverse strengths and needs and is committed to using this information to plan effective instruction.
15. Values planning as a collegial activity that takes into consideration the input of learners, colleagues, families, and the larger community.
16. Takes professional responsibility to use short- and long-term planning as a means of assuring student learning.
17. Believes that plans must always be open to adjustment and revision based on learner needs and changing circumstances.

I. Standard 8. Instructional Strategies: The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways. The teacher:

1. Uses appropriate strategies and resources to adapt instruction to the needs of individuals and groups of learners.
2. Continuously monitors student learning, engages learners in assessing their progress, and adjusts instruction in response to student learning needs.
3. Collaborates with learners to design and implement relevant learning experiences, identify their strengths, and access family and community resources to develop their areas of interest.
4. Varies his/her role in the instructional process (e.g., instructor, facilitator, coach, audience) in relation to the content and purposes of instruction and the needs of learners.
5. Provides multiple models and representations of concepts and skills with opportunities for learners to demonstrate their knowledge through a variety of products and performances.
6. Engages all learners in developing higher order questioning skills and metacognitive processes.
7. Engages learners in using a range of learning skills and technology tools to access, interpret, evaluate, and apply information.
8. Uses a variety of instructional strategies to support and expand learners' communication through speaking, listening, reading, writing, and other modes.
9. Asks questions to stimulate discussion that serves different purposes (e.g., probing for learner understanding, helping learners articulate their ideas and thinking processes, stimulating curiosity, and helping learners to question).
10. Understands the cognitive processes associated with various kinds of learning (e.g., critical and creative thinking, problem framing and problem solving, invention, memorization and recall) and how these processes can be stimulated.
11. Knows how to apply a range of developmentally, culturally, and linguistically appropriate instructional strategies to achieve learning goals.
12. Knows when and how to use appropriate strategies to differentiate instruction and engage all learners in complex thinking and meaningful tasks.
13. Understands how multiple forms of communication (oral, written, nonverbal, digital, visual) convey ideas, foster self expression, and build relationships.

14. Knows how to use a wide variety of resources, including human and technological, to engage students in learning.
15. Understands how content and skill development can be supported by media and technology and knows how to evaluate these resources for quality, accuracy, and effectiveness.
16. Is committed to deepening awareness and understanding the strengths and needs of diverse learners when planning and adjusting instruction.
17. Values the variety of ways people communicate and encourages learners to develop and use multiple forms of communication.
18. Is committed to exploring how the use of new and emerging technologies can support and promote student learning.
19. Values flexibility and reciprocity in the teaching process as necessary for adapting instruction to learner responses, ideas, and needs.

J. Standard 9. Professional Learning and Ethical Practice: The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner. The teacher:

1. Engages in ongoing learning opportunities to develop knowledge and skills in order to provide all learners with engaging curriculum and learning experiences based on local and state standards.
2. Engages in meaningful and appropriate professional learning experiences aligned with his/her own needs and the needs of the learners, school, and system.
3. Independently and in collaboration with colleagues, uses a variety of data (e.g., systematic observation, information about learners, research) to evaluate the outcomes of teaching and learning and to adapt planning and practice.
4. Actively seeks professional, community, and technological resources, within and outside the school, as supports for analysis, reflection, and problem-solving.
5. Reflects on his/her personal biases and accesses resources to deepen his/her own understanding of cultural, ethnic, gender, and learning differences to build stronger relationships and create more relevant learning experiences.
6. Advocates, models, and teaches safe, legal, and ethical use of information and technology including appropriate documentation of sources and respect for others in the use of social media.
7. Understands and knows how to use a variety of self-assessment and problem-solving strategies to analyze and reflect on his/her practice and to plan for adaptations/adjustments.
8. Knows how to use learner data to analyze practice and differentiate instruction accordingly.
9. Understands how personal identity, worldview, and prior experience affect perceptions and expectations, and recognizes how they may bias behaviors and interactions with others.
10. Understands and adheres to laws related to learners' rights and teacher responsibilities (e.g., for educational equity, appropriate education for learners with disabilities, confidentiality, privacy, appropriate treatment of learners, reporting in situations related to possible child abuse).
11. Knows how to build and implement a plan for professional growth directly aligned with his/her needs as a growing professional using feedback from teacher evaluations and observations, data on learner performance, and school- and system-wide priorities.
12. Takes responsibility for student learning and uses ongoing analysis and reflection to improve planning and practice.
13. Is committed to deepening understanding of his/her own frames of reference (e.g., culture, gender, language, abilities, ways of knowing), the potential biases in these frames, and their impact on expectations for and relationships with learners and their families.
14. Sees him/herself as a learner, continuously seeking opportunities to draw upon current education policy and research as sources of analysis and reflection to improve practice.
15. Understands the expectations of the profession including codes of ethics, professional standards of practice, and relevant law and policy.

K. Standard 10. Leadership and Collaboration: The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession. The teacher:

1. Takes an active role on the instructional team, giving and receiving feedback on practice, examining learner work, analyzing data from multiple sources, and sharing responsibility for decision making and accountability for each student's learning.
2. Works with other school professionals to plan and jointly facilitate learning on how to meet diverse needs of learners.
3. Engages collaboratively in the schoolwide effort to build a shared vision and supportive culture, identify common goals, and monitor and evaluate progress toward those goals.
4. Works collaboratively with learners and their families to establish mutual expectations and ongoing communication to support learner development and achievement.
5. Working with school colleagues, builds ongoing connections with community resources to enhance student learning and well being.
6. Engages in professional learning, contributes to the knowledge and skill of others, and works collaboratively to advance professional practice.
7. Uses technological tools and a variety of communication strategies to build local and global learning communities that engage learners, families, and colleagues.
8. Uses and generates meaningful research on education issues and policies.
9. Seeks appropriate opportunities to model effective practice for colleagues, to lead professional learning activities, and to serve in other leadership roles.
10. Strives to meet the needs of learners and to strengthen the learning environment.
11. Takes on leadership roles at the school, district, state, and/or national levels.
12. Understands schools as organizations within a historical, cultural, political, and social context and knows how to work with others across the system to support learners.
13. Understands that alignment of family, school, and community spheres of influence enhances student learning and that discontinuity in these spheres of influence interferes with learning.
14. Knows how to work with other adults and has developed skills in collaborative interaction appropriate for both face-to-face and virtual contexts.

15. Knows how to contribute to a common culture that supports high expectations for student learning.
16. Actively shares responsibility for shaping and supporting the mission of his/her school as one of advocacy for learners and accountability for their success.
17. Respects families' beliefs, norms, and expectations and seeks to work collaboratively with learners and families in setting and meeting challenging goals.
18. Takes initiative to grow and develop with colleagues through interactions that enhance practice and support student learning.
19. Takes responsibility for contributing to and advancing the profession.
20. Embraces the challenge of continuous improvement and change.

Historical Note

Former Section R7-2-602 repealed, new Section R7-2-602 adopted effective December 4, 1978 (Supp. 78-6). Amended by adding a new subsection (B) effective August 29, 1988 (Supp. 88-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective July 10, 1992 (Supp. 92-3). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 3, 1998 (Supp. 98-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2).

R7-2-603. Professional Administrative Standards

A. The standards presented in this Section shall be the basis for approved administrative preparation programs, described in R7-2-604. The Arizona Administrator Proficiency Assessment shall assess proficiency in the standards as a requirement for certification of supervisors, principals, and superintendents, as set forth in R7-2-616.

B. Standard 1: Supervisors, principals and superintendents promote the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders. Supervisors, principals and superintendents:
1. Collaboratively develop and implement a shared vision and mission.
2. Collect and use data to identify goals, assesses organizational effectiveness, and promote organizational learning.
3. Create and implement plans to achieve goals.
4. Promote continuous and sustainable improvement.
5. Monitor and evaluate progress and revises plans.

C. Standard 2: Supervisors, principals and superintendents promote the success of every student by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth. Supervisors, principals and superintendents:
1. Nurture and sustain a culture of collaboration, trust, learning, and high expectations.
2. Create a comprehensive, rigorous, and coherent curricular program.
3. Create a personalized and motivating learning environment for students.
4. Supervise instruction.
5. Develop assessment and accountability systems to monitor student progress.
6. Develop the instructional and leadership capacity of staff.
7. Maximize time spent on quality instruction.
8. Promote the use of the most effective and appropriate technologies to support teaching and learning.
9. Monitor and evaluate the impact of the instructional program.

D. Standard 3: Supervisors, principals and superintendents promote the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment. Supervisors, principals and superintendents:
1. Monitor and evaluate the management and operational systems.
2. Obtain, allocate, align, and efficiently utilize human, fiscal, and technological resources.
3. Promote and protect the welfare and safety of students and staff.
4. Develop the capacity for distributed leadership.
5. Ensure teacher and organizational time is focused to support quality instruction and student learning.

E. Standard 4: Supervisors, principals and superintendents promote the success of every student by collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources. Supervisors, principals and superintendents:
1. Collect and analyze data and information pertinent to the educational environment.
2. Promote understanding, appreciation, and use of the community's diverse cultural, social, and intellectual resources.
3. Build and sustain positive relationships with families and caregivers.
4. Build and sustain productive relationships with community partners.

F. Standard 5: Supervisors, principals and superintendents promote the success of every student by acting with integrity, fairness, and in an ethical manner. Supervisors, principals and superintendents:
1. Ensure a system of accountability for every student's academic and social success.
2. Model principles of self-awareness, reflective practice, transparency, and ethical behavior.
3. Safeguard the values of democracy, equity, and diversity.
4. Consider and evaluate the potential moral and legal consequences of decision-making.
5. Ensure that individual student needs inform all aspects of schooling.

G. Standard 6: Supervisors, principals and superintendents promote the success of every student by understanding, responding to, and influencing the political, social, economic, legal, and cultural context. Supervisors, principals and superintendents:
1. Stay informed on local, district, state, and national decisions affecting student learning.
2. Assess, analyze, and anticipate emerging trends and initiatives in order to adapt leadership strategies.

Historical Note

Former Section R7-2-603 repealed, new Section R7-2-603 adopted effective December 4, 1978 (Supp. 78-6). Amended effective July 21, 1980 (Supp. 80-4). Amended subsection (J) effective August 20, 1981 (Supp. 81-4). Amended subsections (D) and (E) effective April 10, 1984 (Supp. 84-2). Amended subsection (J)(8) and (9) effective October 10, 1984 (Supp. 84-5). Amended subsection (G) effective December 13, 1985. Amended subsection (J)(6), (7), (8) and (9) effective December 18, 1985 (Supp. 85-6). Editorial correction, amendment to subsections (D) and (E) shown effective April 10, 1984 should read Amended subsections (D) and (E) effective October 1, 1985. Amended by adding subsection (G)(9) and (10) effective January 31, 1986 (Supp. 86-1). Amended by adding subsection (R) effective April 24,

1986 (Supp. 86-2). Amended subsection (G), filed May 5, 1986, effective July 1, 1987 (Supp. 86-3). Amended by adding subsection (J)(10) and (11) effective July 2, 1986; amended by adding subsection (J)(12), (13) and (14), filed August 7, 1986, effective July 1, 1987 (Supp. 86-4). Amended subsection (H) effective September 16, 1987 (Supp. 87-3). Correction: subsection (G)(3), "Provisional" is corrected to read: "Principal" as certified effective December 3, 1985; amended subsection (B) effective July 13, 1988; amended subsection (J)(2) effective August 10, 1988; amended subsection (R)(2)(b) effective August 15, 1988 (Supp. 88-3). Amended effective August 9, 1989, and amended effective September 12, 1989 (Supp. 89-3). Amended effective December 15, 1989 (Supp. 89-4). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective May 2, 1991 (Supp. 91-2). Amended effective October 22, 1991 (Supp. 91-4). Section repealed, new Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective December 19, 1996 (Supp. 96-4). Amended effective March 6, 1997 (Supp. 97-1). Typographical error corrected in subsection (J) (Supp. 97-4). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 18 A.A.R. 1029, effective December 5, 2011 (Supp. 12-2).

R7-2-604. Definitions

In R7-2-604 through R7-2-604.04, unless the context otherwise requires:

1. "Accreditation" means a professional preparation institution's recognition by a national or regional agency or organization acknowledged for meeting identified standards or criteria.
2. "Biennial report" means a report submitted every two years to the Department by all Arizona State Board approved professional preparation institutions for each approved educator preparation program.
3. "Biennial status letter" means correspondence issued by the Department to the professional preparation institution within 30 days upon completion of the review of the biennial report, indicating the status of the educator preparation program(s).
4. "Board approved program" means a course of study that is approved by the Board and meets all relevant standards for teachers, administrators, school guidance counselors, or school psychologists.
5. "Capstone experience" means a culminating professional experience in a PreK-12 setting. This experience may include student teaching or internships in administration, counseling, or school psychology, or alternative path preK-12 teaching.
6. "Educator preparation program" means a traditional or alternative educator preparation program. Either type of program shall include courses, seminars, or modules of study; field experiences; and capstone experiences for preparing PreK-12 teachers, administrators, school guidance counselors, and school psychologists for an institutional recommendation for an Arizona certificate.
7. "Field experience" means scheduled, directed, structured, supervised, frequent experiences in a PreK-12 setting that occurs prior to the capstone experience. Field experiences must assist educator candidates in developing the knowledge, skills, and dispositions necessary to ensure all students learn, and provide evidence in meeting standards described in the Board approved professional teaching standards or professional administrative standards, and relevant Board approved academic standards.
8. "Institutional recommendation" means a form developed by the Department and issued by a professional preparation institution, that indicates an individual has completed a Board approved educator preparation program.
9. "Internship" means significant opportunities for candidates to practice and develop the skills identified in relevant state and national standards as measured by substantial and sustained work in real settings, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor.
10. "National standards" means written expectations for meeting a specified level of performance that are established by, but not limited to, the following organizations: Council for Accreditation of Counseling and Related Education Program (CACREP), Council for the Accreditation of Educator Preparation (CAEP), Council for Exceptional Children. (CEC), Educational Leadership Constituent Counsel (ELCC), Interstate New Teacher Assessment and Support Consortium (InTASC), Interstate School Leaders Licensure Consortium (ISLLC), National Educational Technology Standards (ISTE-NETS), National Association for the Education of Young Children (NAEYC), National Association of School Psychologists (NASP), National Council for Accreditation of Teacher Education (NCATE) or Teacher Education Accreditation Council (TEAC).
11. "Probationary educator preparation program" means a program with at least one deficiency identified in the biennial status letter issued by the Department, as a result of a Department review of the biennial report. Programs with the same deficiency(s) in two consecutive biennial status letters are subject to revocation of Board approval. A deficiency may include, but is not limited to, stakeholder surveys, completer data and student achievement data.
12. "Professional preparation institutions" means organizations that include, but are not limited to, universities and colleges, school districts, not for profit organizations, professional organizations, private businesses, charter schools, and regional training centers that oversee one or more educator preparation programs.
13. "Program completer" means a student who has met all the professional program institution's requirements of a Board approved educator preparation program necessary to obtain an institutional recommendation.
14. "Program supervisor" means an educator from the professional preparation institution under whose supervision the candidate for licensure practices during a capstone experience. The program supervisor's professional work experiences must be relevant to the license the candidate is seeking. Program supervisors must also have adequate training from the professional preparation institution.
15. "Review Team" means a committee that reviews educator preparation programs seeking Board approval that consists of representatives from the Department and at least three of the following entities: institutions under the jurisdiction of the Arizona Board of Regents, Arizona private institutions of higher education, Arizona community colleges, other organizations with a Board approved educator preparation program, professional educator associations, PreK-12 administrators from local education agencies, and National Board Certified Teachers.

16. "Student teaching" means a minimum of twelve weeks of rigorous field-based experiences, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking.
17. "Supervising practitioner" means a standard certified educator, currently employed by a local education agency, private agency or other PreK-12 setting who supervises the candidate during a capstone experience. Supervising practitioners must have:
    a. A minimum of three full years of experience relevant to the license the candidate is seeking.
    b. A current classification of highly effective or effective pursuant to § 15-203(A)(38) when applicable.
    c. Adequate training from the professional preparation institution.

Historical Note

Repealed effective December 4, 1978 (Supp. 78-6). Adopted as an emergency effective October 1, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-5). Former emergency adoption amended as an emergency effective November 5, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days. Former emergency adoption effective November 5, 1980 amended and adopted effective December 30, 1980 (Supp. 80-6). Amended effective June 30, 1981 (Supp. 81-3). Amended subsection (G) effective November 16, 1982 (Supp. 82-6). Amended subsection (B) as an emergency effective August 2, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Former emergency amendment effective August 2, 1984 now adopted as a permanent amendment without change effective November 5, 1984 (Supp. 84-6). Amended effective August 9, 1989 (Supp. 89-3). Amended effective May 31, 1991 (Supp. 91-2). Amended effective July 10, 1992 (Supp. 92-3). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Section repealed; new Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

R7-2-604.01. Educator Preparation Programs

A. Professional preparation institutions shall include evidence that the educator preparation program is aligned to standards described in the Board approved professional teaching standards or professional administrative standards and relevant national standards, and provides field experiences, and a capstone experience.

B. Educator preparation programs of professional preparation institutions requesting Board approval shall be reviewed by the Department, and the Department shall recommend Board action. Upon the recommendation of the Department, the Board shall evaluate and may approve an educator preparation program. The Board may grant program approval for a period not to exceed six years.

C. All educator preparation programs that lead to an Arizona certification must be approved by the Board pursuant to these rules. Board approval of educator preparation programs may be granted following the successful evaluation of the program. Board rules in effect at the time of the submission of a program for evaluation shall be the rules upon which the educator preparation program is evaluated.

Historical Note

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

R7-2-604.02. Educator Preparation Program Approval Procedures

A. Professional preparation institutions with no Board approved educator preparation programs, seeking initial approval for an educator preparation program shall submit to the Department the information necessary to conduct a readiness review of the professional preparation institution. The Department shall prescribe forms to assist professional preparation institutions with providing all information required as part of the readiness review process. The required information, includes the following:
1. An institutional profile demonstrating program and financial stability, a description of the educator preparation program seeking approval, a listing of national or regional accreditations the institution's governance and administrative structures and student demographic data.
2. A description of the professional preparation institution's vision, mission, philosophy and goals, and a description of how this information is shared with students, relevant staff and other relevant stakeholders.
3. Data regarding the professional preparation institution's relevant staff, including the following:
    a. Demographic data relating to the relevant staff for each educator preparation program seeking approval, including, at a minimum, educational degrees, staff to student ratio, experience teaching in a PreK-12 setting, and, if available, ethnicity and gender data.
    b. Definitions of titles and clarification of roles of individuals responsible for courses, seminars, or modules of study; field experiences; capstone experiences; and administration.
    c. A description of the professional preparation institution's employment policies, including procedures for determining staff assignments, evaluation procedures and professional development opportunities and requirements.

B. The Department shall provide professional preparation institutions written notification, within 60 days of receiving readiness review materials, either indicating readiness to submit educator preparation programs for review or specifying any deficiencies. The institution has 30 days from receipt of the notice to supply the Department with all required information regarding identified deficiencies.

C. The Department shall initiate a review of the specific educator preparation programs being considered for Board approval. The Department shall prescribe forms to assist institutions with providing all information required as part of the educator preparation programs review. Professional Preparation Institutions with accreditation may submit accreditation documentation to be considered as part of the review process. To facilitate this review, institutions shall provide the Department with the following:
1. A description of the educator preparation programs being considered for Board approval. This shall include, at a minimum, the criteria for student entry into the program; a summary of the program courses, seminars, or modules of study; field experiences; and capstone experiences. The professional preparation institution must verify that it

requires courses, seminars, or modules of study necessary to obtain a full Structured English Immersion endorsement if required for the certificate the candidate is seeking.

2. A description of the field experience and capstone experience policies for the educator preparation programs being considered for Board approval. The review team shall verify that the field experience and capstone experience includes evidence of engagement in the application of relevant standards as articulated in the Board approved professional teaching standards or professional administrative standards and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
3. Evidence that candidates are provided instruction and practice in how to gather, evaluate, and synthesize multiple data sources and how to effectively use data in educational and classroom instructional decisions.
4. Provide the Department with evidence that candidates are provided instruction and practice in how to appropriately integrate technology when working with students.
5. A description of the assessment plan for measuring each candidate's competencies as they progress through courses, seminars, or modules of study and field experiences to ensure readiness for a capstone experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in the Board approved professional teaching standards or professional administrative standards, relevant Board approved academic standards, and relevant national standards. The plan shall also describe processes for utilizing performance-based assessments and for providing candidates with necessary remediation. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.
6. A description of the procedures used to monitor and evaluate the operation, scope and quality of the educator preparation program being considered for approval. This shall include the use of internal and external evaluations, and may include stakeholder surveys, program completer employment information, and PreK-12 student achievement data.
7. An educator preparation program matrices demonstrating that program course, seminar, or module assessments, field experiences and capstone experiences measure candidates' success in meeting the Board approved professional teaching standards or professional administrative standards, and relevant national standards. Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with relevant national standards.

D. The Department may schedule and conduct an onsite visit upon completion of the educator preparation programs review for professional preparation institutions seeking initial approval. The onsite visit may include, a tour of the professional preparation institution; a review of documentation and related evidence; and interviews of relevant staff, educator candidates, and local education agency, private agency or other PreK-12 administrators who employ program completers.

E. Upon completion of the review, and onsite review if applicable, the Department shall, within 90 days, provide the professional preparation institution with a program report of the Department's findings. This report shall cite any evidence showing deviation from each relevant standard Board approved professional teaching standard, professional administrative standard, and relevant national standard that applies to the educator preparation program. The professional preparation institution shall have 30 days from receipt of the Department's program report to submit a response addressing any identified deficiencies.

F. Based upon the Department's program report, the Department shall recommend to the Board that the educator preparation program be approved or denied.

G. The Board may grant educator preparation program approval for a period not to exceed six years or deny program approval.

H. Within 60 days of the Board's action, a professional preparation institution may request reconsideration of the Board's decision to deny an educator preparation program.

I. Professional preparation institutions with Board approval shall make available to the public a statement indicating the valid period for which the educator preparation program has been approved.

J. Professional preparation institutions with Board approved educator preparation programs shall comply with the reporting requirements established by Title II of the Higher Education Act (P.L. 110-315).

K. Each approved professional preparation institution shall submit a biennial report with the Department documenting educator preparation program activities for the previous two years. The biennial report shall include the following:

1. A description of any substantive changes in courses, seminars, modules, assessments, field experiences or capstone experiences in Board approved educator preparation programs;
2. Electronic access to relevant educator preparation program information;
3. The name, title and original signature of the certification officer for the professional preparation institution;
4. Relevant data on the educator preparation program, relevant staff, and candidates, which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of initial or continuing program approval.

L. The Department shall provide annual updates to the Board and make publically available information summarizing the biennial reports to include, but not limited to, program status, deficiencies, and commendations.

M. Board approved educator preparation programs shall provide their program completers with an institutional recommendation for issuance of the appropriate Arizona certification within 45 days.

N. To maintain Board educator preparation program approval, the professional preparation institution shall be in continuous operation and training candidates in accordance with its mission and program objectives, fulfill all reporting requirements, and maintain compliance with all applicable local, state, tribal and federal requirements.

O. The Department shall provide a timeline for professional preparation institutions to submit educator preparation programs for approval.

P. Professional preparation Institutions seeking renewal of educator preparation program approval shall submit the required preliminary documents for review at least six month prior to the program expiration date.

Historical Note

New Section made by exempt rulemaking at 16 A.A.R. 318, effective August 29, 2006 (Supp. 09-1). Amended

by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

R7-2-604.03. Alternative Educator Preparation Programs
Professional Preparation Institutions that submit an alternative educator preparation program(s) for Board approval must adhere to R7-2-604.01.

Historical Note
New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

R7-2-604.04. Alternative Educator Preparation Program Approval Process
Professional Preparation Institutions that submit an alternative educator preparation program(s) for Board approval must adhere to R7-2-604.02, except that individuals participating in or completing Board approved alternative educator preparation programs as delineated in this section may apply for a teaching intern certificate, pursuant to R7-2-614(E), and may complete their field experience and capstone experiences during the valid period of their teaching intern certificate.

Historical Note
New Section made by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by final exempt rulemaking at 21 A.A.R. 2047, effective October 27, 2014 (Supp. 15-3).

R7-2-605. Certification Responsibility
The Superintendent of Public Instruction or the Superintendent's designee shall be responsible for the issuance and evaluation of the appropriate certificates based on the applicant's compliance with the statutes and rules.

Historical Note
Repealed effective December 4, 1978 (Supp. 78-6). New Section R7-2-605 adopted effective April 10, 1984 (Supp. 84-2). Editorial correction, new Section R7-2-605 shown adopted effective April 10, 1984 should read new Section R7-2-605 adopted effective October 1, 1985. Amended by adding a new subsection (B) effective December 18, 1985 (Supp. 85-6). Amended by adding subsection (C), filed May 5, 1986, effective July 1, 1987; amended by adding subsection (D) effective June 30, 1986 (Supp. 86-3). Correction to Historical Note dated June 30, 1986, second part should have read: "...amended by adding subsections (D), (E), (F), (G) and (H) effective June 30, 1986"; amended subsection (A) effective August 10, 1988 (Supp. 88-3). Amended effective September 12, 1989 (Supp. 89-3). Amended effective November 6, 1990; Amended effective December 12, 1990 (Supp. 90-4). Amended effective March 10, 1994 (Supp. 94-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

R7-2-606. Proficiency Assessments

A. The Arizona Teacher Proficiency Assessment is adopted as the proficiency assessment for applicants for teaching certificates. The Arizona Administrator Proficiency Assessment is adopted as the proficiency assessment for applicants for administrative certificates.

B. The subject knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(H) as a requirement for certification of elementary and secondary teachers and in R7-2-602(H) and (J) as a requirement for certification of special education teachers.

C. The professional knowledge portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(I) as a requirement for certification of elementary, secondary, special education, and CTE teachers.

D. The performance assessment portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(B), (C), (D), (E), (F), and (G) as a requirement for certification of elementary, secondary, and special education teachers. In lieu of a passing score on the performance portion of the Arizona Teacher Proficiency Assessment, a teacher who holds a provisional teaching certificate may convert such certificate within two months prior to its expiration to a standard elementary, secondary, or special education teaching certificate pursuant to subsection (H) until the Board adopts the performance assessment portion of the Arizona Teacher Proficiency Assessment. The Board shall adopt the performance assessment portion of the Arizona Teacher Proficiency Assessment, or make a decision that a performance assessment will no longer be required as part of the Arizona Teacher Proficiency Assessment.

E. The Arizona Administrator Proficiency Assessment shall assess professional knowledge as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents.

F. The passing score for each assessment shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.

G. The proficiency assessments for professional knowledge and subject knowledge shall be administered at least six times each calendar year, at times and places determined by the Department.

H. The provisional elementary, secondary, or special education certificate allows the beginning teacher up to four semesters or two school years of teaching experience before completing the performance assessment portion of the Arizona Teacher Proficiency Assessment.

1. If the Board has adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment but the teacher does not have full-time teaching experience for four semesters or two school years, the certificate shall, upon the written request of the holder, be extended once for the equivalent of the time the teacher was not employed during the provisional certification period.
2. If the Board has adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment and the teacher has been employed for four semesters or two school years and has taken but not passed the performance assessment, the certificate shall be extended once, for one year, upon the written request of the holder.
3. If the teacher has been employed full-time for four semesters or two school years in a private school, public school, charter school, or parochial school or any Department of Defense dependent school or in a closely related education field and the Board has not yet adopted the performance portion of the Arizona Teacher Proficiency Assessment, the provisional certificate shall be converted within two months prior to its expiration to a standard teaching certificate upon verification by the teacher to the Department that the teacher has had four semesters or two school years of teaching experience or experience in a closely related education field. "Closely related education field" means employment involving the presentation of instruction to K through 12 students whether self-

employed or employed by a private, parochial, public, or charter school.

4. If the teacher has not been employed full-time for four semesters or two school years in a private school, public school, charter school, or parochial school or any Department of Defense dependent school or in a closely related education field, and the Board has not yet adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment, the provisional certificate shall be extended once for three years, upon written request of the holder to the Department. "Closely related education field" means employment involving the presentation of instruction to K through 12 students whether self-employed or employed by a private, parochial, public, or charter school.
5. If the performance assessment portion of the Arizona Teacher Proficiency Assessment is adopted by the Board prior to the expiration of a teacher's provisional certificate, the provisional certificate shall be extended once for two years, upon written request of the holder to the Department, to allow the teacher additional time in which to take the performance portion of the assessment.

I. If the provisionally certified teacher has taken but not passed the performance assessment by the expiration date on the extended certificate pursuant to subsection (H)(1) or (2) of this Section, the individual may reapply for a provisional certificate after one year, upon verification of the following:

1. Efforts to remediate deficiencies identified in the performance assessment,
2. Passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment, and
3. Completion of the requirements for the provisional certificate which are in effect at the time of reapplication.

Historical Note

Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective March 10, 1994 (Supp. 94-1). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). Emergency Section R7-2-606 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 for a period of 180 days (Supp. 02-4). August 5, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

R7-2-607. General Certification Provisions

A. The evaluation to determine qualification for certification shall not begin until an institutional recommendation or application for certification and official transcripts, and the appropriate fees have been received by the Department. Course descriptions, verification of employment, and other documents may also be required for the evaluation.

B. The effective date of a new certificate shall be the date the evaluation is completed by the Department. The effective date of a renewed certificate shall be the date the evaluation for renewal is completed by the Department.

C. Unless otherwise specified, all certificates and provisional endorsements issued for three years or less shall expire on the date of issuance in the year of expiration. All certificates issued for more than three years shall expire on the holder's birth date in the year of expiration.

D. If an applicant has not met all the requirements for the certificate or endorsement at the time of evaluation, the applicant shall have a maximum of 60 days to complete those requirements and request re-evaluation.

E. Only those degrees awarded by an accredited institution shall be considered to satisfy the requirements for certification.

F. Professional preparation programs, courses, practica, and examinations required for certification shall be taken at an accredited institution or a Board-approved teacher preparation program.

G. Only those courses in which the applicant received a passing grade or credit shall be considered to satisfy the requirements for certification.

H. All certificates issued by the Board before the effective date of this Article are considered to have been issued in conformance with these rules.

I. The Board shall issue a comparable Arizona certificate, if one has been established by R7-2-608, R7-2-609, R7-2-610, R7-2-611, R7-2-612, or R7-2-613, and shall waive the requirements for passing the comparable professional knowledge, subject knowledge, and performance portions of the Arizona Teacher Proficiency Assessment, to an applicant who holds current comparable certification from the National Board for Professional Teaching Standards.

J. Teachers in grades six through 12 whose primary assignment is in an academic subject required pursuant to R7-2-301, R7-2-302, R7-302.01 and R7-302.02 shall demonstrate proficiency by passing the appropriate subject area portion of the Arizona Teacher Proficiency Assessment. The subject areas of demonstrated proficiency shall be specified on the certificate. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.

K. If a language assessment is not offered through the Arizona Teacher Proficiency Assessment, a passing score on a nationally accredited test of a foreign language approved by the Board may demonstrate proficiency of that foreign language in lieu of the 24 semester hours of courses in that subject.

L. A teacher's language proficiency in a Native American language shall be verified by a person, persons, or entity designated by the appropriate tribe in lieu of the 24 semester hours of courses in that subject.

M. Teachers of homebound students shall hold the same certificate that is required of a classroom teacher.

N. Fingerprint clearance cards shall be issued by the Arizona Department of Public Safety.

O. A person who surrenders their teaching certificate for any reason shall not submit an application for certification with the Board for a period of five years. A person re-applying after the five-year ban must apply under the current rules at the time of re-application.

Historical Note

Adopted effective December 5, 1977 (Supp. 77-6). Repealed effective December 4, 1978 (Supp. 78-6). New Section adopted effective May 3, 1993 (Supp. 93-2). Amended effective March 6, 1997 (Supp. 97-1). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by exempt

rulemaking at 16 A.A.R. 160, effective October 26, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 324, effective January 25, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1).

R7-2-608. Early Childhood Teaching Certificates

A. By July 1, 2012, either a provisional or a standard early childhood education certificate shall be required for individuals teaching in public school early childhood education programs, except as provided in R7-2-611 or in R7-2-615(L). For individuals teaching in grades one through three, this certificate is optional. An Early Childhood Special Education certificate as described in R7-2-611 is not required for individuals who hold the Early Childhood Teaching Certificate as described in this Section in combination with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in R7-2-611.

B. For the purposes of this rule, public school early childhood education programs are defined as education programs provided by local education agencies, including their sub-grantees and contracted providers, for children birth through age 8 for the purpose of providing academically and developmentally appropriate learning opportunities that are standards-based with defined curriculum and comprehensive in content to include all appropriate developmental and academic areas as defined by the Arizona Early Childhood Education Standards or the Arizona K-12 Academic Standards approved by the Board. The Arizona Early Childhood Education Standards: Arizona Department of Education, 1535 West Jefferson Street, Phoenix, AZ 85007, were adopted by the State Board of Education in June 2003 and the Arizona K-12 Academic Standards: Arizona Department of Education, 1535 West Jefferson Street, Phoenix, AZ 85007, were adopted by the State Board of Education as follows: Arts, April 1997; Comprehensive Health/PE, April 1997; Foreign and Native Language, April 1997; Mathematics, March 2003; Reading, March 2003; Science, May 2004; Social Studies, March 2000; Technology, September 2000; Workplace Skills, March 1997; and Writing, June 2004, are incorporated by reference and are on file with the Arizona Department of Education. This incorporation by reference contains no further editions or amendments. Copies of the incorporated material are available for review at Arizona Department of Education, 1535 West Jefferson Street, Phoenix, AZ 85007 or on the Arizona Department of Education web site at www.ade.az.gov/standards. Public school early childhood education programs include, but are not limited to, half-day and full-day kindergarten programs, Early 2 Childhood Block Grant programs pursuant to A.R.S. § 15-1251, Family Literacy Programs for preschool children pursuant to A.R.S. § 15-191.01, and public school-administered early childhood education programs funded in whole or part with federal funds, such as the Head Start or Even Start programs, provided nothing in these rules conflicts with the terms of the federal grant. Extended day child care programs provided by local educational agencies are not considered early childhood education programs for purposes of this rule unless the program meets the definition of a public school early childhood education program set forth above.

C. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.

D. Provisional Early Childhood Education Certificate – birth through age 8 or through grade three.

1. This certificate is valid for three years and is not renewable but may be extended once for two years, upon written request of the holder to the Department, if the requirements in subsection (E)(3) have not been met.
2. The requirements are:
   a. A bachelor's degree, and
   b. One of the following:
      i. Completion of a teacher preparation program in early childhood education from an accredited institution or a teacher preparation program approved by the Board, or
      ii. Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes both of the following:
         (1) Thirty-seven semester hours of early childhood education courses to include all of the following areas of study:
            (a) Foundations of early childhood education;
            (b) Child guidance and classroom management;
            (c) Characteristics and quality practices for typical and atypical behaviors of young children;
            (d) Child growth and development, including health, safety and nutrition;
            (e) Child, family, cultural and community relationships;
            (f) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
            (g) Early language and literacy development;
            (h) Assessing, monitoring and reporting progress of young children; and
         (2) A minimum of eight semester hours of practicum, including:
            (a) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
            (b) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience; or
      iii. A valid early childhood education certificate from another state.

c. A valid Fingerprint Clearance Card issued by the Arizona Department of Public Safety, and
d. A passing score on the professional knowledge portion of the Arizona Educator Proficiency Assessment once that portion of the AEPA is adopted by the Board, and
e. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment once that portion of the AEPA is adopted by the Board.

E. Standard Early Childhood Education Certificate – birth through age 8 or through grade three.
1. By July 1, 2012, either a provisional or a standard early childhood education certificate shall be required for individuals teaching in public school early childhood education programs, except as provided in R7-2-611 or in R7-2-615(L). For individuals teaching in grades one through three, this certificate is optional.
2. This certificate is valid for six years.
3. The requirements are:
   a. Qualification for the Provisional Early Childhood Education Certificate; and
   b. Two years of verified teaching experience, during the valid period of the Provisional Early Childhood Education Certificate, with children birth through age 8 or grade three in a school-based education program or center-based program licensed by the Department of Health Services or regulated by Tribal or military authorities; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
4. An individual may also qualify for a Standard Early Childhood Education Certificate if the individual:
   a. Holds current National Board Certification in Early Childhood, and
   b. Holds a valid fingerprint Clearance Card issued by the Arizona Department of Public Safety.

Historical Note

Adopted effective May 20, 1994 (Supp. 94-2). Section repealed; new Section adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-608 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former Section R7-2-608 recodified to R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). New Section R7-2-608 made by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3).

R7-2-609. Elementary Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.

B. Provisional Elementary Certificate – grades K through eight
1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in elementary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
      ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades K through eight. Two years of verified teaching experience in grades Prekindergarten through eight may be substituted for the eight semester hours of practicum; or
      iii. A valid elementary certificate from another state.
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
   d. A passing score on the elementary education subject knowledge portion of the Arizona Teacher Proficiency Assessment; and
   e. A valid fingerprint card issued by the Arizona Department of Public Safety.

C. Standard Elementary Certificate – grades K through eight
1. The certificate is valid for six years.
2. The requirements are:
   a. A provisional elementary certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement;
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety; and
   d. Forty-five hours or three semester hours of instruction in research-based systematic phonics. An accredited institution or other provider may provide this instruction.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-609 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Former R7-2-609 recodified to R7-2-610; new R7-2-609 recodified from R7-2-608 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-609 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

R7-2-610. Secondary Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.

B. Provisional Secondary Certificate - grades six through 12

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in secondary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
      ii. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades six through 12. Two years of verified teaching experience in grades six through postsecondary may substitute for the eight semester hours of practicum; or
      iii. A valid secondary certificate from another state.
   c. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment;
   d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; and
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

C. Standard Secondary Certificate - grades six through 12
1. The certificate is valid for six years.
2. The requirements are:
   a. A provisional secondary certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Specialized Secondary Certificate – Science, Technology, Engineering or Mathematics – grades seven through 12
1. The certificate is valid for six years.
2. The requirements are:
   a. A bachelor's degree;
   b. Completion of training in structured English immersion as prescribed by the Arizona State Board of Education;
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   d. One of the following options:
      i. Option A – Postsecondary teaching experience – science, technology, engineering or mathematics:
         (1) Have taught science, technology, engineering or mathematics courses for the last two consecutive years, and for a total of at least three years, at one or more regionally or nationally accredited public or private postsecondary institutions, to be demonstrated by providing written proof of employment from each applicable qualifying postsecondary institution, including specific durations of employment and the nature of the teaching assignment; and
         (2) A baccalaureate degree, a master's degree or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics or a passing score the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
      ii. Option B – Work experience – science, technology, engineering or mathematics:
         (1) A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
         (2) Have ten or more years of work experience in science, technology, engineering or mathematics, to be demonstrated by providing written proof of employment from each applicable employer, including specific durations of employment and the nature of the assignment; and
         (3) Demonstrate adequate subject matter knowledge through either:
            a) A baccalaureate degree, a master's degree or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics;
            b) Twenty-four hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics; or
            c) A passing score on one or more science, technology, engineering or mathematics subject knowledge portions of the Arizona Teacher Proficiency Assessment.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-610 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Former R7-2-610 recodified to R7-2-611; new R7-2-610 recodified from R7-2-609 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2054, effective December 8, 2014 (Supp. 15-3).

R7-2-611. Special Education Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619. An Early Childhood Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood endorsement as described in R7-2-615 in combination with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in this Section. An Early Childhood

Special Education certificate as described in this Section is not required for individuals who hold the Early Childhood Teaching Certificate as described in R7-2-608 in combination with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in this Section.

B. Terms used in this Section are defined in A.R.S. § 15-761.

C. Provisional Cross-Categorical Special Education Certificate - grades K through 12 for applications received through December 31, 2015, and Provisional Mild-Moderate Disabilities Special Education Certificate grades K through 12 for applications received on and after January 1, 2016.

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The holder is qualified to teach students with mild to moderate autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments and/or other health impairments.
3. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in special education from an accredited institution, which included courses in the instruction and behavior management of students with mild-moderate disabilities; or
      ii. A valid mild-moderate special education certificate from another state; or
      iii. Semester hours of education courses as follows:
         (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum with students representing at least three of the five disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation intellectual disabilities, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K through 12 may substitute for the eight semester hours of practicum; or
         (2) For applications received on and after January 1, 2016: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 37 semester hours of special education courses which shall include:
            (a) Foundations of special education;
            (b) Legal aspects;
            (c) Effective collaboration and communication practices;
            (d) Research-based instruction in math;
            (e) Research-based instruction in English language arts;
            (f) Classroom management and behavior analysis;
            (g) Assessment and eligibility;
            (h) Language development and disorders;
            (i) Electives; and a minimum of eight semester hours of practicum with students with mild-moderate disabilities. Two years of verified teaching experience in mild-moderate special education in grades K through 12 may substitute for the eight semester hours of practicum.
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
   d. A passing score on the special education portion of the Arizona Teacher Proficiency Assessment, and
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Standard Cross-Categorical Special Education Certificate - grades K through 12 for applications received through December 31, 2015, and Standard Mild-Moderate Disabilities Special Education Certificate grades K through 12 for applications received on and after January 1, 2016.

1. The certificate is valid for six years.
2. The holder is qualified to teach students with mild to moderate autism, intellectual disabilities, traumatic brain injury, emotional disability, specific learning disability, orthopedic impairments and/or other health impairments.
3. The requirements are:
   a. A provisional cross-categorical Special Education certificate or mild-moderate disabilities special education certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

E. Provisional Specialized Special Education Certificate - grades K through 12.

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. No new applications for a Provisional Specialized Special Education Certificate will be accepted after December 31, 2015.
3. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
4. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in the specified area of special education from an accredited institution; or
      ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum in the designated area of disability. Special education courses shall include survey of exceptional students, teaching methodologies for students with disabilities, foundations of instruction in the

designated area of disability, and diagnosis and assessment of disabilities. Two years of verified teaching experience in the area of disability in grades K through 12 may be substituted for the eight semester hours of practicum; or

iii. A valid special education certificate in the specified area from another state.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,

d. A passing score on the specified disability special education portion of the Arizona Teacher Proficiency Assessment, and

e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

F. Standard Specialized Special Education Certificate – grades K through 12.

1. The certificate is valid for six years.
2. The holder is qualified to teach students with intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
3. The requirements are:
   a. A provisional Special Education certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

G. Provisional Severely and Profoundly Disabled Certificate – grades K through 12.

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The holder is qualified to teach students with severe and profound disabilities.
3. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in severely and profoundly disabled education from an accredited institution; or
      ii. A valid severe and profound special education certificate from another state; or
      iii. Semester hours of education courses as follows:
         (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades PreK-12 who are severely and profoundly disabled may be substituted for the eight semester hours of practicum; or
         (2) For applications received on and after January 1, 2016: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 37 semester hours of special education courses which shall include:
            (a) Foundations low incidence disabilities;
            (b) Legal aspects;
            (c) Effective collaboration and communication practices;
            (d) Adaptive communication;
            (e) Instructional strategies across the curriculum;
            (f) Classroom management and behavior analysis;
            (g) Assessment and eligibility;
            (h) Electives; and a minimum of eight semester hours of practicum with students with severe and profound disabilities. Two years of verified teaching experience in special education in grades K through 12 who have severe and profound disabilities may substitute for the eight semester hours of practicum.
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
   d. A passing score on the severely and profoundly disabled special education portion of the Arizona Teacher Proficiency Assessment, and
   e. A valid fingerprint card issued by the Arizona Department of Public Safety.

H. Standard Severely and Profoundly Disabled Certificate – grades K through 12.

1. The certificate is valid for six years.
2. The holder is qualified to teach students with severe and profound disabilities.
3. The requirements are:
   a. A provisional severely and profoundly disabled certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

I. Provisional Hearing Impaired Certificate – birth through grade 12.

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
      ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and eight semester hours of practi-

cum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years of verified teaching experience in the area of hearing impaired in grades PreK-12 may be substituted for the eight semester hours of practicum; or

iii. A valid hearing impaired certificate from another state.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,

d. A passing score on the hearing impaired special education portion of the Arizona Teacher Proficiency Assessment, and

e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

J. Standard Hearing Impaired Certificate – birth through grade 12.

1. The certificate is valid for six years.
2. The requirements are:
   a. A provisional hearing impaired certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

K. Provisional Visually Impaired Certificate – birth through grade 12.

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in visual impairment from an accredited institution; or
      ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades PreK-12 may be substituted for the eight semester hours of practicum; or
      iii. A valid visually impaired special education certificate from another state.
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
   d. A passing score on the visually impaired special education portion of the Arizona Teacher Proficiency Assessment, and
   e. Demonstration of competency in Braille through one of the following:
      i. A passing score on the original version of the National Library of Congress certification exam, or
      ii. A valid certificate for a literary Braille transcriber issued by the National Library of Congress, or
      iii. A passing score on a Braille exam administered by another state, or
      iv. A passing score on the Braille exam developed and administered by the University of Arizona. Individuals who take this test and are not students at the University of Arizona may be assessed a fee.
   f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

L. Standard Visually Impaired Certificate – birth through grade 12.

1. The certificate is valid for six years.
2. The requirements are:
   a. A provisional visually impaired certificate;
   b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

M. Provisional Early Childhood Special Education Certificate – birth through 5 years for applications received through December 31, 2015, and birth through age 8 or grade 3 for applications received on and after January1, 2016.

1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree,
   b. One of the following:
      i. Completion of a teacher preparation program in early childhood special education from an accredited institution; or
      ii. A valid early childhood special education certificate from another state; or
      iii. Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes the following:
         (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and eight semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the eight semester hours of practicum; or
         (2) For applications received on and after January 1, 2016:

(a) Thirty-seven semester hours of early childhood education courses which teach the standards described in R7-2-602, to include all of the following areas of study:
(i) Foundations early childhood education and special education;
(ii) Behavioral interventions for children with an without disabilities;
(iii) Characteristics and quality practices for typical and atypical behaviors of young children;
(iv) Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade 3;
(v) Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
(vi) Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, the arts and diagnosis and remediation of learning difficulties;
(vii) Early language and literacy development including communication methods in early childhood education/special education;
(viii) Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children; and
(b) A minimum of eight semester hours of practicum, including:
(i) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children with identified special needs birth through preschool or one year of full-time teaching experience with children identified with specials needs birth through preschool, and
(ii) A minimum of four semester hours in a supervised student teaching setting serving children with identified special needs in kindergarten through grade 3 or one year of full time teaching experience with children identified with special needs kindergarten through grade 3.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
d. A passing score on the early childhood special education portion of the Arizona Teacher Proficiency Assessment, and
e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

N. Standard Early Childhood Special Education Certificate - birth through 5 years for applications received through December 31, 2015, and birth through age 8 or grade 3 for applications received on and after January 1, 2016.
1. The certificate is valid for six years.
2. Requirements are:
a. A provisional early childhood Special Education certificate;
b. Passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-611 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Former R7-2-611 recodified to R7-2-612; new R7-2-611 recodified from R7-2-610 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-611 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2056, effective December 2, 2013 (Supp. 15-3).

R7-2-612. Career and Technical Education Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607, and the renewal requirements in R7-2-619.

B. A provisional career and technical education certificate shall be extended once for three years upon completion of one half the required semester hours of courses for the standard career and technical education certificate in the same career and technical education area.

C. For purposes of this rule, the following definitions apply:
1. "Agriculture" means agriculture, agriculture operations, and related sciences; natural resources and conservation; environmental design; landscape architecture; agricultural biological engineering; forest engineering, biological and biomedical sciences; parks, recreation and leisure facilities management; geological and earth sciences/geosciences; veterinary/animal health technician/veterinary assistant; environmental health; and veterinary medicine as described in Classification of Instructional Programs:

2000 Edition: (NCES 2002-165), U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 01, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

2. "Business and Marketing" means computer and information sciences and support services; accounting and computer information services; business/commerce, general; business administration, management and operations; accounting; business operations support and assistant services; business/corporate communications; business/managerial economics; entrepreneurial and small business operations; finance and financial management services; hospitality administration/management; human resources management and services; international business; management information systems and services; management sciences and quantitative methods; marketing; real estate; taxation; insurance; general sales, merchandising and related marketing operations; specialized sales, merchandising and marketing operations; and business, management, marketing and related support services, other as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165), U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 52, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education, located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.
3. "Education and Training" means all occupational areas of secondary education and teaching; junior high/intermediate/middle school education and teaching; elementary education and teaching; kindergarten/preschool education and teaching; early childhood education and teaching; adult education and teaching; and special education as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 13, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.
4. "Family and Consumer Sciences" means culinary arts; kindergarten/preschool education and teaching; early childhood education and teaching; family and consumer sciences/human sciences; nutrition sciences; interior design; hospitality administration/management; fashion merchandising; fashion modeling; apparel and accessories marketing operations; tourism and travel services marketing operations; tourism promotion operations; and hospitality and recreation marketing operations as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 19, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education, located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.
5. "Health Careers" means exercise physiology; kinesiology and exercise science; medical/clinical assistant; clinical/medical laboratory assistant; pharmacy technician/assistant; medical radiologic technology/science-radiation therapist; radiologic technology/science-radiographer; physician assistant; athletic training/trainer; clinical/medical laboratory technician; clinical laboratory science/medical technology/technologist; phlebotomy/phlebotomist; medicine; nursing/registered nurse; osteopathic medicine/osteopathy; pharmacy; physical therapy/therapist; and kinesiotherapy/kinesiotherapist as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 51, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.
6. "Industrial and Emerging Technologies" means audiovisual communications technologies/technicians; graphic communications; cosmetology and personal grooming services; electrical engineering technologies/technicians; electromechanical instrumentation and maintenance technologies/technicians; environmental control technologies/technicians; industrial production technologies/technicians; quality control and safety technologies/technicians; mechanical engineering related technologies/technicians; mining and petroleum technologies/technicians; construction engineering technologies; engineering-related technologies; computer engineering technologies/technicians; drafting/design engineering technologies/technicians; security and protective services; mason/masonry; carpenters; electrical and power transmission installers; building/construction finishing, management and inspection; electrical/electronics maintenance and repair technology; heating, air conditioning, ventilation and refrigeration maintenance technology/technician; heavy/industrial equipment maintenance technologies; precision systems maintenance and repair tech-

nologies; vehicle maintenance and repair technologies; precision metal working; construction/heavy equipment/ earthmoving equipment operation; design and visual communications, general; commercial and advertising art; industrial design; commercial photography; and visual performing arts as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Codes 10, 12, 15, 41, 43, 46, 47, 48, 49, and 50, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

7. "Occupational Area" means employment in any of the areas identified in subsections (C)(1) through (6) relating to Agriculture, Business and Marketing, Education and Training, Family and Consumer Sciences, Health Careers, or Industrial and Emerging Technologies.
8. "Professional Knowledge" means the art of teaching including the knowledge and skills necessary for instructional planning, delivery and evaluation in a career and technical education setting.
9. "Subject Knowledge" means the information, understanding and skills specific to the broad occupational area.
10. "Verified Work Experience" means written documentation from a current or former supervisor for paid or unpaid work, a current school superintendent, or the Department of Education Career and Technical Education Programmatic State Supervisor indicating that an applicant for a career and technical education certificate performed work in a business or industry setting related to the program to be taught as identified in subsections (C)(1) through (6).

D. Provisional Career and Technical Education (CTE) Certificate - Agriculture – grades K through 12

1. The certificate is valid for three years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in agriculture or related sciences:
         (1) A bachelor's or more advanced degree in agriculture from an accredited institution,
         (2) Thirty semester hours of courses in agriculture, and
         (3) Two hundred forty clock hours of verified work experience in an agriculture occupational area.
      ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
         (1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;
         (2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
         (3) Three semester hours of courses in career and technical education methods or content in agriculture; and
         (4) Two hundred forty clock hours of verified work experience in an agriculture occupational area.
      iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in an agriculture occupational area.
      iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical agriculture education from another state.
      v. Option E – Bachelor's degree in an agriculture education teacher preparation program:
         (1) A bachelor's or more advanced degree in an agriculture education teacher preparation program from an accredited institution, and
         (2) Two hundred forty clock hours of verified work experience in an agriculture occupational area.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers, before the extension of the provisional career and technical education certificate - Agriculture. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
   a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,
   b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or
   c. A current certificate from the National Board for Professional Teaching Standards.

E. Standard Career and Technical Education (CTE) Certificate - Agriculture – grades K through 12

1. The certificate is valid for six years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in agriculture or related sciences:
         (1) Qualification under Option A for the provisional career and technical education certificate - Agriculture;
         (2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/

development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Agriculture. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Agriculture exhibiting satisfactory performance in the classroom.

ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:

(1) Qualification under Option B for the provisional career and technical education certificate - Agriculture;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Agriculture exhibiting satisfactory performance in the classroom;

(3) Twelve semester hours of courses in professional knowledge to include:

(a) Nine semester hours of courses in agriculture subject knowledge; and

(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Agriculture. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(4) An additional 240 clock hours of verified work experience in an agriculture occupational area. Hours may have been accumulated before obtaining the provisional certification.

iii. Option C – Business and industry professional:

(1) Qualification under Option C for the provisional career and technical education certificate - Agriculture;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Agriculture exhibiting satisfactory performance in the classroom; and

(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D – Valid teaching certificate in career and technical education from another state:

(1) Qualification under Option D for the provisional career and technical education certificate - Agriculture; and

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Agriculture exhibiting satisfactory performance in the classroom.

v. Option E – Bachelor's degree in an agriculture education teacher preparation program:

(1) Qualification under Option E for the provisional career and technical education certificate - Agriculture;

(2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Agriculture. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Agriculture exhibiting satisfactory performance in

the classroom.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:

i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,

ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

iii. A current certificate from the National Board for Professional Teaching Standards.

F. Provisional Career and Technical Education "CTE" Certificate - Business and Marketing – grades K through 12

1. The certificate is valid for three years.
2. The requirements are:

a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and

b. One of the following options:

i. Option A – Bachelor's degree business or marketing:

(1) A bachelor's or more advanced degree in business or marketing from an accredited institution,

(2) Thirty semester hours of courses in business or marketing, and

(3) Two hundred forty clock hours of verified work experience in a business or marketing occupational area.

ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:

(1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;

(2) One of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a Pre-K-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;

(3) Three semester hours of courses in career and technical education methods or content in business or marketing; and

(4) Two hundred forty clock hours of verified work experience in a business or marketing occupational area.

iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in a business or marketing occupational area.

iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in business education, marketing education, career and technical business education or career and technical marketing education from another state.

v. Option E – Bachelor's degree in business or marketing education teacher preparation program:

(1) A bachelor's or more advanced degree in a business or marketing education teacher preparation program from an accredited institution, and

(2) Two hundred forty clock hours of verified work experience in a business or marketing occupational area.

3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Business and Marketing. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:

a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,

b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

c. A current certificate from the National Board for Professional Teaching Standards.

G. Standard Career and Technical Education (CTE) Certificate - Business and Marketing – grades K through 12

1. The certificate is valid for six years.
2. The requirements are:

a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and

b. One of the following options:

i. Option A – Bachelor's degree in business and marketing:

(1) Qualification under Option A for the provisional career and technical education certificate - Business and Marketing; and

(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(3) Two years of teacher evaluations approved by a certified administrator, or the admin-

istrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Business and Marketing exhibiting satisfactory performance in the classroom.

ii. Option B – Valid non-CTE Arizona teaching certificate or Arizona CTE teaching certificate in another area:
(1) Qualification under Option B for the provisional career and technical education certificate - Business and Marketing;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom;
(3) Twelve semester hours of courses in professional knowledge to include:
(a) Nine semester hours of courses in business or marketing subject knowledge; and
(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, classroom management, educational philosophy, instructional design/methodology, or assessment/evaluation. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
(4) An additional 240 clock hours of verified work experience in a business or marketing occupational area. Hours may have been accumulated before obtaining the provisional certification.

iii. Option C – Business and industry professional:
(1) Qualification under Option C for the provisional career and technical education certificate - Business and Marketing;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom; and
(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D – Valid teaching certificate in career and technical education from another state:
(1) Qualification under Option D for the provisional career and technical education certificate - Business and Marketing; and
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom.

v. Option E – Bachelor's degree in a business or marketing education teacher preparation program:
(1) Qualification under Option E for the provisional career and technical education certificate - Business and Marketing;
(2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Sub-

mit the original score report at time of application,

ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

iii. A current certificate from the National Board for Professional Teaching Standards.

H. Provisional Career and Technical Education (CTE) Certificate - Family and Consumer Sciences – grades K through 12

1. The certificate is valid for three years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in family and consumer sciences:
         (1) A bachelor's degree or more advanced degree in family and consumer sciences from an accredited institution,
         (2) Thirty semester hours of courses in family and consumer sciences, and
         (3) Two hundred forty clock hours of verified work experience in a family and consumer sciences occupational area.
      ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
         (1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;
         (2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
         (3) Three semester hours of courses in career and technical education methods or content in family and consumer sciences; and
         (4) Two hundred forty clock hours of verified work experience in a family and consumer sciences occupational area.
      iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in a family and consumer sciences occupational area.
      iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical family and consumer sciences education from another state.
      v. Option E – Bachelor's degree in family and consumer sciences education teacher preparation program:
         (1) A bachelor's or more advanced degree in a family and consumer sciences education teacher preparation program from an accredited institution, and
         (2) Two hundred forty clock hours of verified work experience in a family and consumer sciences occupational area.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Family and Consumer Sciences. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
   a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,
   b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or
   c. A current certificate from the National Board for Professional Teaching Standards.

I. Standard Career and Technical Education (CTE) Certificate - Family and Consumer Sciences – grades K through 12

1. The certificate is valid for six years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in family and consumer sciences:
         (1) Qualification under Option A for the provisional career and technical education certificate - Family and Consumer Sciences;
         (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
         (3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom.

ii. Option B – Valid non-CTE Arizona teaching certificate or Arizona CTE teaching certificate in another area:
(1) Qualification under Option B for the provisional career and technical education certificate - Family and Consumer Sciences;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom;
(3) Twelve semester hours of courses in professional knowledge to include:
(a) Nine semester hours of courses in family and consumer sciences subject knowledge; and
(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
(4) An additional 240 clock hours of verified work experience in a family and consumer sciences occupational area. Hours may have been accumulated before obtaining the provisional certification.

iii. Option C – Business and industry professional:
(1) Qualification under Option C for the provisional career and technical education certificate - Family and Consumer Sciences;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom; and
(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D – Valid teaching certificate in career and technical education from another state:
(1) Qualification under Option D for the provisional career and technical education certificate - Family and Consumer Sciences; and
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom.

v. Option E – Bachelor's degree in family and consumer sciences education teacher preparation program:
(1) Qualification under Option E for the provisional career and technical education certificate - Family and Consumer Sciences;
(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Sub-

mit the original score report at time of application,

ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

iii. A current certificate from the National Board for Professional Teaching Standards.

J. Provisional Career and Technical Education (CTE) Certificate - Health Careers – grades K through 12

1. The certificate is valid for three years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in health careers:
         (1) A bachelor's or more advanced degree in a biological science, health science, physical science, or nursing from an accredited institution;
         (2) Thirty semester hours of courses in health careers; and
         (3) Two hundred forty clock hours of verified work experience in a health careers occupational area.
      ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
         (1) A valid provisional or standard teaching certificate issued pursuant to this Article;
         (2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
         (3) Three semester hours of courses in career and technical education methods or content in health careers; and
         (4) Two hundred forty clock hours of verified work experience a health careers occupational area.
      iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in a health career occupational area.
      iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical health careers education from another state.
      v. Option E – Bachelor's degree in health careers education teacher preparation program:
         (1) A bachelor's or more advanced degree in a health careers education teacher preparation program from an accredited institution, and
         (2) Two hundred forty clock hours of verified work experience in a health careers occupational area.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Health Careers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
   a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,
   b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or
   c. A current certificate from the National Board for Professional Teaching Standards.

K. Standard Career and Technical Education (CTE) Certificate - Health Careers – grades K through 12

1. The certificate is valid for six years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in health careers:
         (1) Qualification under Option A for the provisional career and technical education certificate - Health Careers;
         (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
         (3) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom.
      ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
         (1) Qualification under Option B for the provisional career and technical education certificate – Health Careers;
         (2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a sec-

ondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom;

(3) Twelve semester hours of courses in professional knowledge to include:

(a) Nine semester hours of courses in health careers subject knowledge; and

(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(4) An additional 240 hours of verified work experience in a health careers occupational area.

iii. Option C – Business and industry professional:

(1) Qualification under Option C for the provisional career and technical education certificate – Health Careers;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom; and

(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D – Valid teaching certificate in career and technical education from another state:

(1) Qualification under Option D for the provisional career and technical education certificate - Health Careers; and

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom.

v. Option E – Bachelor's degree in health careers education teacher preparation program:

(1) Qualification under Option E for the provisional career and technical education certificate - Health Careers;

(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:

i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,

ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

iii. A current certificate from the National Board for Professional Teaching Standards.

L. Provisional Career and Technical Education (CTE) Certificate - Industrial and Emerging Technologies – grades K through 12

1. The certificate is valid for three years.
2. The requirements are:

a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and

b. One of the following options:

i. Option A – Bachelor's degree in industrial or emerging technologies:
(1) A bachelor's or more advanced degree in Industrial Arts or Industrial Technology Education or emerging technology areas from an accredited institution,
(2) Thirty semester hours of courses in industrial or emerging technologies, and
(3) Two hundred forty clock hours of verified work experience in an industrial or emerging technology occupational area.

ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
(1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;
(2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
(3) Three semester hours of courses in career and technical education methods or content in an industrial or emerging technology occupational area; and
(4) Two hundred forty clock hours of verified work experience in an industrial or emerging technology occupational area.

iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in an industrial or emerging technology occupational area.

iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical industrial arts education, career and technical industrial technology education or emerging technologies from another state.

v. Option E – Bachelor's degree in industrial and emerging technologies education teacher preparation program:
(1) A bachelor's or more advanced degree in an industrial or emerging technologies education teacher preparation program from an accredited institution, and
(2) Two hundred forty clock hours of verified work experience in an industrial or emerging technologies occupational area.

3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Industrial and Emerging Technologies. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application;
b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application; or
c. A current certificate from the National Board for Professional Teaching Standards.

M. Standard Career and Technical Education (CTE) Certificate - Industrial and Emerging Technologies – grades K through 12
1. The certificate is valid for six years.
2. The requirements are:
a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
b. One of the following options:

i. Option A – Bachelor's degree in industrial or emerging technologies:
(1) Qualification under Option A for the provisional career and technical education certificate - Industrial and Emerging Technologies Careers;
(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
(3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Industrial and Emerging Technology exhibiting satisfactory performance in the classroom.

ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
(1) Qualification under Option B for the provisional career and technical education certificate - Industrial and Emerging Technologies;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom;
(3) Twelve semester hours of courses in professional knowledge to include:
(a) Nine semester hours of courses in

Industrial and Emerging Technologies subject knowledge; and

(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(4) An additional 240 clock hours of verified work experience in an industrial or emerging technologies occupational area. Hours may have been accumulated before obtaining the provisional certification.

iii. Option C – Business and industry professional:

(1) Qualification under Option C for the provisional career and technical education certificate - Industrial and Emerging Technologies;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom; and

(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D – Valid teaching certificate in career and technical education from another state:

(1) Qualification under Option D for the provisional career and technical education certificate - Industrial and Emerging Technologies; and

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom.

v. Option E – Bachelor's degree in industrial or emerging technologies education teacher preparation program:

(1) Qualification under Option E for the provisional career and technical education certificate - Industrial and Emerging Technologies;

(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom.

c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:

i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,

ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

iii. A current certificate from the National Board for Professional Teaching Standards.

N. Provisional Career and Technical Education (CTE) Certificate - Education and Training – grades K through 12

1. The certificate is valid for three years.
2. The requirements are:

a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
b. One of the following options:
i. Option A – Bachelor's degree:
(1) A bachelor's or more advanced degree in education or training field from an accredited institution,
(2) Thirty semester hours of courses in education or training, and
(3) Two hundred forty clock hours of verified work experience in an education or training occupational area.
ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
(1) A valid Arizona teaching certificate issued pursuant to this Article;
(2) One year of the most recent teacher evaluations conducted by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
(3) Three semester hours of courses in career and technical education methods or content in education and training; and
(4) Two hundred forty clock hours of verified work experience in an education or training occupational area.
iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in an education or training occupational area.
iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical education or an education or training area from another state.
v. Option E – Bachelor's degree in education or training teacher preparation program:
(1) A bachelor's or more advanced degree in an education or training teacher preparation program from an accredited institution, and
(2) Two hundred forty clock hours of verified work experience in an education or training occupational area.

3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Education and Training. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,
b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or
c. A current certificate from the National Board for Professional Teaching Standards.

O. Standard Career and Technical Education (CTE) Certificate - Education and Training – grades K through 12
1. The certificate is valid for six years.
2. The requirements are:
a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
b. One of the following options:
i. Option A – Bachelor's degree in education and training:
(1) Qualification under Option A for the provisional career and technical education certificate - Education and Training;
(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
(3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Education and Training exhibiting satisfactory performance in the classroom;
ii. Option B – Valid non-CTE Arizona teaching certificate or Arizona teaching certificate in another content area:
(1) Qualification under Option B for the provisional career and technical education certificate - Education and Training;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom;
(3) Twelve semester hours of courses in professional knowledge to include:
(a) Nine semester hours of courses in education and training subject knowledge; and
(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization,

methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(4) An additional 240 clock hours of verified work experience in an education and training occupational area. Hours may have been accumulated before obtaining the provisional certification.

iii. Option C – Business and industry professional:

(1) Qualification under Option C for the provisional career and technical education certificate - Education and Training;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom; and

(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or career and technical education classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D – Valid teaching certificate in career and technical education from another state:

(1) Qualification under Option D for the provisional career and technical education certificate - Education and Training; and

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom.

v. Option E – Bachelor's degree in education and training teacher preparation program:

(1) Qualification under Option E for the provisional career and technical education certificate - Education and Training;

(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom.

c. A passing score on the Professional Knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:

i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,

ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or

iii. A current certificate from the National Board for Professional Teaching Standards.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-612 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 2562, effective May 23, 2002 for a period of 180 days (Supp. 02-2). May 23, 2002 emergency rulemaking renewed under A.R.S. § 41-1026 at 8 A.A.R. 5132, effective November 19, 2002 (Supp. 02-4). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1292, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1893, effective September 25, 2006 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 2086, effective May 19, 2008 (Supp. 09-3). Former R7-2-612 recodified to R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). New Section made by

exempt rulemaking at 15 A.A.R. 2143, effective August 25, 2008 (Supp. 09-4). Former R7-2-612 recodified to R7-2-613; new R7-2-612 recodified from R7-2-611 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 102, effective May 1, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 21 A.A.R. 2063, effective August 26, 2013 (Supp. 15-3).

R7-2-613. PreK-12 Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.

B. Provisional PreK-12 Arts Education Certificate: art, dance, dramatic arts or music.
1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree.
   b. One of the following:
      i. Completion of a teacher preparation program in PreK-12 arts education in one of the following approved areas: art, dance, dramatic arts or music from a Board-approved teacher preparation program, described in R7-2-604; or
      ii. Completion of a teacher preparation program in PreK-12 arts education in one of the following approved areas: art, dance, dramatic arts or music from an institution accredited by the National Association of Schools of Art and Design, National Association of Schools of Dance, National Association of Schools of Theatre, the National Association of Schools of Music, or National Council for Accreditation of Teacher Education; or
      iii. Thirty semester hours of education or arts education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of elementary and secondary methods in the certificate area and 12 semester hours of practicum in the certificate area grades PreK-12. Two years of verified full-time teaching experience in the certificate area in grades PreK-12 may substitute for the 12 semester hours of practicum; or
      iv. A valid PreK-12 arts education certificate from another state.
   c. A passing score on the appropriate subject knowledge portion of the Arizona Teacher Proficiency Assessment. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
   d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

C. Standard PreK-12 Arts Education Certificate: for art, dance, dramatic arts or music.
1. The certificate is valid for six years.
2. The requirements are:
   a. The provisional PreK-12 Arts Education certificate.
   b. Two years of verified teaching experience will be accepted in lieu of the performance portion of the Arizona Teacher Proficiency Assessment.
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Provisional PreK-12 Physical Education Certificate.
1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
2. The requirements are:
   a. A bachelor's degree.
   b. One of the following:
      i. Completion of a teacher preparation program in PreK-12 physical education, including 12 semester practicum hours evenly split between elementary and secondary physical education from an accredited institution or a Board-approved teacher preparation program; or
      ii. Thirty-three semester hours of education or physical education courses, including:
         (1) At least nine semester hours of elementary, secondary and adaptive physical education methods;
         (2) Foundational coursework in the areas of Growth and Motor Development, Movement Activities, Lifelong Physical Fitness and Comprehensive School Physical Activity Programming; and
         (3) Twelve semester hours of practicum in physical education in PreK-12 grades, evenly split between elementary and secondary physical education, and supervised by a licensed or certified physical education teacher. Two years of verified full-time teaching experience in the certificate area in grades PreK-12 may substitute for the twelve semester hours of practicum; or
      iii. A valid PreK-12 physical education certificate from another state.
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
   d. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment.
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

E. Standard PreK-12 Physical Education Certificate
1. The certificate is valid for six years.
2. The requirements are:
   a. The provisional PreK-12 Physical Education certificate.
   b. Two years of verified teaching experience will be accepted in lieu of the performance portion of the Arizona Teacher Proficiency Assessment.
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 4581, effective December 18, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 1885, effective June 26, 2005 (Supp. 05-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1259, effective March 26, 2007 (Supp. 09-2). Amended by exempt rulemaking at 15 A.A.R. 1298, effective July 18, 2007 (Supp. 09-3). Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4).

Former R7-2-613 recodified to R7-2-614; new R7-2-613 recodified from R7-2-612 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 235, effective December 7, 2009 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 22, 2015 (Supp. 15-3).

R7-2-614. Other Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607.

B. Substitute Certificate -- PreK-12
1. The certificate is valid for six years and renewable by reapplication.
2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.
3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.
5. The requirement for issuance is a bachelor's degree and a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. Substitute certificates previously issued as valid for life under this rule shall remain valid for life.
7. A person holding only a substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent has provided verification to the Department of Education that the position is continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that a highly qualified and employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.

C. Emergency Substitute Certificate -- PreK-12
1. The certificate is valid for one school year or part thereof. The expiration date shall be the following July 1.
2. The certificate entitles the holder to substitute only in the district that verifies that an emergency employment situation exists.
3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.
4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year.
5. The requirements for initial issuance are:
   a. High school diploma, General Education diploma, or associate's degree;
   b. Verification from the school district superintendent that an emergency employment situation exists; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. The requirements for each reissuance are:
   a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement,
   b. Verification from the school district superintendent that an emergency employment situation exists, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Emergency Teaching Certificate – birth through grade 12
1. The emergency teaching certificate is valid one school year or part thereof. The expiration date shall be the following July 1. An emergency teaching certificate shall not be issued more than three times to an individual. An individual that receives an intern certificate and does not complete the requirements for a provisional certificate shall not be eligible for an emergency certificate.
2. The emergency teaching certificate entitles the holder to enter into a teaching contract.
3. Emergency teaching certificates shall be issued for early childhood, elementary, secondary, and special education certificates required by A.R.S. § 15-502(B), and required endorsements.
4. The emergency teaching certificate entitles the holder to teach only in the district or charter school that verifies that an emergency employment situation exists.
5. The requirements for initial issuance are:
   a. A bachelor's degree,
   b. Verification from the school district superintendent or charter school administrator that an emergency employment situation exists,
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety,
   d. Verification from the school district superintendent or charter school administrator that the following requirements have been met and that a highly qualified and employable candidate was not found:
      i. The position was advertised on a statewide basis and with at least three career placement offices of higher education institutions, and
      ii. The district or charter school is participating in any available Board approved alternative path to certification program(s). This requirement may be waived if a district superintendent or charter school administrator provides evidence that an alternative path to certification program is either not available or not capable of alleviating the emergency employment situation.
6. In addition to the requirements listed in subsection (D)(5) the requirements for reissuance shall include six semester hours of education courses completed since the last issuance of the emergency teaching certificate.

E. Teaching Intern Certificate -- PreK-12
1. Except as noted, the teaching intern certificate is subject to the general certification provisions in R7-2-607.
2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (E)(6) are met.
3. The teaching intern certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona provisional teaching certificate. During the valid period of the intern certificate the holder may teach in a Structured English Immersion classroom, or in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. The candidate shall be enrolled in a Board authorized

alternative path to certification program or a Board approved teacher preparation program.
4. An individual is not eligible to hold the teaching intern certificate more than once in a five year period.
5. The requirements for initial issuance of the teaching intern certificate are:
   a. A bachelor's degree or higher from an accredited institution;
   b. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the applicant's teaching assignment(s);
   c. Completion of the requirements for a Provisional Structured English Immersion endorsement, as prescribed in R7-2-613(J);
   d. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved teacher preparation program; and
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. The requirements for the extension of the intern teaching certificate are:
   a. The teaching intern certificate outlined in subsection (E)(5),
   b. Official transcripts documenting the completion of required coursework, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
7. The holder of the teaching intern certificate may apply for an Arizona Provisional Teaching Certificate upon completion of the following:
   a. Successful completion of a Board authorized alternative path to certification program or a Board approved teacher preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program, as described pursuant to R7-2-604.04(B)(5),
   b. A passing score on the required professional knowledge portion of the Arizona Teacher Proficiency Assessment;
   c. The submission of an application for the provisional teaching certificate to the Department, and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

F. Adult Education Certificates
1. The adult education certificates are issued for individuals teaching in the areas of Adult Basic Education, Adult Secondary Education, English Language Acquisition for Adults, or Citizenship.
2. Provisional Adult Education Certificate.
   a. The certificate is valid for three years and is not renewable.
   b. The requirement for issuance is a valid fingerprint clearance card issued by the Arizona Department of Public Safety and a bachelor's degree or three years of experience as a teacher, tutor, or aide in an adult education program or in grades K through 12. Up to two years of experience may be waived by postsecondary academic credit, with 30 semester hours equivalent to one year of experience.
3. Standard Adult Education Certificate.
   a. The certificate is valid for six years.
   b. The requirements are:
      i. One year of part-time or full-time teaching experience under a provisional adult education certificate, verified by an adult education program administrator;
      ii. Completion of 10 clock hours in a professional development program described in R7-2-619(B) since the issuance of the provisional adult education certificate; and
      iii. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   c. The renewal requirements are completion of 60 clock hours in a professional development program, described in R7-2-619(B).

G. Junior Reserve Officer Training Corps Teaching Certificate – grades nine through 12
1. The certificate is valid for six years and is renewable upon application.
2. The certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
3. The requirements are:
   a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching,
   b. Verification by the district that the applicant meets the work experience required by the respective military service, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

H. Athletic coaching certificate – grades seven through 12
1. The certificate is valid for six years.
2. The certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
3. The requirements are:
   a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
   b. Completion of 15 semester hours of courses which shall include at least three semester hours in courses related to each of the following:
      i. Methods of coaching,
      ii. Anatomy and physiology,
      iii. Sports psychology,
      iv. Adolescent psychology, and
      v. The prevention and treatment of athletic injuries;
   c. Two hundred fifty hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
4. Renewal requirements are:
   a. Completion of 60 clock hours in a professional development program described in R7-2-619(B),
   b. Valid certification in first aid and CPR.

I. Provisional Foreign Teacher Teaching Certificate
1. This certificate is required for a teacher or professor from any foreign country, state, territory or possession of the United States contracted through the foreign teacher exchange program as authorized by federal statutes enacted by the Congress of the United States or other for-

eign teacher recruitment programs approved by the United States Department of State.

2. This certificate is valid for one year and may be extended yearly for up to two additional years upon request by the contracting governing board. The contracting teacher shall submit a letter of intent to hire to the Arizona Department of Education on official letterhead signed by the Superintendent or Director of Human Resources.
3. The requirements are:
   a. Verification that training and background comply with the comparable Arizona teaching certificate as provided in R7-2-608, R7-2-609(B)(2), R7-2-610(B)(2), R7-2-611(C)(3), (E)(3), (G)(2), (I)(2), (K)(2), (M)(2), R7-2-612(D)(2), (F)(2), (H)(2), (J)(2), or (L)(2) and R7-2-613.
   b. Holds a valid fingerprint Clearance Card issued by the Arizona Department of Public Safety.
   c. Demonstrates fluency in English as verified by the Test of English as a Foreign Language (TOEFL) or other English proficiency tests approved by the Board.
   d. The passing score by the Test of English as a Foreign Language (TOEFL) or other English proficiency tests approved by the Board shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.
4. A prospective teacher seeking to instruct in a language other than English may furnish a letter for submission to the Arizona Department of Education, on official letterhead, signed by the dean or designee of the home university to verify mastery of the purposed language of instruction. The Arizona Department of Education shall review and may approve submissions for the prospective teacher's exemption to the American Council of the Teaching of Foreign Languages Exam.

J. Native American Language Certificate
1. The certificate is optional and issued to individuals to teach only a Native American language in grades preK-12.
2. The certificate is valid for six years.
3. The requirements are:
   a. A valid IVP fingerprint clearance card issued by the Arizona Department of Public Safety.
   b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.
4. The certificate may be renewed upon completion of 60 clock hours of professional development, as prescribed in R7-2-619(B).

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Section R7-2-614 amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3739, effective August 5, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026 at 9 A.A.R. 522, effective January 31, 2003 for a period of 180 days (Supp. 03-1). Amended by final rulemaking at 9 A.A.R. 1605, effective May 5, 2003 (Supp. 03-2). Amended by exempt rulemaking at 15 A.A.R. 1304, effective June 26, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1898, effective April 28, 2008 (Supp. 09-2). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-614 recodified to R7-2-615; new R7-2-614 recodified from R7-2-613 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 63, effective June 22, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 728, effective March 22, 2010 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). R7-2-614(J) amended by final exempt rulemaking at 21 A.A.R. 2073, effective August 27, 2012; R7-2-614(I) amended by final exempt rulemaking at 21 A.A.R. 2073, effective June 24, 2013; R7-2-614(B)(C)(E) amended by final exempt rulemaking at 21 A.A.R. 2073, effective January 26, 2015 (Supp. 15-3).

R7-2-615. Endorsements

A. An endorsement shall be automatically renewed with the certificate on which it is posted.

B. Except as noted, all endorsements are subject to the general certification provisions in R7-2-607.

C. Endorsements which are optional as specified herein may be required by local governing boards.

D. Special subject endorsements – grades K through 12
1. Special subject endorsements shall be issued in the area of art, computer science, dance, dramatic arts, music, or physical education.
2. Special subject endorsements are optional.
3. The requirements are:
   a. An Arizona elementary, secondary, or special education certificate;
   b. One course in the methods of teaching the subject at the elementary level and one course in the methods of teaching the subject at the secondary level; and
   c. One of the following:
      i. Thirty semester hours of courses in the subject area which may include the courses listed in subsection (D)(3)(b);
      ii. A passing score on the subject area portion of the Arizona Teacher Proficiency Assessment, if an assessment has been adopted by the Board; or
      iii. A passing score on a comparable out-of-state subject area assessment.

E. Mathematics Specialist Endorsement – grades K through eight. This subsection is valid until June 30, 2011.
1. The mathematics specialist endorsement is optional.
2. The requirements are:
   a. An Arizona elementary or special education certificate,
   b. Three semester hours of courses in the methods of teaching elementary school mathematics, and
   c. Fifteen semester hours of courses in mathematics education for teachers of elementary or middle school mathematics.

F. Mathematics Endorsement – grades K through eight. This subsection becomes effective on July 1, 2011.
1. The mathematics endorsement is optional for all K through eight teachers, but recommended for an individual in the position of mathematics specialist, consultant, interventionist, or coach. Nothing in this Section prevents school districts from requiring certified staff to obtain a mathematics endorsement as a condition of employment. The mathematics endorsement does not waive the requirements set forth in R7-2-607(J).

2. The requirements are:
   a. An Arizona elementary or special education certificate;
   b. Three years of full-time teaching experience in grades K through eight; and
   c. Eighteen semester hours to include:
      i. Three semester hours of data analysis, probability, and discrete mathematics;
      ii. Three semester hours of geometry and measurement;
      iii. Six semester hours of patterns, algebra, and functions; and
      iv. Six semester hours of number and operations.
   d. Six semester hours to include:
      i. Three semester hours of mathematics classroom assessment;
      ii. Three semester hours of research-based practices, pedagogy, and instructional leadership in mathematics.
   e. A passing score on the middle school mathematics knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 18 semester hours described in subsection (F)(2)(c).
   f. Completion of a comparable valid mathematics specialist certificate or endorsement from another state may be substituted for the requirements described in subsection (F)(2)(c) and (d).

G. Reading Specialist Endorsement – grades K through 12. This subsection is valid until June 30, 2011.
1. The reading specialist endorsement shall be required of an individual in the position of reading specialist, reading consultant, remedial reading teacher, special reading teacher, or in a similar position.
2. The requirements are:
   a. An Arizona elementary, secondary, or special education certificate; and
   b. Fifteen semester hours of courses to include decoding, diagnosis and remediation of reading difficulties, and practicum in reading.

H. Reading Endorsement. This subsection becomes effective on July 1, 2011.
1. A reading endorsement shall be required of an individual in the position of reading or literacy specialist, reading or literacy coach, and reading or literacy interventionist.
2. Reading Endorsement for grades K through eight. The requirements are:
   a. A valid Arizona elementary special education or early childhood certificate,
   b. Three years of full-time teaching experience,
   c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through eight, and
   d. One of the following:
      i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
         (1) Three semester hours in the theoretical and research foundations of language and literacy;
         (2) Three semester hours in the essential elements of elementary reading and writing instruction (K through eight);
         (3) Three semester hours in the elements of elementary content area reading and writing (K through eight);
         (4) Six total semester hours in reading assessment systems;
         (5) Three semester hours in leadership; and
         (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading to elementary students, such as children's literature, or teaching reading to English Language Learners.
      ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(2)(c) and (d)(i).
   e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(2)(d)(i).
3. Reading Endorsement for grades six through 12. The requirements are:
   a. A valid Arizona elementary, secondary, or special education certificate;
   b. Three years of full-time teaching experience;
   c. Three semester hours of supervised field experience or practicum in reading completed for the grades six through 12; and
   d. One of the following:
      i. Twenty-one semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
         (1) Three semester hours in the theoretical and research foundations of language and literacy;
         (2) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12);
         (3) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12);
         (4) Six total semester hours in reading assessment systems;
         (5) Three semester hours in leadership; and
         (6) Three semester hours of elective courses in an area of focus that will deepen knowledge in the teaching of reading such as adolescent literature, or teaching reading to English Language Learners.
      ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(3)(c) and (d)(i).
   e. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 21 semester hours of reading endorsement coursework as described in subsection (H)(3)(d)(i).
4. Reading Endorsement – grades K through 12. The requirements are:
   a. A valid Arizona elementary, secondary, special education certificate or early childhood certificate;
   b. Three years of full-time teaching experience;
   c. Three semester hours of a supervised field experience or practicum in reading completed for the grades K through five;

d. Three semester hours of a supervised field experience or practicum in reading completed for the grades six through 12; and
e. One of the following:
i. Twenty-four semester hours beyond requirements of initial provisional or standard teaching certificate to include the following:
(1) Three semester hours in the theoretical and research foundations of language and literacy,
(2) Three semester hours in the essential elements of elementary reading and writing instruction (grades K through eight),
(3) Three semester hours in the essential elements of reading and writing instruction for adolescents (grades six through 12),
(4) Three semester hours in the elements of elementary content area reading and writing (grades K through eight),
(5) Three semester hours in the elements of content area reading and writing for adolescents (grades six through 12),
(6) Six total semester hours in reading assessment systems, and
(7) Three semester hours in leadership,
ii. Proof of a comparable valid reading specialist certificate or endorsement from another state may be substituted for the requirements described in subsections (H)(4)(c), (d) and (e)(i).
f. A passing score on the reading endorsement subject knowledge portion of the Arizona Educator Proficiency Assessment for grades K through eight and a passing score on the reading endorsement professional knowledge portion of the Arizona Educator Proficiency Assessment for grades six through 12 may be substituted for 24 semester hours of reading endorsement coursework as described in subsection (H)(4)(e)(i).

I. Elementary Foreign Language Endorsement – grades K through eight
1. The elementary foreign language endorsement is optional.
2. The requirements are:
a. An Arizona elementary, secondary or special education certificate.
b. Proficiency in speaking, reading, and writing a language other than English, verified by the appropriate language department of an accredited institution. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.
c. Three semester hours of courses in the methods of teaching a foreign language at the elementary level.

J. Bilingual Endorsements - grades K through 12
1. A provisional bilingual endorsement or a bilingual endorsement is required of an individual who is a bilingual classroom teacher, bilingual resource teacher, bilingual specialist, or otherwise responsible for providing bilingual instruction.
2. The provisional bilingual endorsement is valid for three years and is not renewable. The requirements are:
a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, or CTE certificate; and
b. Proficiency in a language other than English or sign language.
3. The holder of the bilingual endorsement is also authorized to teach English as a Second Language.
4. The requirements are:
a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, or CTE certificate;
b. Completion of a bilingual education program from an accredited institution or the following courses:
i. Three semester hours of foundations of instruction for non-English-language-background students;
ii. Three semester hours of bilingual methods;
iii. Three semester hours of English as a Second Language for bilingual settings;
iv. Three semester hours of courses in bilingual materials and curriculum, assessment of limited-English-proficient students, teaching reading and writing in the native language, or English as a Second Language for bilingual settings;
v. Three semester hours of linguistics to include psycholinguistics, sociolinguistics, first language acquisition, and second language acquisition for language minority students, or American Indian language linguistics;
vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students; and
vii. Three semester hours of courses in methods of teaching and evaluating handicapped children from non-English-language backgrounds. These hours are only required for bilingual endorsements on special education certificates.
c. A valid bilingual certificate or endorsement from another state may be substituted for the courses described in subsection (J)(4)(b);
d. Practicum in a bilingual program or two years of verified bilingual teaching experience; and
e. Proficiency in a spoken language other than English, verified by the language department of an accredited institution except in the case of Spanish and American Indian languages. Spanish language proficiency shall be demonstrated by passing the Arizona Classroom Spanish Proficiency Examination approved by the Board. American Indian language proficiency shall be verified by an official designated by the appropriate tribe.

K. English as a Second Language (ESL) Endorsements – grades Pre-K through 12
1. An ESL or bilingual endorsement is required of an individual who is an ESL classroom teacher, ESL specialist, ESL resource teacher, or otherwise responsible for providing ESL instruction.
2. The provisional ESL endorsement is valid for three years and is not renewable. The requirements are:
a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate; and
b. Six semester hours of courses specified in subsection (K)(3)(b), including at least one course in methods of teaching ESL students.
3. The requirements for the ESL endorsement are:

a. An Arizona elementary, secondary, supervisor, principal, superintendent, special education, early childhood, arts education or CTE certificate;
b. Completion of an ESL education program from an accredited institution or the following courses:
   i. Three semester hours of courses in foundations of instruction for non-English-language-background students. Three semester hours of courses in the nature and grammar of the English language, taken before January 1, 1999, may be substituted for this requirement;
   ii. Three semester hours of ESL methods;
   iii. Three semester hours of teaching of reading and writing to limited-English-proficient students;
   iv. Three semester hours of assessment of limited-English-proficient students;
   v. Three semester hours of linguistics; and
   vi. Three semester hours of courses dealing with school, community, and family culture and parental involvement in programs of instruction for non-English-language-background students.
   vii. A passing score on a foreign language subject knowledge portion of the Arizona Teacher Proficiency Assessment or a comparable foreign language subject knowledge exam from another state; or
c. Three semester hours of a practicum or two years of verified ESL or bilingual teaching experience, verified by the district superintendent;
d. Second language learning experience, which may include sign language. Second language learning experience may be documented by any of the following:
   i. Six semester hours of courses in a single second language, or the equivalent, verified by the department of language, education, or English at an accredited institution;
   ii. Completion of intensive language training by the Peace Corps, the Foreign Service Institute, or the Defense Language Institute;
   iii. Placement by the language department of an accredited institution in a third-semester level;
   iv. Placement at level 1-intermediate/low or more advanced score on the Oral Proficiency Interview, verified by the American Council for the Teaching of Foreign Languages;
   v. Passing score on the Arizona Classroom Spanish Proficiency Examination approved by the Board; or
   vi. Proficiency in an American Indian language, verified by an official designated by the appropriate tribe.
e. A valid ESL certificate or endorsement from another state may be substituted for the requirements described in subsection (K)(3)(b), (c) and (d).

L. Structured English Immersion (SEI) Endorsements Structured English Immersion (SEI) Endorsement - grades Pre-K through 12
1. From and after August 31, 2006, an SEI, ESL or bilingual endorsement is required of all classroom teachers, supervisors, principals and superintendents. For purposes of this rule, "supervisor," "principal" and "superintendent" means an individual who holds a supervisor, principal or superintendent certificate. An ESL or Bi-lingual endorsement obtained by a supervisor, principal, or superintendent on an Arizona teaching certificate may be added to a supervisor, principal, or superintendent certificate in order to satisfy the requirement in subsection (L)(1).
2. The provisional SEI endorsement is valid for three years and is not renewable. The requirements are:
   a. An Arizona elementary, secondary, special education, CTE, early childhood arts education, supervisor, principal or superintendent certificate; and
   b. One semester hour or 15 clock hours of professional development in Structured English Immersion methods of teaching ELL students, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
3. The requirements for the SEI endorsement are an Arizona elementary, secondary, special education, CTE, early childhood, arts education supervisor, principal, or superintendent certificate; and one of the following:
   a. Three semester hours of courses related to the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools; or
   b. Completion of 45 clock hours of professional development in the teaching of the English Language Learner Proficiency Standards adopted by the Board, including but not limited to instruction in SEI strategies, teaching with the ELL Proficiency Standards adopted by the Board and monitoring ELL student academic progress using a variety of assessment tools through a training program that meets the requirements of A.R.S. § 15-756.09(B).
   c. A passing score on the Structured English Immersion portion of the Arizona Teacher Proficiency Assessment.
4. Nothing in this Section prevents school districts from requiring certified staff to obtain an ESL or bilingual endorsement as a condition of employment.
5. The requirements for a SEI endorsement may be waived for a period not to exceed one year in accordance with certification reciprocity as prescribed in R7-2-621.
6. The requirements for a SEI endorsement may be waived for a period not to exceed one year for individuals who graduate from administrator or teacher preparation programs that are not approved by the Board and meet all other applicable certification requirements.
7. The requirements for a SEI endorsement may be waived for a period not to exceed one year for individuals who apply and otherwise qualify for a Provisional or Standard CTE Certificate pursuant to R7-2-612 under any option that does not require a valid Arizona teaching certificate.

M. Gifted Endorsements – grades K through 12
1. A gifted endorsement is required of individuals whose primary responsibility is teaching gifted students.
2. The provisional gifted endorsement is valid for three years and is not renewable. The requirements are an Arizona elementary, secondary, or special education certificate and one of the following:
   a. Two years of verified teaching experience in which most students were gifted,

b. Ninety clock hours of verified in-service training in gifted education, or
c. Six semester hours of courses in gifted education.
3. Requirements for the gifted endorsement are:
a. An Arizona elementary, secondary, or special education certificate;
b. Completion of nine semester hours of upper division or graduate level courses in an academic discipline such as science, mathematics, language arts, foreign language, social studies, psychology, fine arts, or computer science; and
c. Two of the following:
i. Three years of verified teaching experience in gifted education as a teacher, resource teacher, specialist, or similar position, verified by the district; or
ii. A minimum of 135 clock hours of verified in-service training in gifted education; or
iii. Completion of 12 semester hours of courses in gifted education. District in-service programs in gifted education may be substituted for up to six semester hours of gifted education courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Practicum courses shall not be accepted toward this requirement; or
iv. Completion of six semester hours of practicum or two years of verified teaching experience in which most students were gifted.

N. Early Childhood Education Endorsement – birth through age 8
1. When combined with an Arizona elementary education teaching certificate or an Arizona special education teaching certificate, the Early Childhood Endorsement may be used in lieu of an early childhood education certificate as described in R7-2-608. When combined with an Arizona cross-categorical, specialized special education, or severe and profound teaching certificate as described in R7-2-611, the Early Childhood endorsement may be used in lieu of an Early Childhood Special Education certificate.
2. An endorsement shall be automatically renewed with the certificate on which it is posted.
3. The requirements are:
a. A valid Arizona elementary education teaching certificate as provided in R7-2-609 or a valid Arizona special education teaching certificate as provided in R7-2-611,
b. Early childhood education coursework and practicum experience which includes both of the following:
i. Twenty-one semester hours of early childhood education courses to include all of the following areas of study:
(1) Foundations of early childhood education;
(2) Child guidance and classroom management;
(3) Characteristics and quality practices for typical and atypical behaviors of young children;
(4) Child growth and development, including health, safety and nutrition;
(5) Child, family, cultural and community relationships;
(6) Developmentally appropriate instructional methodologies for teaching language, math, science, social studies and the arts;
(7) Early language and literacy development;
(8) Assessing, monitoring and reporting progress of young children; and
ii. A minimum of eight semester hours of practicum including:
(1) A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children birth through preschool. One year of full-time verified teaching experience with children in birth through preschool may substitute for this student teaching experience. This verification may come from a school-based education program or center-based program licensed by the Department of Health Services or regulated by tribal or military authorities; and
(2) A minimum of four semester hours in a supervised student teaching setting serving children in kindergarten through grade three. One year of full-time verified teaching experience with children in kindergarten through grade three in an accredited school may substitute for this student teaching experience;
c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
d. A passing score on the early childhood professional knowledge portion of the Arizona Educator Proficiency Assessment may be substituted for the 21 semester hours of early childhood education courses as described in subsection (N)(3)(b)(i); and
e. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.
4. Teachers with a valid Arizona elementary education certificate or Arizona special education certificate as of July 1, 2012 meet the requirements of this Section with evidence of the following:
a. A minimum of three years infant/toddler, preschool or kindergarten through grade three classroom teaching experience within 10 years prior to July 1, 2012; and
b. A passing score on the early childhood subject knowledge portion of the Arizona Educator Proficiency Assessment.

O. Library-Media Specialist Endorsement – grades K through 12
1. The library-media specialist endorsement is optional.
2. Requirements are:
a. An Arizona elementary, secondary, or special education certificate;
b. A passing score on the Library Media Specialist portion of the Arizona Teacher Proficiency Assessment. A master's degree in Library Science may be substituted for a passing score on the assessment; and
c. One year of teaching experience.

P. Middle Grade Endorsement – grades five through nine
1. The middle grade endorsement is optional. The middle grade endorsement may expand the grades a teacher is authorized to teach on an elementary or secondary certificate.
2. The requirements are:
a. An Arizona elementary or secondary certificate, and

b. Six semester hours of courses in middle grade education to include:
i. One course in early adolescent psychology;
ii. One course in middle grade curriculum; and
iii. A practicum or one year of verified teaching experience, in grades five through nine.

Q. Drivers Education Endorsement
1. The drivers education endorsement is optional.
2. The requirements are:
a. An Arizona teaching certificate,
b. A valid Arizona driver's license,
c. One course in each of the following:
i. Safety education,
ii. Driver and highway safety education, and
iii. Driver education laboratory experience, and
d. A driving record with less than seven violation points and no revocation or suspension of driver's license within the two years preceding application.

R. Cooperative Education Endorsement – grades K through 12
1. The cooperative education endorsement is required for individuals who coordinate or teach CTE.
2. The requirements are:
a. A provisional or standard CTE certificate in the areas of agriculture, business, family and consumer sciences, health occupations, marketing, or industrial technology; and
b. One course in CTE.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1). Amended by exempt rulemaking at 15 A.A.R. 1838, effective August 29, 2006 (Supp. 09-1). Amended by exempt rulemaking at 15 A.A.R. 1306, effective September 26, 2006 (Supp. 09-1). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-615 recodified to R7-2-616; new R7-2-615 recodified from R7-2-614 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 52, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 119, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 129, effective September 21, 2009 (Supp. 10-2). Amended by exempt rulemaking at 16 A.A.R. 734, effective July 1, 2011 (Supp. 10-3). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 1496, effective July 1, 2011 (Supp. 11-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2).

R7-2-616. Administrative Certificates

A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.

B. Supervisor Certificate – grades PreK through 12
1. Except for individuals who hold a valid Arizona principal or superintendent certificate, the supervisor certificate is required for all personnel whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
2. The certificate is valid for six years.
3. The requirements are:
a. A valid Arizona early childhood, elementary, secondary, special education, CTE certificate or other professional certificate issued by the Department;
b. A master's or more advanced degree;
c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603 to include three credit hours in school law and three credit hours in school finance;
e. A practicum in educational administration or two years of verified educational administrative experience in grades PreK through 12;
f. A passing score on the Arizona Administrator Proficiency Assessment;
g. An SEI endorsement or an ESL endorsement or a Bilingual Endorsement; and
h. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

C. Principal Certificate – grades PreK through 12
1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or perform the duties of principal or assistant principal as delineated in A.R.S. Title 15.
2. The certificate is valid for six years.
3. The requirements are:
a. A master's or more advanced degree,
b. Three years of verified teaching experience in grades PreK through 12,
c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603 to include three credit hours in school law and three credit hours in school finance,
d. A practicum as a principal or two years of verified experience as a principal or assistant principal under the supervision of a certified principal in grades PreK through 12,
e. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment,
f. An SEI endorsement or an ESL endorsement or a Bilingual Endorsement, and
g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Superintendent Certificate – grades PreK through 12
1. Individuals who hold the title of superintendent, assistant superintendent or associate superintendent and who perform duties directly relevant to curriculum, instruction, certified employee evaluations, and instructional supervision may obtain a superintendent certificate.
2. The certificate is valid for six years.
3. The requirements are:
a. A master's or more advanced degree including at least 60 graduate semester hours;
b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603 to include three credit hours in school law and three credit hours in school finance;

c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
d. A practicum as a superintendent or two years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades PreK through 12;
e. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment; and
f. An SEI endorsement or an ESL endorsement or a Bilingual endorsement; and
g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

E. Reciprocity. The Board shall issue an Arizona reciprocal supervisor, principal or superintendent certificate to an applicant who holds a valid equivalent certificate from another state and meets the requirements as set forth in subsection (B)(3), (C)(3), or (D)(3).
1. Certificates shall be valid for one year and are nonrenewable.
2. The applicant shall possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
3. The deficiencies allowed pursuant to Arizona Revised Statutes in U.S./Arizona Constitutions, a passing score on all required portions of the Arizona Administrator Proficiency Assessment, fulfillment of Structured English Immersion (SEI) clock hours as required by Board rule shall be satisfied prior to the issuance of any other certificate prescribed in this Chapter, except as noted below:
   a. The applicable Arizona Administrator Proficiency Assessment shall be waived for applicants with a passing score on a comparable assessment from another state or three years of verified full time administrative experience.
   b. The three years of verified administrative experience shall have been during the last valid period of the certificate produced from the other state.

F. Interim Supervisor Certificate – grades PreK through 12
1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (F)(6) are met.
3. The administrative interim certificate entitles the holder to perform the duties described in subsection (B)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
5. The requirements for initial issuance of the administrative interim certificate are:
   a. A valid Arizona early childhood, elementary, secondary, special education, CTE certificate, PreK through 12 Arts, or other professional certificate issued by the Department;
   b A bachelor's degree or higher in education from an accredited institution;
   c. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
   d. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
   e. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district administrator or the appropriate county school superintendent; and
   f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. The requirements for the extension of the administrative interim certificate are:
   a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (F)(5),
   b. Official transcripts documenting the completion of required coursework,
   c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district administrator, and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
7. The holder of the administrative interim certificate may apply for an Arizona Supervisor Certificate upon completion of the following:
   a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program, as described pursuant to R7-2-604.04(B)(5);
   b. A passing score on the Arizona Administrator Proficiency Assessment;
   c. The submission of an application for the Supervisor certificate to the Department; and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

G. Interim Principal Certificate – grades PreK through 12
1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (G)(6) are met.
3. The administrative interim certificate entitles the holder to perform the duties described in subsection (C)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
5. The requirements for initial issuance of the administrative interim certificate are:
   a. A bachelor's degree or higher in education from an accredited institution;
   b. Three years of verified full-time teaching experience in grades PreK through 12;
   c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;

d. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district principal or superintendent or the appropriate county school superintendent; and
e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

6. The requirements for the extension of the administrative interim certificate are:
a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (G)(5),
b. Official transcripts documenting the completion of required coursework,
c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district principal or superintendent, and
d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

7. The holder of the administrative interim certificate may apply for an Arizona Principal Certificate upon completion of the following:
a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program, as described pursuant to R7-2-604.04(B)(5);
b. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment;
c. The submission of an application for the Principal certificate to the Department; and
d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

H. Interim Superintendent Certificate – grades PreK through 12
1. Except as noted, the administrative interim certificate is subject to the general certification provisions in R7-2-607.
2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (H)(6) are met.
3. The administrative interim certificate entitles the holder to perform the duties described in subsection (D)(1). The candidate shall be enrolled in a Board approved alternative path to certification program, or a Board authorized administrative preparation program.
4. An individual is not eligible to hold the administrative interim certificate more than once in a five year period.
5. The requirements for initial issuance of the administrative interim certificate are:
a. A master's degree or higher from an accredited institution;
b. Three years of verified full-time teaching experience or related education services experience in a PreK through 12 setting;
c. Verification of enrollment in a Board approved alternative path to administrator certification program, or a Board approved administrator preparation program;
d. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district superintendent or the appropriate county school superintendent; and
e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

6. The requirements for the extension of the administrative interim certificate are:
a. Qualification for the initial issuance of the administrative interim certificate outlined in subsection (H)(5),
b. Official transcripts documenting the completion of required coursework,
c. Verification the holder of the interim certificate shall be under the direct supervision of an Arizona certified district superintendent or the appropriate county school superintendent, and
d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

7. The holder of the administrative interim certificate may apply for an Arizona Superintendent Certificate upon completion of the following:
a. Successful completion of a Board approved alternative path to administrator certification program or a Board approved administrator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program, as described pursuant to R7-2-604.04(B)(5);
b. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment;
c. The submission of an application for the Superintendent certificate to the Department; and
d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-616 recodified to R7-2-617; new R7-2-616 recodified from R7-2-615 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 326, effective January 25, 2010 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by exempt rulemaking at 16 A.A.R. 2034, effective October 1, 2010 (Supp. 11-1).

R7-2-617. Other Professional Certificates

A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2619.

B. Guidance Counselor Certificate - grades PreK-12
1. The guidance counselor certificate is valid for six years.
2. The requirements are:
a. A master's or more advanced degree,
b. Completion of a graduate program in guidance and counseling. A valid guidance counselor certificate from another state may substitute for this requirement,
c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
d. One of the following:

i. Completion of a supervised counseling practicum in school counseling;
ii. Two years of verified, full-time experience as a school guidance counselor; or
iii. Three years of verified teaching experience.

C. School Psychologist Certificate - grades PreK-12
1. A school psychologist certificate is required for all personnel whose primary responsibility is in the role of a school psychologist providing services that include but are not limited to the duties of student psychoeducational assessment, therapeutic consultation and intervention, and involvement in the process of determination of student disabilities or disorders.
2. The school psychologist certificate is valid for six years.
3. The requirements are:
   a. A master's or more advanced degree;
   b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours, or completion of a doctoral program in psychology and completion of a re-training program in school psychology from an accredited institution or Board approved program with a letter of institutional endorsement from the head of the school psychology program;
   c. A supervised internship of at least 1200 clock hours with a minimum of 600 of those hours in a school setting. Three years experience as a certified school psychologist within the last 10 years may be substituted for the internship requirement; and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
4. Any of the following may be substituted for the requirement described in subsection (C)(3)(b):
   a. Five years experience within the last 10 years working full time in the capacity of a school psychologist in a school setting serving any portion of grades kindergarten through 12; or
   b. A Nationally Certified School Psychologist Credential; or
   c. A diploma in school psychology from the American Board of School Psychology.

D. Speech-Language Pathologist Certificate - grades PreK-12
1. The speech-language pathologist certificate is required for school-based speech-language pathologists.
2. The certificate is valid for six years and may be renewed with the completion of a minimum of 60 clock hours of relevant professional development in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language, low incidence disabilities, curriculum and instruction, professional issues and ethics, or service delivery models.
3. The requirements are:
   a. A master's or more advanced degree, from an accredited institution, in speech pathology or communication disorders;
   b. A minimum of 250 clinical clock hours supervised by a university or a speech-language pathologist with a certificate of clinical competence;
   c. A certificate of clinical competence, or a passing score on the national exam, or a passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

E. Speech-Language Technician - grades PreK-12
1. The speech-language technician certificate is required for school-based speech-language professionals.
2. No new applications for a speech-language technician certificate will be accepted after June 30, 2014.
3. The certificate is valid for six years and may be renewed with the completion of a minimum of 180 clock hours of graduate level coursework in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language disorders, low incidence disabilities, professional issues and ethics, or service delivery models.
4. The requirements are:
   a. A bachelor's degree from an accredited program in Speech-Language Pathology, Speech-Hearing Sciences, or Communication Disorders;
   b. A minimum of 50 hours of university supervised observation;
   c. A minimum of 150 university clinical clock hours, or 150 clock hours supervised by a master's level licensed speech-language pathologist, or two years' experience as a school speech-language therapist or technician;
   d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
   e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 5139, effective November 19, 2002 for a period of 180 days (Supp. 02-4). Emergency rulemaking renewed under A.R.S. § 41-1026(D) at 9 A.A.R. 1547, effective April 29, 2003 for a period of 180 days (Supp. 03-2). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent R7-2-617 amended by final rulemaking at 9 A.A.R. 3950, effective October 21, 2003 (Supp. 03-3). Amended by exempt rulemaking at 15 A.A.R. 1264, effective May 22, 2006 (Supp. 09-1). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-617 recodified to R7-2-618; new R7-2-617 recodified from R7-2-616 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). R7-2-617 "Prekindergarten" corrected to "PreK" at request of the Board, Office File No. M09-444, filed November 24, 2009 (Supp. 10-1). Office corrected labeling error in subsection (C) under A.R.S. § 41-1011 and A.A.C. R1-1-108 (Supp. 10-4). Amended by final exempt rulemaking at 21 A.A.R. 2077, effective October 28, 2013 (Supp. 15-3).

R7-2-618. Fees

A. The Superintendent of Public Instruction or the Superintendent's designee shall collect proper fees for certification services and shall transmit the fees to the state Treasurer. The following fees are established for certification services:
1. Evaluation of qualification for a certificate: $30.
2. Evaluation of qualification for an endorsement: $30.
3. Issuance of a certificate, endorsement, or letter of non-qualification: $30.
4. Renewal of a certificate: $20.
5. Name change, duplicate copy, or changes of coding to existing files or certificates: $20.

B. Fees shall be paid by money order, cashier's check, certified check, business check, or personal check and shall be made

payable to the order of the Arizona Department of Education. If a check offered in payment for services is not cleared by the financial institution, the applicant shall be notified to pay the fees by money order or certified check. If a certificate has been issued or renewed and payment is not received within two weeks of notification to the applicant, the Board shall file a statement of complaint pursuant to R7-2-1302. If a certificate or renewal has not been issued, no certificate or renewal shall be issued until the fees are paid by cashier's check or money order.

C. Fees paid pursuant to this Section are not refundable.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2002, effective May 27, 1999 (Supp. 99-2). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-618 recodified to R7-2-619; new R7-2-618 recodified from R7-2-617 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4).

R7-2-619. Renewal Requirements

A. A certificate may be renewed within six months of its expiration date except that an individual holding multiple valid certificates may renew all certificates at one time in order to align the expiration dates of each certificate. Certificates being aligned shall be renewed at the same time as the certificate that will expire first. Individuals seeking to align certificates shall meet the renewal requirements for each certificate being aligned. Certificates aligned pursuant to this Section may be valid for less than six years.

B. A certificate may be renewed within one year after it expires. Individuals whose certificates have been expired for more than one year shall reapply for certification under the requirements in effect at the time of reapplication. Nothing in this Section shall imply that an individual may be employed in a position that requires certification after the expiration of the relevant certificate.

C. Renewal of certificates requires the completion of professional development after the most recent issuance or renewal of the certificate, except that professional development completed during the valid term of the certificate that expires first meets the requirement of certificates being aligned. Professional development must relate to Arizona academic or professional educator standards or apply toward the attainment of an additional Arizona certificate, endorsement, or approved area, and may include training regarding suicide awareness and prevention; child abuse and the sexual abuse of children, including warning signs that a child may be a victim of child abuse or sexual abuses; screening, intervention, accommodation, use of technology and advocacy for students with reading impairments, including dyslexia; or other training programs explicitly permitted by state law. Professional development shall consist of any of the following activities:

1. Courses related to education or a subject area taught in Arizona schools, taken from an accredited institution. Each semester hour of courses shall be equivalent to 15 clock hours of professional development. The required documentation shall be an official transcript.
2. Professional activities such as conferences and workshops related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by attendance at professional conferences and workshops. The required documentation shall be a conference agenda and a statement or certificate from the sponsoring organization noting the clock hours earned.
3. District-sponsored or school-sponsored in-services or activities which are specifically designed for professional development. The required documentation shall be written verification from the sponsoring district or school stating the dates of participation and the number of clock hours earned.
4. Internships in business settings. The internship shall be based on an agreement between a business and a district or school with the stated objective of aligning teaching curriculum with workplace skills. A maximum of 80 clock hours may be earned through business internships. The required documentation shall be written verification by the sponsoring business and district or school stating the dates of participation and number of clock hours earned.
5. Educational research. The research shall be sponsored by a research facility or an accredited institution or funded by a grant. The required documentation shall be the published report of the research or verification by the sponsoring agency; and a statement of the dates of participation and the number of clock hours earned.
6. Serving in a leadership role of a professional organization that provides training, activities, or projects related to the profession of teaching or the field of public education. A maximum of 30 clock hours per year may be earned by serving in a leadership role of a professional organization. The required documentation shall be written verification by the governing body of the professional organization of the dates of service and clock hours earned.
7. Serving on a visitation team for a school accreditation agency. A maximum of 60 clock hours per year may be earned by serving on a visitation team. The required documentation shall be written verification from the accreditation agency of the dates of service and clock hours earned.
8. Completion of the process for certification by the National Board of Professional Teaching Standards. The required documentation shall be written verification from the National Board of Professional Teaching Standards and a statement from the employing district or school verifying the dates and the clock hours earned during the certification process.

D. An individual holding a Standard teaching certificate, an administrative certificate, or other professional certificate, may renew the certificate upon completion of 180 clock hours of professional development.

E. An individual who is employed by a school or school district at the time of renewal shall submit the required documentation of professional development to the district superintendent, director of personnel, or other designated administrator for verification. A certified individual who is not employed by a school or school district at the time of renewal shall submit the required documentation of professional development to a county school superintendent, the dean of a college of education, or the Department for verification. The school or district official, county school superintendent, or the dean of a college of education shall verify on forms provided by the Department the number of hours of professional development completed by the individual during the valid period of the certificate being renewed.

F. The Department shall issue a Standard teaching certificate of the same type.

Historical Note

New Section made by exempt rulemaking at 8 A.A.R.

2396, effective May 10, 2002 (Supp. 02-2). Amended by exempt rulemaking at 15 A.A.R. 1225, effective December 5, 2006 (Supp. 09-1). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-619 recodified to R7-2-620; new R7-2-619 recodified from R7-2-618 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 242, effective December 7, 2009 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 1249, effective May 24, 2010 (Supp. 10-4). Amended by final exempt rulemaking at 22 A.A.R. 648, effective January 25, 2016 (Supp. 16-1).

R7-2-620. Certification Time-frames

A. For certification by the State Board of Education ("Board"), Certification Division ("Division"), the time-frames required by A.R.S. § 41-1072 et seq are:
1. Overall time-frame: 165 days.
2. Administrative review time-frame: 45 days.
3. Substantive review time-frame: 120 days.

B. Administrative completeness review time-frame. The Division shall issue a written notice of administrative completeness or deficiency to an applicant for certification within 45 days of receipt of the application.
1. If the Division determines that an application for certification is not administratively complete, the Division shall include a comprehensive list of the specific deficiencies in the written notice.
2. If the Division issues a written notice of deficiency, the administrative completeness review time-frame and the overall time-frame are suspended from the date the notice is issued until the date that the Division receives the missing information from the applicant.
3. If the Division does not issue a notice of administrative completeness or deficiency within 45 days of receipt of the application, the application is deemed administratively complete.

C. Substantive review time-frame. Within 120 days after the administrative completeness review time-frame is complete, the Division shall determine whether an applicant for certification meets all substantive criteria required by statute or rule.
1. During the substantive review time-frame, the Division may make one comprehensive written request for additional information. If the Division issues a comprehensive written request for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.
2. The Division and the applicant may mutually agree in writing to allow the Division to submit supplemental requests for additional information. If the Division issues a supplemental request by mutual written agreement for additional information, the substantive review time-frame and the overall time-frame are suspended from the date the request is issued until the date that the Division receives the additional information from the applicant.

D. Overall time-frame. The Division shall issue a written notice that the Board has granted or denied a certificate no later than 165 days after receipt of an application for certification, or no later than the time-frame extension allowed under subsection (E).
1. Written notice denying an applicant certification shall include justification for the denial with references to the statutes or rules on which the denial is based and an explanation of the applicant's right to appeal the denial.
2. The explanation of an applicant's right to appeal the denial shall include the number of days the applicant has to file an appeal challenging the denial and the name and telephone number of the Executive Director of the Board as the contact person who can answer questions regarding the appeals process.

E. By mutual written agreement, the Division and an applicant for certification may extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 33 days.

F. If the Division does not issue to an applicant written notice granting or denying a certificate within the overall time-frame or any extension mutually agreed upon in writing, the Division shall refund to the applicant all fees charged, excuse payment of any fees that have not yet been paid, and pay all penalties required by A.R.S. § 41-1077.

G. The Division shall issue all written notices under this Section to the last known address of the applicant by regular, 1st-class mail. The written notices are deemed "issued" on the postmark date.

H. By August 1 of each year, the Division shall report to the Executive Director of the Board the Division's compliance with the overall time-frames for the prior fiscal year. The Division shall include the number of certificates issued or denied within the time-frames specified in this Section and the dollar amount of all fees returned or excused. The Division shall also include the amount of all penalties paid to the state general fund due to the Division's failure to comply with the time-frames.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 2399, effective July 23, 2004 (Supp. 04-2). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-620 recodified to R7-2-621; new R7-2-620 recodified from R7-2-619 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

R7-2-621. Reciprocity

The Board shall issue a comparable Arizona provisional certificate, if one is established pursuant to this Chapter, to an applicant who holds a valid certificate from another state and possesses a bachelor's or higher degree from an accredited institution.
1. Certificates shall be valid for one year and are nonrenewable.
2. The applicant shall possess a valid fingerprint clearance card issued by the Arizona Department of Public Safety. Applicants who were fingerprinted in another state with substantially similar criminal history or teacher fingerprinting requirements shall be required to provide documentation that an application for a fingerprint clearance card has been submitted to the Arizona Department of Public Safety. "Substantially similar" criminal history or teacher fingerprinting requirements shall be determined by the Investigations Unit and shall, at a minimum, include local law enforcement and FBI checks.
3. The deficiencies allowed pursuant to Arizona Revised Statutes in Arizona Constitution, United States Constitution, and a passing score on all required portions of the Arizona Teacher Proficiency Assessment shall be satisfied prior to the issuance of the same type certificate prescribed in this Chapter, except as noted below:
   a. The professional knowledge portion of the Arizona Teacher Proficiency Assessment shall be waived for applicants with three years of verified teaching

experience. The three years of verified teaching experience shall have been during the last valid period of the certificate produced from the other state.

b. The subject knowledge portion of the Arizona Teacher Proficiency Assessment shall be waived for applicants who hold a master's degree or higher in the subject area to be taught.

c. The professional knowledge and subject knowledge portions of the Arizona Teacher Proficiency Assessment shall be waived for applicants who hold a current certificate from the National Board for Professional Teaching Standards.

4. For the purpose of this rule the requirements in R7-2-615(L), related to Provisional Structured English Language Immersion Endorsements, shall be waived for a period not to exceed one year.

Historical Note

New Section recodified from R7-2-620 at 15 A.A.R. 2146, effective August 25, 2008 (Supp. 09-4). Former R7-2-621 recodified to R7-2-622; new R7-2-621 recodified from R7-2-620 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1). Amended by exempt rulemaking at 16 A.A.R. 135, effective September 21, 2009 (Supp. 10-1). Amended by final exempt rulemaking at 22 A.A.R. 227, effective June 23, 2014; filed in the Office January 20, 2016 (Supp. 16-2).

R7-2-622. Qualification Requirements of Professional, Non-Teaching School Personnel

A. Definitions:

1. "Educational Interpreter." For the purposes of this Section, "educational interpreter" means a person trained to translate in sign language for students identified to require such services through an Individualized Education Program (IEP) or a 504 accommodation plan in order to access academic instruction. This does not in any way restrict the provisions of R7-2-401(B)(14) which defines "interpreter" and provides that each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE, nor does it restrict a school district's ability to develop a job description for someone in a position of "educational interpreter" that requires additional job responsibilities.

2. "Accommodation plan developed to comply with Section 504 of the Rehabilitation Act of 1973, 29 USC 794, et seq. ("504 accommodation plan")." For the purposes of this Section, "504 accommodation plan" means a plan developed for the purpose of specifying accommodations and/or services that will be implemented by classroom teachers and other school personnel so that students will benefit from their educational program.

B. Educational Interpreters for the Hearing Impaired.

1. Persons employed by or contracting with schools and school districts to provide educational interpreting services for hearing impaired students must meet the following qualifications from and after January 1, 2005:

a. Have a high school diploma or GED;

b. Hold a valid fingerprint clearance card, and

c. Show proficiency in interpreting skills through one of the following:

i. A minimum passing score of 3.5 or higher on the Educational Interpreter Performance Assessment (EIPA), or

ii. Hold a valid Certificate of Interpretation (CI) and/or Certificate of Transliteration (CT) from the Registry of Interpreters for the Deaf (RID), or

iii. Hold a valid certificate from the National Association of the Deaf (NAD) at level 3 or higher.

2. If a public education agency (PEA) is unable to find an individual meeting the above qualifications, the PEA may hire an individual with lesser qualifications, but the PEA is required to provide a professional development plan for the individual they employ to provide educational interpreting services. This professional development plan must include the following:

a. Proof of at least 24 hours of training in interpreting each year that a valid certification is not held or EIPA passing score is not attained, and

b. Documentation of a plan for the individual to meet the required qualifications within three years of employment. If the qualifications are not attained within three years, but progress toward attainment is demonstrated, the plan shall be modified to include an intensive program for up to one year to meet the provisions of subsection (B)(1).

3. An individual employed under the provisions of subsection (B)(2) must also have the following:

a. A valid fingerprint clearance card, and

b. A high school diploma or GED.

C. Compliance with these rules will be reviewed at the same time as a PEA is monitored for compliance with the requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq.

Historical Note

New Section recodified from R7-2-621 at 16 A.A.R. 68, effective December 8, 2008 (Supp. 10-1).

ARTICLE 7. ADJUDICATIONS

R7-2-701. Definitions

In this Article, unless the context otherwise specifies:

1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Hearing body" means the Board or the Professional Practices Advisory Committee.
6. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
7. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.
8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205 to conduct hearings related to certification or recertification matters regarding immoral conduct, unprofessional conduct, unfitness to teach and revocation, suspension or surrender of certificates.
9. "Pupil" means any student enrolled in an Arizona public or private school. "Pupil" also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding and who is still of minor age.

10. "Victim" means any person who has been previously identified pursuant to state law as a victim in a criminal proceeding which is the basis for a contested case.

Historical Note

Adopted effective May 25, 1978 (Supp. 78-3). Former Section R7-2-701 repealed, new Section R7-2-701 adopted effective December 4, 1978 (Supp. 78-6). Amended effective June 27, 1979 (Supp. 79-3). Amended subsection (A) effective October 7, 1980 (Supp. 80-5). Amended by adding subsection (A)(6) effective April 6, 1984 (Supp. 84-2). Amended effective October 19, 1984 (Supp. 84-5). Section R7-2-701 repealed as an emergency, new Section R7-2-701 adopted as an emergency effective January 2, 1985 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-1). Emergency expired. Repealed effective December 17, 1987 (Supp. 87-4). New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3).

R7-2-702. Filing; computation of time; extension of time

A. All papers concerning a contested case shall be filed within the time limit, if any, for such filing.

B. All papers filed in any contested case shall be typewritten or legibly written on paper 8 1/2 by 11 inches in size, shall contain the name and address of the party or other correspondent, shall be properly captioned and designate the title and case number, shall state the name and address of each party served with a copy, and shall be signed by the party or, if represented, by the party's attorney. The signature certifies that the signer has read the paper, that to the best of the signer's knowledge, information, and belief there are good grounds to support its contents, and that it is not interposed for delay.

C. In computing any period of time prescribed or allowed by this Article, or any notice or order concerning a contested case, the day of the act, event, or default from which the designated period of time begins to run shall not be included. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation. When that period to time is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.

D. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon the party by another party, and the notice or other paper is served by mail, five days shall be added to the prescribed period. This subsection has no application to notices, orders, or other papers issued by the hearing body.

E. For good cause shown, the presiding officer may grant continuances and extensions of time for filing notices or other papers.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-703. Contested cases; notice; hearing records

A. In a contested case, the parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall be given at least 20 days prior to the date set for the hearing.

B. The notice shall include:

1. A statement of the time, place and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
3. A reference to the particular sections of the statutes and rules involved.
4. A short and plain statement of the matters asserted. If a party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

C. A reasonable effort shall be made to notify a victim of the time, place and nature of the hearing, and that the victim may submit a victim impact statement to be included as part of the record in a contested case.

D. Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.

E. The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.

F. A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.

G. The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

H. The record in a contested case shall include:

1. All pleadings, motions and interlocutory rulings.
2. Evidence received or considered.
3. A statement of matters officially noticed.
4. Objections and offers of proof and rulings thereon.
5. Proposed findings of fact and conclusions of law and exceptions thereto.
6. Any decision, opinion, recommendation or report of the hearing body.
7. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
8. A victim impact statement, if submitted by the victim.

I. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Amended by final exempt rulemaking at 21 A.A.R. 1775, effective May 20, 2013 (Supp. 15-3).

R7-2-704. Service; proof of service

A. The Board shall serve notices of hearing, findings of fact, conclusions of law, and recommendations of the hearing body, and decisions and final orders of the Board, either by personal service or by certified mail. All other papers required to be served may be served by regular or certified mail or may be personally served.

B. After service of a notice of hearing in a contested case, a copy of every paper filed by a party, or individual seeking to intervene, shall be served on all parties to the contested case, or their lawyers if represented, at the same time the paper is filed.

C. The following evidences completed service:

1. If personally served, an affidavit of personal service, sworn to by the individual serving the paper and stating the name of the individual upon whom it was served, where service was made, and the date of such service; or

2. If served by certified mail, the return receipt signed by the party served or someone authorized to act on behalf of the party served; or
3. If served by regular or certified mail, either a statement subscribed on the paper filed, or an affidavit indicating the date mailed and listing those to whom it was mailed.

D. When a party is represented by an attorney, service shall be made on the attorney. If a notice of hearing shows service on the Attorney General, all papers served thereafter shall be served on the Assistant Attorney General named on the notice of hearing or who later appears on behalf of the Attorney General, or if no Assistant Attorney General is named, then on the Attorney General, Education and Health Section, Education Unit.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-705. Hearings and evidence

A. Parties may participate in the hearing in person or through an attorney.

B. Upon request of either party, the presiding officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the presiding officer.

C. A hearing in a contested case shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A party to such proceedings may be represented by counsel and shall have the right to submit evidence in open hearing and conduct cross examination. Hearings may be held in any location determined by the hearing body.

D. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.

E. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-706. Request for hearing

When a request for a hearing is filed with the Board, the request shall be in writing and shall state the specific grounds which are the basis of the hearing request and the statute, rule or other legal basis entitling the person to a hearing.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-707. Denial of request for hearing

If the Board denies the request for a hearing, the denial shall be in writing and shall state the reasons therefor. A denial of a request for hearing is final and not subject to further administrative review.

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-708. Repealed

Historical Note
New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4). Section repealed by final rulemaking at 11 A.A.R. 696, effective March 29, 2005 (Supp. 05-1).

R7-2-709. Rehearing and review of decisions

A. After a hearing is held, a party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than 30 days after such decision has been made, a written motion for rehearing specifying the particular grounds therefor. A motion for rehearing under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within 15 days after service of such motion by any other party. The Board may require the filing of written briefs on the issues raised in the motion or response and may provide for oral argument.

B. A rehearing of a decision by the Board may be granted for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
2. Misconduct of the hearing body or the prevailing party.
3. Accident or surprise which could not have been prevented by ordinary prudence.
4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the hearing.
5. Excessive or insufficient penalties.
6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
7. That the decision is not justified by the evidence or is contrary to the law.

C. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection B herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

D. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.

E. Not later than 20 days after a decision is rendered, the Board may, on its own initiative, order a rehearing of its decision for any reasons for which it might have granted a rehearing on motion of a party. The order granting such a rehearing shall specify the grounds therefor.

F. When a motion for rehearing is based upon affidavits they shall be served with the motion. An opposing party may, within ten days after service of such motion, serve opposing affidavits and this period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.

G. After a hearing has been held and a final administrative decision has been entered, a party is not required to file a motion for rehearing or review of the decision in order to exhaust the party's administrative remedies.

H. Any party in a contested case who is aggrieved by a decision rendered by the Board may file with the Board, not later than

20 days after such decision has been made, a written request for review of the decision. If a review of the decision is granted, the Board may affirm or modify the previous decision.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-710. Intervention

A. Any person seeking to intervene in any contested case shall file a written request to intervene. Intervention shall be granted only if the hearing body determines that:
1. The legal interests of the person requesting to intervene may be substantially affected by the outcome of the contested case;
2. Intervention will not unduly delay or bias the hearing;
3. The interest of the person requesting to intervene is not adequately represented by another party to the contested case; and
4. The proposed intervention is in the interests of justice.

B. The request shall state the claims or defenses for which intervention is sought, briefly describing the interests that may be affected by the outcome of the case and including such facts as demonstrate those interests.

C. The request shall be filed and served upon all parties at least 15 days prior to hearing.

D. Any party may file a response to the request to intervene within five days of service of the request upon the party.

E. The hearing body shall decide on the request to intervene at least five days prior to the hearing date and shall, prior to the end of the following business day, notify the persons requesting to intervene and all parties of the decision. The hearing body may reschedule a hearing or prehearing conference to provide sufficient time for the parties to respond to a request to intervene or to prepare for the hearing or prehearing conference.

F. The hearing body may limit the intervener's participation to issues in which the intervener has a particular interest.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-711. Consolidation and severance

A. When proceedings involving a common question of law or fact or common parties are pending before the hearing body, it may, upon its own volition or upon request of any party, order a joint hearing on any or all the matters at issue.

B. In furtherance of convenience, to avoid prejudice, or when separate hearings will be conducive to expedition and economy, the hearing body may, upon its own volition or upon request of any party, order any proceeding severed with respect to some or all issues or parties.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-712. Subpoenas

A. The Department may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence on its own volition or at the request of a party.

B. A request for a hearing subpoena shall be in writing and served on each party at least seven days prior to the date set for hearing and shall state:
1. The name of the contested case, the case number, and the time and place where the witness is expected to appear and testify;
2. The name and address of the witness subpoenaed; and
3. The documents, if any, sought to be provided.

C. On application of a party or the agency and for use as evidence, the hearing body may permit a deposition to be taken, in the manner and upon the terms designated by the hearing body, of a witness who cannot be subpoenaed or is unable to attend the hearing.

D. The individual to whom a subpoena is directed shall comply with its provisions unless, prior to the date set for appearance, the hearing body grants a written request to quash or modify the subpoena. The request shall state the reasons why it should be granted. The hearing body shall grant or deny such request by order.

E. The party requesting the subpoena shall prepare it and cause it to be served upon the individual to whom it is directed in the same manner as provided for service of subpoenas in civil matters before the superior court. The return of service shall be filed with the hearing body.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-713. Conduct of hearing

A. The presiding officer may conduct all or part of the hearing by telephone, television, or other electronic means, as long as each party has an opportunity to participate in the entire proceeding as it takes place.

B. Except for those hearings which may involve presentation of evidence protected by A.R.S. § 15-350, or which are otherwise closed pursuant to an express provision of law, all hearings are open to public observation.

C. Conduct at any hearing that is disruptive or shows contempt for the proceedings shall be grounds for exclusion from further participation or observation.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-714. Testimony of pupils

A. All individuals present at a hearing regarding an action against a certificate shall:
1. Keep confidential the name of any pupil involved in the hearing, unless disclosure is with the consent of the pupil's parent or guardian or by order of the superior court. This action does not prevent disclosure of the pupil's name to any party to the hearing.
2. Keep confidential the testimony of any pupil, all of which shall be taken in executive session, except that the Board office shall be furnished a confidential copy of the pupil's testimony as part of the complete transcript of the hearing. The individuals present during the executive session shall be determined by the presiding officer in consultation with the Attorney General's office except that the respondent and counsel shall always be permitted to be present. The transcripts of testimony taken during executive session shall be maintained by the Board.

B. The Board of Education or its designee shall:
1. Make available a consent form which requires the signature of the pupil's parent or guardian prior to disclosure of the pupil's name;
2. Assign a fictitious name to all witnesses identified as pupils on the witness lists provided by the complainant

and respondent if not in receipt of written parental or guardian consent for disclosure;

3. Notify hearing participants, prior to and during the hearing, of any fictitious names to be used.

C. The presiding officer shall instruct all individuals present at the hearing of the confidentiality requirements of A.R.S. § 15-551 and this rule.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-715. Evidence

A. All witnesses shall testify under oath or affirmation.

B. The hearing body shall have the power to administer oaths and affirmations.

C. All parties shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and fair disclosure of the facts.

D. The hearing body shall receive evidence, rule upon offers of proof, and exclude evidence the hearing body has determined to be irrelevant, immaterial, or unduly repetitious.

E. Unless otherwise ordered by the hearing body, documentary evidence shall be limited in size when folded to 8 1/2 by 11 inches. The submitting party shall identify documentary exhibits by number or letter and party and furnish a copy of each exhibit to each party present. One additional copy shall be furnished to the hearing body unless the hearing body otherwise directs. When evidence offered by any party appears in a larger work, containing other information, the party shall plainly designate the portion offered. If the evidence offered is so voluminous as would unnecessarily encumber the record, the book, paper, or document shall not be received in evidence but may be marked for identification and, if properly authenticated, the designated portion may be read into or photocopied for the record. All documentary evidence offered shall be subject to appropriate and timely objection.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-716. Stipulations

Parties to any contested case may stipulate, in writing, agreement upon any matter involved in the proceeding. If approved by the presiding officer, agreement on matters of procedure shall be binding upon the parties to the stipulation. The hearing body may require presentation of evidence for proof of stipulated facts for the hearing body's consideration. No substantive matter agreed to by the parties shall be binding upon the Board unless incorporated into the decision of the Board.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-717. Recommended Decisions

A. A recommended decision shall be prepared for the Board by the PPAC.

B. A recommended decision shall be delivered to the Board within 30 days after the close of the hearing or the date ordered for submission of proposed findings or legal memoranda, whichever comes last, unless the Board extends the period for good cause.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

R7-2-718. Decisions and Orders

A. Any final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Any final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail to their last known address of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to the party's attorney of record.

B. When the Board is the hearing body, the decision shall be rendered within 60 days following the final day of the hearing or the date ordered for submission of proposed findings of fact and conclusions of law or legal memoranda, whichever comes last.

C. Within 30 days after receipt of any recommended decision from the PPAC, the Board shall render a decision to affirm, reverse, adopt, modify, supplement, amend or reject the findings of fact, conclusions of law and recommendations in whole or in part, may remand the matter to the hearing body with instructions, or may convene itself as the hearing body.

D. If no request for rehearing or review has been timely filed by a party, a decision in a contested case is effective and final ten days from the date served on that party.

Historical Note

New Section adopted by final rulemaking at 7 A.A.R. 48, effective December 15, 2000 (Supp. 00-4).

ARTICLE 8. COMPLIANCE

R7-2-801. Compliance

A. Procedures governing noncompliance with laws and rules by school districts.

1. Scope. Except as may be otherwise directed by federal or state statute or by rules adopted by the State Board of Education, this rule shall govern the procedure for determining noncompliance by school districts with laws and rules concerning school districts, the enforcement of which is the statutory responsibility of the State Board of Education or the Department of Education.
2. Preliminary notice of noncompliance and response:
   a. The Department of Education, upon its own initiative or at the direction of the State Board of Education, shall inform school districts by written notice that the district is in possible noncompliance with laws or rules, the enforcement of which is the statutory responsibility of the Board or the Department.
   b. A preliminary notice of possible noncompliance shall detail in writing the nature of the possible noncompliance and shall identify:
      i. The law or rule which the school district may be violating; and
      ii. The manner in which the school district may be in noncompliance with the identified law or rule.
   c. A school district may submit a written response to the Department of Education within 20 days of receipt of a preliminary notice of noncompliance.
   d. Nothing contained in this rule is intended to preclude a reasonable attempt between Department of Education personnel and school district personnel to resolve administratively possible noncompliance prior to sending a written preliminary notice of noncompliance.
3. Scheduling a formal hearing
   a. Recommendation by the Department of Education

i. After giving a school district preliminary notice as provided in this rule, the Department of Education shall submit a written recommendation to the State Board of Education. This recommendation shall be submitted within 10 days after receipt of a written response from the school district or if no response is received within 30 days of the issuance of the preliminary notice. The Department shall recommend one of the following courses of action to be taken by the Board.
(1) A formal hearing should be scheduled before noncompliance is probable and achieving voluntary compliance within a reasonable period of time under the circumstances is unlikely; or
(2) A formal hearing should not be scheduled at this time because, although noncompliance is probable, achieving voluntary compliance within a reasonable period of time is likely; or
(3) A formal hearing should not be scheduled because the school district is in compliance with the law or rule in question.
ii. Any written response of the school district to the preliminary notice of noncompliance shall accompany the written recommendation of the Department of Education.

b. Within 30 days of receipt of the recommendation of the Department of Education, the State Board of Education shall either:
i. Schedule formal hearing;
ii. Postpone the decision to schedule a hearing for a stated time period not to exceed six months, or
iii. Dismiss the matter.

c. When the State Board of Education determines that a formal hearing is necessary, it shall be scheduled within 30 days after such determination, unless an extension of time is granted by the Board.

d. When a formal hearing is scheduled, the Board or its designee shall give notice of the hearing as provided in A.R.S. § 41-1009(A) and (B).

e. When the Board decides to postpone scheduling a formal hearing, the Board shall specify the extent of the postponement and the Department of Education shall report periodically, at least every 30 days, unless otherwise directed, with respect to progress by the school district toward compliance with the law or rule in question. At the end of the postponement period, the Board shall again make a determination whether to schedule a hearing, further postpone the determination, or dismiss the matter.

f. The Board may order further investigation by the Department of Education at any time, and admit into evidence any such report at any subsequent formal hearing.

4. Hearings held pursuant to this rule shall be conducted as provided in A.R.S. § 41-1010.

5. The Board's decision
a. A decision by the State Board of Education shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.
b. A decision shall be rendered within 30 days after the hearing.
c. Within 30 days after a decision is reached, copies of the written decision shall be delivered to the parties personally or by certified mail.
d. The parties shall have the opportunity to provide proposed findings of fact and conclusions of law to the Board no later than five days after the decision of the Board is received.

6. Rehearing procedure
a. Any party aggrieved by a decision rendered by the Board may file with the Board, not later than 15 days after service of the decision, a written motion for rehearing or review of the decision, specifying the particular grounds therefor.
b. A motion to alter or amend a decision or order shall be filed not later than 15 days after service of the decision.
c. A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Board.
d. A response may be filed within 10 days after service of such motion by any other party or by the Attorney General.
e. The Board may require the filing of written memoranda upon the issues raised in the motion and may provide for oral argument.
f. The Board may consolidate the hearing to consider the motion for rehearing with the requested rehearing.
g. A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
i. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party, or any order, or abuse of discretion, whereby the moving party was deprived of a fair hearing;
ii. Misconduct of the Board of the prevailing party.
iii. Accident or surprise which could not have been prevented by ordinary prudence;
iv. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
v. Excessive or insufficient penalty;
vi. Error in the admission or rejection of evidence or other errors of law occurring in the administrative hearing;
vii. The decision is not justified by the evidence or is contrary to law.
h. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (7). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
i. Not later than 15 days after a decision is rendered, the Board may on its own initiative order a rehearing or a review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case, the order grant-

ing such a rehearing shall specify the grounds on which the order is based.

j. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 10 days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days, by the Board for good cause shown, or by the parties by written stipulation. The Board may permit a reply affidavit by the moving party.

B. Waiver from administrative rules. Upon request of a school district acting either on its own behalf or on behalf of a school within the district's jurisdiction, the State Board of Education may grant a waiver exempting such district or school from specific administrative rules.

1. Requests
   a. Requests for exemption from any State Board of Education rule shall include:
      i. Evidence that the school or school district is currently in compliance with all state laws and State Board of Education rules;
      ii. A statement identifying goals that will be accomplished and how the waiver will assist in enhancing school improvement;
      iii. A three-year plan for school improvement;
      iv. Identification of the specific rules for which the waiver is requested;
      v. Evidence of a public hearing held by the school or school district which provided for parental and public involvement and input into the proposed three-year plan.
   b. Requests for waiver may be granted by the State Board of Education for a period not to exceed three years. The State Board of Education may at any time rescind approved waivers at its discretion.
   c. Requests for waiver may be submitted by a local governing board and shall be made through the State Superintendent of Public Instruction for consideration by the State Board of Education.
   d. Local governing boards shall adopt policies and procedures which will allow their schools to request waivers from the State Board of Education and shall submit those policies and procedures to the Superintendent of Public Instruction prior to October 1, 1993. Those policies shall be consistent with the criteria specified in subsections (B)(1)(a) and (B)(3). Additionally, those policies shall provide that:
      i. Requests for such waivers by schools be forwarded within 30 days of receipt by the governing board to the Superintendent of Public Instruction. Requests may include additional information as the governing board deems appropriate.
      ii. Schools not be required to meet criteria other than those specified in subsection (B)(1)(a).
2. Reporting
   a. Schools or school districts with State Board-approved waivers shall document progress obtained as a result of the waiver and report on or before June 30 of each year to the State Superintendent of Public Instruction.
   b. A school district having a school with an approved waiver may report the effects that such waiver has had on the operation of the school district. Reports shall be submitted on or before June 30 of each year to the State Superintendent of Public Instruction.
   c. The State Superintendent of Public Instruction shall report to the State Board of Education, on or before September 30 of each year, the status of those schools and school districts with approved waivers and, as a minimum, include the following:
      i. The status of meeting the goals as stated in the three-year plan;
      ii. Recommendations regarding approved continuance of the waiver, conditions for continuance of the waiver, revision of the three-year plan or rescission of the waiver.
3. Renewal. Upon request from a school district, on behalf of itself or a school within its jurisdiction, waivers may be approved by the State Board of Education for additional three-year periods. Requests shall be made through the State Superintendent of Public Instruction and requests from schools shall be forwarded by the local governing board to the State Superintendent of Public Instruction within 30 days from receipt.

Historical Note

Adopted effective February 27, 1980 (Supp. 80-1).
Amended effective April 9, 1993 (Supp. 93-2).

R7-2-802. School and School District Compliance with the Uniform System of Financial Records and the Uniform System of Financial Records for Charter Schools

A. Upon receipt of a report from the Auditor General that a school or school district has failed to comply with the Uniform System of Financial Records ("USFR") or the Uniform System of Financial Records for Charter Schools ("USFRCS") within 90 days after having received a notice of noncompliance from the Auditor General, the State Board of Education ("Board") shall review the Auditor General's report to determine whether the school or school district is in noncompliance.

B. When the Board determines that a school or school district is in noncompliance with the USFR or USFRCS, it shall give written notice to the school or district of its determination. The written notice shall advise the school or district of the following:

1. The Superintendent of Public Instruction shall withhold distribution of state funds to the school or district until such time as the Auditor General reports compliance with the USFR or USFRCS unless a hearing is requested by the school or district.
2. The school or district has 10 days from the receipt of the written notice of noncompliance by the Board to submit a written request for a hearing.
3. If the school or district makes a timely request for a hearing, the hearing will be held pursuant to the hearing procedures specified in R7-2-701 et seq.

C. The Board's decision

1. The Board shall determine whether the school or school district was in compliance with the USFR or USFRCS within 90 days after having been informed of noncompliance by the Auditor General, and whether the district is in compliance with the USFR or USFRCS at the time of the hearing.
2. A decision by the Board shall be determined by a majority of the members of the Board and shall be based upon substantial evidence.

Historical Note

Adopted effective February 27, 1980 (Supp. 80-1).
Amended subsections (A) and (E)(1) and (5) effective December 17, 1981 (Supp. 81-6). Amended effective

December 31, 1998 (Supp. 98-4).

R7-2-803. Implementation of the Uniform System of Financial Records

All school districts shall implement the current version of the Uniform System of Financial Records, as prescribed by the Auditor General, in conjunction with the Department of Education. The Uniform System of Financial Records shall include standards to ensure that enrollment is determined by all school districts on a uniform basis.

Historical Note

Adopted effective November 10, 1980 (Supp. 80-6).
Amended effective February 20, 1997 (Supp. 97-1).

R7-2-804. Compliance with federal statutes or regulations

A. This rule prescribes procedures to be used in filing and processing written complaints alleging the failure of a public agency or school district to comply with federal statutes or regulations applicable to federal education programs conducted and subject to Title 34, Code of Federal Regulations, § 76.780.

B. The Arizona Department of Education (Department) shall accept and investigate complaints provided that the complaint:
1. Is written and signed by the complaining party or his or her designated representative;
2. Sets forth the facts forming the basis of the complaint; the facts set forth in the complaint, if true, could constitute noncompliance by a public agency or school district;

C. Upon receipt of a complaint setting forth the criteria contained in (B), the Department shall immediately begin an impartial review which may include onsite investigations. If in the course of the review it is determined that the nature of the complaint is not a matter of noncompliance, the complainant will be so informed and advised of appropriate means of resolving the complaint.

D. A written decision with specific findings shall be issued by the Department within 60 calendar days of receipt of the written complaint. If corrective action is required, such action shall be designated in the decision and shall include the time line for correction and possible consequences for continued noncompliance. A copy of the written decision shall be sent to the complaining party and the agency involved on or before the expiration of the 60-day period. An extension of this timeline will be permitted only if exceptional circumstances exist with respect to a particular complaint.

E. If there appears to be a failure or refusal to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance shall be effected by the Superintendent and the State Board of Education by any means authorized by law or by rule and regulation. The Superintendent shall retain jurisdiction over the issue of noncompliance with the law or regulations and shall retain jurisdiction over the implementation of any corrective action required. However, nothing herein shall preclude the availability of an informal resolution between the complainant and the agency or school district involved, nor shall this rule preclude the availability of any administrative hearing remedies to resolve such disputes or judicial review of such administrative remedies.

F. If, pursuant to an investigation by the Department, the Superintendent finds a failure to comply with applicable law or regulations, he or she shall so inform the agency or school district and compliance shall be obtained by informal means whenever possible. If corrective action is required, such action shall be designated in this decision and shall include the time lines for correction and the possible consequences for continued noncompliance.

G. A summary of each complaint received and investigated by the Department and the decision of the Superintendent shall be submitted annually to the State Board of Education for informational purposes only. Any personally identifiable information shall be deleted from the report to the State Board of Education.

H. The complainant may request the U.S. Department of Education to review the final decision of the Superintendent. The Department shall inform a complainant of the procedures for requesting a review by the U.S. Department of Education.

Historical Note

Adopted effective February 11, 1983 (Supp. 83-1).
Amended subsection (B) effective March 13, 1986 (Supp. 86-2).

R7-2-805. Education division general administrative regulations

A. This rule prescribes procedures to be used for appealing a decision by the Arizona Department of Education (Department) relating to federal programs administered by the Department and subject to the Education Division General Administrative Regulations (EDGAR) Title 34, Code of Federal Regulations § 75 and 76.

B. A school district or public agency may request a hearing if it alleges that the Department violated a federal statute or regulation by:
1. Terminating further assistance for an approved project;
2. Ordering, in accordance with a final state audit resolution determination, the repayment of misspent or misapplied federal funds;
3. Disapproving or failing to approve the application or project in whole or in part; or
4. Failing to provide funds in amounts in accordance with the requirements of statutes and regulations.
5. Not approving the school district or public agency's proposal for funding.

C. When a school district or public agency requests a hearing, the Superintendent of Public Instruction (Superintendent) shall select a hearings appeals panel from Department staff other than those within the same division as the federal program area under which the appeal rose.

D. Hearing procedures
1. An applicant must request a hearing by notifying the Superintendent by certified mail of its decision to appeal a decision as set forth in subsection (B) of this rule. If the applicant is or represents a school district, authorization to seek a hearing must come from the Governing Board of that school district.
2. The request for hearing must set forth the nature of the complaint and the facts on which the complaint is based.
3. The applicant shall request a hearing within 30 days of the date notice of the Department action was sent. For purposes of this rule, the date of notice by the Department is the date of sending notice of the Department action.
4. A hearing shall be scheduled before the appeal panel within 30 days from the receipt of the request.
5. The appeals panel chairperson shall give at least 10 days' notice of the hearing date to the complainant.
6. The parties may submit written materials no later than five days prior to the hearing, such materials to consist of six copies.
7. At the hearing the parties may present evidence in writing and through witnesses and may be represented by counsel.
8. The length and order of the presentation may be determined by the appeals panel chairperson.

9. If the complainant or authorized representative fails to appear at the designated time, place and date of the hearing, the appeal shall be considered closed and the process terminated.

E. Decision. No later than five days after the hearing, the appeals panel shall forward to the Superintendent its recommendation relating to the school district or agency's request for review. Within 10 days after the hearing, the Superintendent shall issue his or her written ruling, including findings of fact and reasons for the ruling. If the Superintendent determines that the Department's action was contrary to the statutes and regulations that govern the applicable program, the Superintendent shall rescind the action.

F. Appeal. If the Superintendent does not rescind the Department action, the applicant may appeal to the U.S. Department of Education. The applicant shall file a notice of appeal with the U.S. Department of Education within 20 days after the applicant has been notified by the Superintendent of his or her decision by certified mail.

G. State Board of Education submission. The Superintendent shall annually submit to the State Board of Education as an informational item summaries of all decisions including the findings of fact of hearing procedures conducted pursuant to this rule for State Board of Education review.

Historical Note

Adopted effective June 24, 1983 (Supp. 83-3).

R7-2-806. Repealed

Historical Note

Adopted effective February 6, 1984 (Supp. 84-1). Section repealed by final rulemaking at 7 A.A.R. 182, effective December 15, 2000 (Supp. 00-4).

R7-2-807. Repealed

Historical Note

Adopted as an emergency effective August 2, 1984 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired. Permanent rule adopted effective November 27, 1984 (Supp. 84-6). Amended effective May 3, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1).

R7-2-808. Pupil Participation in Extracurricular Activities

The following standards are effective for students in grade 6, if part of a middle school, and grades 7 through 12.

1. Definition Extracurricular activities are:
   a. All interscholastic activities which are of a competitive nature and involve more than one school where a championship, winner, or rating is determined; and all those endeavors of a continuous and ongoing nature for which no credit is earned in meeting graduation or promotional requirements and are organized, planned, and sponsored by the district consistent with district policy.
   b. Activities which are an integral part of a credit class shall be excepted from the rule.
2. Eligibility requirements and ineligibility.
   a. Eligibility. To be eligible to participate in extracurricular activities, a student shall be required to:
      i. Earn a passing grade in each course in which the student is enrolled; and
      ii. Maintain satisfactory progress toward promotion or graduation.
   b. Ineligibility. When it is determined that a student has failed to meet the requirements specified for eligibility, the student shall be declared ineligible to participate in extracurricular activities and shall remain ineligible until the requirements of eligibility are met.
      i. The governing board shall establish the criteria for a passing grade and satisfactory progress toward promotion or graduation, taking into account the needs of children placed in special education programs pursuant to R7-2-401 et seq. Passing grades shall be determined on a cumulative basis, from the beginning of instruction to the recording of a final grade for the course.
      ii. Every nine weeks or less, as determined by the governing board, district personnel shall review the progress of students to determine their eligibility status. If a student is declared ineligible, the student shall remain ineligible until a subsequent check is performed and it is determined that the student meets the eligibility requirements specified in subsection (2)(a).
3. Each governing board shall adopt a policy and implement a program pursuant to that policy to provide:
   a. Oral or written preliminary notice to all district students and their parents or guardian of pending ineligibility;
   b. Written notice to students and their parents or guardians when ineligibility has been determined;
   c. Educational support services to students declared ineligible because of this rule, as well as those notified of pending ineligibility.

Historical Note

Adopted effective December 31, 1986 (Supp. 86-6). Amended subsection (B) and added a new subsection (D) effective February 17, 1988 (Supp. 88-1). Amended subsection (A) effective August 15, 1988 (Supp. 88-3). Amended effective April 28, 1989 (Supp. 89-2). Amended effective December 20, 1991 (Supp. 91-4). Section R7-2-808 repealed, new Section adopted effective July 10, 1992 (Supp. 92-3). Amended effective September 20, 1996 (Supp. 96-3). Amended effective December 22, 1997 (Supp. 97-4).

R7-2-809. Emergency Administration of Auto-Injectable Epinephrine

A. Applicability. This rule applies to:
1. Any school district or charter school that voluntarily chooses to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.
2. All school districts and charter schools when required to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.

B. Definitions. The following definitions are applicable to this rule:
1. "Anaphylactic shock" is a severe systemic allergic reaction, resulting from exposure to an allergen, which may result in death.
2. "Auto-injectable epinephrine" means a disposable drug delivery device that is easily transportable and contains a premeasured single dose of epinephrine used to treat anaphylactic shock.
3. "Standing order" means a prescription protocol or instructions issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13, or a doctor of osteopathy licensed pursuant to title 32, chapter 17, for non-individual specific epinephrine.

C. Annual training in the administration of auto-injectable epinephrine.
1. Each school district and charter school shall designate at least two school personnel, in addition to any school nurse or athletic trainer, for each school site who shall be required to receive annual training in the proper administration of auto-injectable epinephrine in cases of anaphylactic shock pursuant to standing order.
2. Training in the administration of auto-injectable epinephrine shall be conducted in accordance with minimum standards and curriculum developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education.
3. At a minimum, training shall include procedures to follow when responding to anaphylactic shock, including direction regarding summoning appropriate emergency care, and documenting, tracking and reporting of the event.
4. Training shall also include standards and procedures for acquiring a supply of at least two juvenile doses and two adult doses of auto-injectable epinephrine, restocking auto-injectable epinephrine upon use or expiration, and storing all auto-injectable epinephrine at room temperature and in secure, easily accessible locations on school sites.
5. Training shall be conducted by a regulated health care professional, whose competencies include the administration of auto-injectable epinephrine, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
6. School districts and charter schools shall maintain and make available upon request a list of those school personnel authorized and trained to administer auto-injectable epinephrine pursuant to a standing order.

D. Annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
1. Each school district and charter school shall require all school site personnel to receive an annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
2. Training shall be conducted in accordance with minimum training standards developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education and shall follow the most current guidelines issued by the American Academy of Pediatrics.
3. Training shall be conducted by a regulated health care professional whose competencies include the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.

E. Procedures for annually requesting a standing order for auto-injectable epinephrine.
1. Each school district or charter school shall obtain a standing order from its designated district or charter school physician licensed pursuant to Title 32, chapter 13 or 17, and if no such physician is available to provide a standing order, from the chief medical officer of the Department of Health Services or the chief medical officer of a county health department.
2. Standing orders shall be renewed annually and upon the change of any designated school district or charter school physician.
3. Standing orders shall identify the appropriate dosage of auto-injectable epinephrine to administer based upon weight and the frequency at which auto-injectable epinephrine may be administered if symptoms persist or return.

F. Procedures for the administration of auto-injectable epinephrine in emergency situations.
1. All school districts and charters schools shall adopt procedures for the emergency administration of auto-injectable epinephrine by designated trained personnel.
2. Procedures shall address, at a minimum, the following requirements:
   a. Determining if symptoms indicate possible anaphylactic shock.
   b. Selecting the appropriate dosage of auto-injectable epinephrine to administer pursuant to a standing order.
   c. Injecting epinephrine via auto-injector pursuant to a standing order, noting the time and dose given.
   d. Calling 911 to advise that anaphylactic shock is suspected and epinephrine was administered.
   e. Keeping the person stable until emergency responders arrive.
   f. Advising school medical personnel and administration of the incident.
   g. Repeating dose pursuant to a standing order when symptoms persist and emergency responders have not arrived.
   h. Providing emergency responders with used epinephrine auto-injector labeled with name, date and time administered.
   i. Assuring that parents/guardians have been notified and advised to promptly alert student's primary care physician of the incident.
   j. Completing written documentation of the incident, detailing who administered the injection, the rationale for administering the injection, the approximate time of the injection(s), and notifications made to school administration, emergency responders, the student's parents/guardians, and the doctor or chief medical officer who issued the standing order.
   k. Ordering replacement dose(s) of auto-injectable epinephrine.
   l. Reviewing any incident involving emergency administration of epinephrine to determine the adequacy of response.

G. All school districts and charter schools shall report to the Arizona Department of Health Services all incidents of use of auto-injectable epinephrine pursuant to this rule in the format prescribed by the Arizona Department of Health Services.

Historical Note

Adopted effective July 30, 1992 (Supp. 92-3). Amended effective April 9, 1993 (Supp. 93-2). Repealed effective February 20, 1997 (Supp. 97-1). Amended by final exempt rulemaking at 21 A.A.R. 1784, effective February 24, 2014 (Supp. 15-3).

ARTICLE 9. SCHOOL DISTRICT BUDGET AND ACCOUNTING

R7-2-901. Teacher Experience Index Provisions

A. General purpose. These guidelines are provided for local governing boards to assist in development of policies identifying activities which contribute to the instructional programs at the local school level. The policies will define what constitutes a full-time vs. a part-time teacher position for the purpose of developing a school district's Teacher Experience Index.

B. Local governing boards may include the following activities in their policies as those which contribute toward an instructional program. This listing is not intended to be exclusive, and districts may utilize additional activities:
1. Classroom related:
   a. Classroom instruction,
   b. Preparation time,
   c. Supervision,
   d. Evaluation,
   e. Curriculum development,
   f. Housekeeping chores, i.e., daily reports, blackboard preparation, etc.
2. School related:
   a. Teacher conferences,
   b. Parent conferences,
   c. Professional association activities,
   d. Professional days,
   e. District directed reports,
   f. Participation in activities related to education scheduled by county, state, or federal agencies.

   Professional association activities must be, in the opinion of the local governing board, for a public purpose and must not be for the sole benefit of the professional association.
3. Other district related:
   a. Special assignments,
   b. School board approved leave,
   c. Home visitation,
   d. Home instruction,
   e. Off-site instruction,
   f. Research,
   g. In-service training.

   In-service training activities are those approved by the local governing board and intended to promote the educational advancement of the youth of the district. These activities may be conducted either during the regular school day or at other times.

C. A local governing board may exercise its option to contract with certified personnel on a less than full-time basis in order to meet local district needs.

D. In those instances where a district may contract with certificated personnel, and the responsibilities specified within the contract include activities not related to instruction, then the district must define in terms of "full-time equivalencies" that portion which is instruction-related.

Historical Note

Adopted as an emergency effective May 21, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former emergency adoption now adopted without change effective October 7, 1980 (Supp. 80-5).

R7-2-902. Independent Accounting Responsibilities

The governing board of a school district applying to operate with full independence from the county school superintendent as provided in Laws 1987, Chapter 132, shall submit a plan for accounting responsibility to the State Board of Education no later than January 1, 1988, which documents the following:
1. Administrative and internal accounting controls designed to achieve compliance with the Uniform System of Financial Records and the following objectives:
   a. Procedures for approving, preparing and signing vouchers and warrants;
   b. Procedures to ensure verification of administrators' and teachers' certification records with the Department of Education for all classroom and administrative personnel required to hold a certificate by the State Board pursuant to A.R.S. § 15-203, before issuing warrants for their services;
   c. Procedures to account for all revenues, including allocation of certain revenues to funds as provided in Section III-C of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents, incorporated herein by reference and on file with the Office of the Secretary of State;
   d. Procedures for reconciling the accounting records monthly to the county treasurer as provided in Section III-G of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents, incorporated herein by reference and on file with the Office of the Secretary of State.
2. No amendments or additions to Sections III-C and G of the February 1986 Uniform Accounting Manual for Arizona County School Superintendents made after the effective date of this rule are included in these procedures. Copies of Sections III-C and G are available at the State Board office and from the Arizona Auditor General.
3. A compilation of resources required to implement accounting responsibility, including personnel, training and equipment, and a comprehensive analysis of the budgetary implications of accounting responsibility for the school district and the county treasurer.

Historical Note

Adopted effective February 4, 1988 (Supp. 88-1).

ARTICLE 10. SCHOOL DISTRICT PROCUREMENT

IN GENERAL

R7-2-1001. Definitions

In Articles 10 and 11, unless the context otherwise requires:
1. "Acceptance period" means the period of time specified in the solicitation that a bid or proposal is irrevocable, except as specified in R7-2-1030.
2. "Actual energy production" means the actual amount of energy that flows from the energy production measure on an annual basis as measured by a meter in kilowatt hours alternating current.
3. "Advantageous to the school district" means in the best interest of the school district, but does not necessarily mean lowest bid/cost.
4. "Affiliate" means any person whose governing instruments require it to be bound by the decision of another person or whose governing board includes enough voting representatives of the other person to cause or prevent action, whether or not the power is exercised. It also may include persons doing business under a variety of names, or where there is a parent-subsidiary relationship between persons.
5. "Alternative project delivery methods for construction" means construction-manager-at-risk, design-build, and job-order-contracting construction services.
6. "Architect services," "engineer services," "land surveying services," "assayer services," "geologist services" and "landscape architect services" means those professional services within the scope of the practice of those services as provided in A.R.S. Title 32, Chapter 1, Article 1.
7. "Award" means a determination by the school district that it is entering into a contract with one or more bidders or offerors.
8. "Bid" means a response to an invitation for bids and includes an offer to contract with the school district.

9. "Bidder" means a person submitting a bid in response to an invitation for bids.
10. "Brand name or equal specification" means a written description that uses one or more manufacturers' names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet the school district's requirements, and that provides for the submission of equivalent products.
11. "Brand name specification" means a written description limited to one or more items by manufacturers' names or catalog numbers.
12. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.
13. "Change order" means a written order that is approved by the governing board and that directs the contractor to make changes that the changes clause of the contract authorizes the governing board to order.
14. "Clergy" means a minister of a religion.
15. "Coefficient" means the contractor's price adjustment to the unit price in a job order contract. Several coefficients may apply to the unit price book.
16. Construction:
    a. Means the process of building, altering, repairing, improving or demolishing any school district structure or building, or other public improvements of any kind to any public real property.
    b. Construction does not include:
        i. The routine operation, routine repair or routine maintenance of existing facilities, structures, buildings or real property.
        ii. The investigation, characterization, restoration or remediation due to an environmental issue of existing facilities, structures, buildings or real property.
17. "Construction-manager-at-risk" means a project delivery method in which:
    a. There is a separate contract for design services and a separate contract for construction services, except that instead of a single contract for construction services, the school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
    b. The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
    c. Design and construction of the project may be either:
        i. Sequential with the entire design complete before construction commences.
        ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.
    d. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.
18. "Construction services" means either of the following for construction-manager-at-risk, design-build and job-order-contracting project delivery methods:
    a. Construction, excluding services, through the construction-manager-at-risk or job-order-contracting project delivery methods.
    b. A combination of construction and, as elected by the school district, one or more related services, such as finance services, maintenance services, operations services, design services and preconstruction services, as those services are authorized in the definitions of construction-manager-at-risk, design-build or job-order-contracting in this Section.
19. "Contract" means all types of agreements, including purchase orders, regardless of what they may be called, for the procurement of materials, services, construction or construction services, or the disposal of materials.
20. "Contract modification" means any written alteration in the terms and conditions of any contract accomplished by mutual action of the parties to the contract.
21. "Contractor" means any person who has a contract with a school district.
22. "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit.
23. "Cost" means the aggregate cost of all materials and services, including labor performed by school district employees.
24. "Cost data" means information concerning the actual or estimated cost of labor, material, overhead and other cost elements that have been actually incurred or that are expected to be incurred by the offeror or contractor in performing the contract.
25. "Cost-plus-a-percentage-of-cost contract" means a contract that, prior to completion of the work, the parties agree that the fee will be a predetermined percentage of the cost of the work.
26. "Data" means documented information, regardless of form or characteristic.
27. "Days" means calendar days and shall be computed pursuant to A.R.S. § 1-243.
28. "Defective data" means data that is inaccurate, incomplete or outdated.
29. "Dentist" means a person licensed pursuant to A.R.S. Title 32, Chapter 11.
30. "Descriptive literature" means information available in the ordinary course of business that shows the characteristics, construction or operation of an item offered in a bid or proposal.
31. "Design-bid-build" means a project delivery method in which:
    a. There is a sequential award of two separate contracts.
    b. The first contract is for design services.
    c. The second contract is for construction.
    d. Design and construction of the project are in sequential phases.
    e. Finance services, maintenance services and operations services are not included.
32. "Design-build" means a project delivery method in which:
    a. There is a single contract for design services and construction services, except that instead of a single contract for design services and construction services, the school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
    b. Design and construction of the project may be either:
        i. Sequential with the entire design complete before construction commences.

ii. Concurrent with the design produced in two or more phases and construction of some phases commencing before the entire design is complete.

c. Finance services, maintenance services, operations services, preconstruction services and other related services may be included.

33. "Design professional" means an individual or firm that is registered by the state board of technical registration pursuant to A.R.S. Title 32, Chapter 1 to practice architecture, engineering, geology, landscape architecture or land surveying or any combination of those professions and any person employed by the registered individual or firm.
34. "Design requirements" means at a minimum:
    a. The school district's written description of the project or service to be procured, including:
        i. The required features, functions, characteristics, qualities and properties.
        ii. The anticipated schedule, including start, duration and completion.
        iii. The estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance.
    b. May include:
        i. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by a design professional who is registered pursuant to A.R.S § 32-121.
        ii. Additional design information or documents that the school district elects to include.
35. "Design services" means architect services, engineer services or landscape architect services.
36. "Designee" means the governing board member or school district employee who has been delegated procurement authority by the governing board as specified by board action.
37. "Detailed record" means minutes, that shall include the date, time, place, persons in attendance and a summary of what was said by whom and the decisions made. The minutes may be made either in writing or by a recording.
38. "Discussions" means an exchange or series of exchanges between the school district and a person who has submitted an unpriced technical offer or a proposal, resulting in an opportunity for the person to revise the unpriced technical offer or proposal prior to final evaluation by the school district.
39. "District representative" means a district employee or the governing board acting within the limits of the district representative's authority. There may be more than one appointed for different purposes and different procurements.
40. "Earth-moving, material-handling, road maintenance and construction equipment" means a track-type tractor, motor grader, excavator, landfill compactor, wheel tractor scraper, off-highway truck, wheel leader or track loader, having a published manufacturer's minimum unit list price of $50,000 or more and a minimum expected life cycle of three years.
41. "Effective utility rate" means the average price per kilowatt hour that a school district paid to its utility provider for electricity service to the facility that is the subject of the guaranteed energy production contract over the previous twelve months.
42. "Eligible procurement unit" means a public procurement unit, a nonprofit corporation, or an external procurement activity.
43. "Employee" means an individual drawing a salary from a school district and any noncompensated individual performing personal services for any school district.
44. "Energy baseline" means a calculation of the amount of energy used in an existing facility before the installation or implementation of the energy cost savings measures.
45. "Energy cost savings measure" means a training program or facility alteration designed to reduce energy consumption, which may include one or more of the measures authorized in A.R.S. § 15-213.01(R)(3), and any related meters or other measuring devices.
46. "Energy production measure" means renewable and alternative energy projects or renewable energy power service agreements.
47. "Established catalog price" means the price included in a catalog, price list, schedule or other form that:
    a. Is regularly maintained by a manufacturer, distributor or contractor.
    b. Is either published or otherwise available for inspection by customers.
    c. States prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the materials or services involved.
48. "Excess materials" means any materials which have a remaining useful life but which are no longer required by the using school district in possession of the materials.
49. "External procurement activity" means any buying organization not located in this state that would qualify as a public procurement unit.
50. "Fair market value" means the price at which sales have been consummated for materials of like type, quality, and quantity in a particular market at the time of acquisition.
51. "Filed" means delivery to the district representative, school district or its hearing officer, whichever is applicable. A time/date stamp affixed to a document by the school district shall be determinative of the time or delivery for purposes of filing.
52. "Finance services" means financing for a construction services project.
53. "General Services Administration contract" means contracts awarded by the United States government General Services Administration.
54. "Governing board" has the meaning defined in A.R.S. § 15-101(13).
55. "Governing instruments" means legal documents that establish the existence of an organization and define its powers, including articles of incorporation or association, constitution, charter, by-laws, or similar documents.
56. "Guaranteed energy cost savings contract" means a contract for implementing one or more energy cost savings measures.
57. "Guaranteed energy price" means the agreed on price to be charged to the school district for each kilowatt hour alternating current of actual energy production as such may change on an annual basis as set forth in the guaranteed energy production contract.
58. "Guaranteed energy production" means the amount of energy, measured in kilowatt hours alternating current, that the qualified provider guarantees for each year of the guaranteed energy production contract.
59. "Guaranteed energy production contract" means a contract for implementing one or more energy production

measures between one or more qualified providers and a school district.

60. "Guaranteed energy production shortfall" means the amount, if any, that the actual energy production is less than the guaranteed energy production in any given year.
61. "Incremental award" means an award of portions of a definite quantity requirement to more than 1 contractor. Each portion is for a definite quantity and the sum of the portions is the total definite quantity required.
62. "Interested party" means an actual or prospective bidder or offeror whose economic interest may be affected substantially and directly by the issuance of a solicitation, the award of a contract or by the failure to award a contract. Whether an actual or prospective bidder or offeror has an economic interest will depend upon the circumstances of each case.
63. "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.
64. "Invitation for bids" means all documents, whether attached or incorporated by reference, which are used for soliciting bids in accordance with the procedures prescribed in R7-2-1024.
65. "In writing" has the same meaning as "written" or "writing" in A.R.S. § 47-1201(43), which includes printing, typewriting, electronic transmission, facsimile, or any other intentional reduction to tangible form.
66. "Job-order-contracting" means a project delivery method in which:
    a. The contract is a requirements contract for indefinite quantities of construction.
    b. The construction to be performed is specified in job orders issued during the contract.
    c. Finance services, maintenance services, operations services, preconstruction services, design services and other related services may be included.
67. "Legal counsel" means a person licensed as an attorney by the Arizona Supreme Court.
68. "Life cycle" means the useful life of the earth-moving, material-handling, road maintenance and construction equipment to the original using school district.
69. "Local public procurement unit" means any political subdivision, any agency, board, department or other instrumentality of such political subdivision, and any nonprofit corporation created solely for the purpose of administering a cooperative purchase under Articles 10 and 11.
70. "Maintenance services" means routine maintenance, repair and replacement of existing facilities, structures, buildings or real property.
71. "Materials" means all property, including equipment, supplies, printing, insurance and leases of property, but does not include land, a permanent interest in land or real property or leasing space.
72. "May" denotes the permissive.
73. "Minor" means mistakes, excluding judgmental errors, that have negligible effect on price, quantity, quality, delivery or other contractual terms and the waiver or correction of such mistake does not prejudice other bidders or offerors.
74. "Multiple award" means award of multiple contracts for identical or similar materials or services to more than one bidder or offeror.
75. "Multistep sealed bidding" means a 2-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the school district and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.
76. "Negotiation" means an exchange or series of exchanges between the school district and a person with a goal of establishing the terms, conditions and prices in a contract between the school district and the person, where such negotiation is authorized in Articles 10 and 11.
77. "Nonexpendable materials" means all tangible materials which have an original acquisition cost over an amount set by regulation and a probable useful life of more than one year.
78. "Nonprofit corporation" means any nonprofit corporation as designated by the Internal Revenue Service under section 501(c)(3) through 501(c)(6) or under section 115, if created by two or more local public procurement units, and includes certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636.
79. "Offeror" means a person submitting a proposal in response to a request for proposals.
80. "Operations services" means routine operation of existing facilities, structures, buildings or real property.
81. "Outright purchase" means the initial cost to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including all vendor charges and financing costs.
82. "Owner" means the school district.
83. "Paper" means newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and related types of cellulosic material containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturants.
84. "Paper product" means paper items or commodities, including paper napkins, towels, corrugated paper and related types of cellulosic products containing not more than ten percent by weight or volume of noncellulosic material such as laminates, binders, coatings or saturates.
85. "Person" means any corporation, business, individual, union, committee, club, other organization or group of individuals.
86. "Physician" means a person licensed pursuant to A.R.S. Title 32, Chapters 7, 8, 13, 14, 15.1, 16, or 17.
87. "Post-consumer material" means a discard generated by a business or residence that has fulfilled its useful life. Post-consumer material does not include discards from industrial or manufacturing processes.
88. "Posted prices" means the sale price determined by the school district to be fair market value.
89. "Preconstruction services" means services and other activities during the design phase.
90. "Pricing data" means information concerning prices, including profit, for materials, services or construction substantially similar to those being procured under a contract or subcontract. In this definition, "prices" refers to offered selling prices, historical selling prices or current selling prices of the items being purchased.
91. "Prime contractor" means a general contractor, who contracts with a property owner and, in turn, employs a subcontractor, or subcontractors, to perform some or all of the work.
92. "Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any materials, services, construction or construction services. Procurement also includes all functions that pertain to the obtaining of any

material, service, construction, or construction services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

93. "Procurement file" means the official procurement records of the school district.
94. "Proposal" means a response to a request for proposals and includes an offer to contract with the school district.
95. "Proprietary specification" means a specification that describes a material made and marketed by a person having the exclusive right to manufacture and sell such material and excludes other material with similar quality, performance or functional characteristics from being responsive to the solicitation.
96. "Public procurement unit" means either a local public procurement unit, the Arizona Department of Administration, any other state or an agency of the United States.
97. "Public service corporation" means all corporations other than municipal engaged in furnishing gas, electricity, or water and subject to regulation as a utility by the Arizona Corporation Commission.
98. "Purchase description" means the words used in a solicitation to describe the materials, services or construction for purchase and includes specifications attached to, or made a part of, the solicitation.
99. "Purchase requisition" means that document, or electronic transmission, whereby a school district requests that a contract be entered into for a specific need, and may include, but is not limited to, the description of the requested item, delivery schedule, transportation data, criteria for evaluation, suggested source of supply and information supplied for the making of any written determination required by Articles 10 and 11.
100. "Qualified products list" means an approved list of materials or construction items described by model or catalog numbers that, prior to competitive solicitation, the governing board has determined will meet the applicable specification requirement.
101. "Qualified select bidders list" means a selection process for establishing a list of best-qualified prime contractors or construction material suppliers for a specific, single project. The selection process is based upon listed evaluation criteria and conducted through a request for qualifications. Once the selection process is complete, the qualified bidders are invited to submit a sealed competitive bid based upon architectural/engineering plans and specifications or material specifications.
102. "Reasonably susceptible of being awarded a contract" means those proposals that the school district determines are subject to award after the initial review of all original proposals.
103. "Recycled paper" means paper products which have been manufactured from materials otherwise destined for the waste stream and which contain at least forty percent recovered wastepaper with ten percent of that being post-consumer material.
104. "Regional award" means an award of portions of the total requirement by geographic region.
105. "Request for information" means all documents issued to vendors for the sole purpose of seeking information about the availability in the commercial marketplace of materials or services.
106. "Request for proposals" means all documents, whether attached or incorporated by reference, which are used for soliciting proposals in accordance with procedures prescribed in R7-2-1042.
107. "Request for qualifications" means all documents, whether attached or incorporated by reference, which are used for soliciting statements of qualifications in accordance with procedures prescribed in R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117.
108. "Residual value" means the guaranteed minimum market value of the earth-moving, material-handling, road maintenance and construction equipment at the end of the life cycle of the equipment being procured, as determined by a guaranteed minimum value offered by the vendor or other parties in its bid.
109. "Responsible bidder or offeror" means a person who at the time of contract award has the capability to perform the contract requirements and the integrity and reliability which will assure good faith performance.
110. "Responsive bidder or offeror" means a person who submits a bid or proposal which conforms in all material respects to the invitation for bids or request for proposals.
111. "Reverse auction" means a procurement method in which bidders are invited to bid on supplying specified materials over the Internet in a real-time competitive bidding event.
112. "School district" has the meaning defined in A.R.S. § 15-101(21), whose authority is exercised by the governing board or its designee.
113. "Services" means the furnishing of labor, time or effort by a contractor or subcontractor that does not involve the delivery of a specific end product other than required reports and performance. Services does not include employment agreements or collective bargaining agreements.
114. "Shall" denotes the imperative.
115. "Solicitation" means an invitation for bids, an invitation to submit technical offers, a request for proposals, a request for qualification, or any other invitation or request by which the school district invites a person to participate in a procurement.
116. "Specification" means any description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing or preparing a material, service or construction item for delivery.
117. "Specified professional services" means services of an architect, engineer, land surveyor, assayer, geologist and landscape architect and any combination of those services.
118. "Standard commercial material" means material that, in the normal course of business, is customarily maintained in stock or readily available by a manufacturer, distributor or dealer for the marketing of such material.
119. "Statement of qualifications" means a response to a request for qualifications issued pursuant to R7-2-1101, R7-2-1106, R7-2-1108 or R7-2-1117, or unsolicited qualifications submitted pursuant to R7-2-1062 or R7-2-1122, and does not include an offer to contract with the school district.
120. "Subcontractor" means a person who contracts to perform work or render service to a contractor or to another subcontractor as a part of a contract with a school district.
121. "Surplus materials" means any materials that no longer have any use to the school district or materials acquired from the United States government. This includes obsolete materials, scrap materials and nonexpendable materials that have completed their useful life.

122. "Suspension" means an action taken by the governing board under R7-2-1168 temporarily disqualifying a person from participating in school district procurements.
123. "Technical offer" means unpriced written information from a prospective contractor stating the manner in which the prospective contractor intends to perform certain work, its qualifications and its terms and conditions.
124. "Total life cycle cost" means total school district costs and financing costs throughout the life cycle of the earth-moving, material-handling, road maintenance and construction equipment being purchased less residual value.
125. "Total school district costs" means costs to the school district for the earth-moving, material-handling, road maintenance and construction equipment, including repair costs, present value of monies, vendor charges, and all other identifiable school district costs that may be incurred.
126. "Unit price" means the price published in the unit price book for a specific construction or construction related task. Each unit price is comprised of labor, equipment, or material costs to accomplish a specific task, and shall be defined in the contract.
127. "Unit price book" means a comprehensive listing of specific construction related tasks together with a specific unit of measurement and a unit price.
128. "Vendor charges" means the costs of all vendor support, materials, transportation, and all other identifiable costs associated with the vendor's proposal or bid.
129. "Vendor support" means services provided by the vendor for items such as consulting, education and training.
130. "Wastepaper" means recyclable paper and paperboard, including high-grade office paper, computer paper, fine paper, bond paper, offset paper, xerographic paper, duplicator paper and corrugated paper.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1).
Amended effective October 22, 1992 (Supp. 92-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1002. Applicability

A. Articles 10 and 11 apply to every expenditure of public monies, including federal assistance monies and grants, by a school district as specified in A.R.S. § 15-213(A) for the procurement of all construction, materials and services when the total procurement cost exceeds the aggregate dollar amount specified in A.R.S. § 41-2535(A). If procurement involves the expenditure of federal assistance or contract monies, the school district shall comply with federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in Articles 10 and 11.

B. Articles 10 and 11 apply to the disposal of school district materials regardless of value.

C. Nothing in Articles 10 and 11 shall prevent any governing board from complying with the terms and conditions of any grant, gift, bequest or cooperative agreement.

D. Articles 10 and 11 do not apply to:
1. Agreements for providing career and technological education and vocational education pursuant to A.R.S. § 15-789;
2. Contracts between a school district and other governments, including intergovernmental agreements and contracts pursuant to A.R.S. § 11-952, except as provided by R7-2-1191 through R7-2-1196;
3. Purchases for amounts not exceeding the aggregate dollar amount specified in A.R.S. § 41-2535(A). Such procurements shall comply with the guidelines prescribed by the Auditor General in the Uniform System of Financial Records pursuant to A.R.S. § 15-271(C);
4. Contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial or administrative proceeding in which the school district is or may become a party;
5. Agreements negotiated by legal counsel representing the school district in settlement of litigation or threatened litigation;
6. Expenditures from student activity monies as defined in A.R.S. § 15-1121, if no district funds are involved;
7. Expenditures for common school textbooks as defined in A.R.S. § 15-721(G);
8. The placement of a pupil in a private school that provides special education services if such placement is prescribed in the pupil's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. § 15-765(D);
9. Purchases of any products, materials and services directly from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities as defined in A.R.S. § 41-2636(G), and Arizona Correctional Industries if the delivery and quality of the products, materials or services meet the school district's reasonable requirements;
10. The decision to participate in programs pursuant to A.R.S. § 15-382. A program authorized by A.R.S. § 15-382 is not required to engage in competitive bidding for the services necessary to administer the program or for the purchase of insurance or reinsurance;
11. The purchase of water, gas or electric utilities from a public service corporation. This exemption expressly does not apply to guaranteed energy cost savings contracts and guaranteed energy production contracts subject to A.R.S. § 15-213.01 and A.R.S. § 15-213.03; and
12. Purchases of professional certifications, professional memberships and conference registrations.

E. Unless displaced by the particular provisions of Articles 10 and 11, the principles of law and equity, including the Uniform Commercial Code of this state, the common law of contracts as applied in this state and law relative to agency, fraud, misrepresentation, duress, coercion, and mistake supplement the provisions of Articles 10 and 11.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1).
Amended effective March 6, 1997 (Supp. 97-1).
Amended effective December 4, 1998 (Supp. 98-4).
Amended by final exempt rulemaking at 21 A.A.R. 1491, effective October 28, 2013 (Supp. 15-3). Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1003. General Provisions

A. The school district shall not award a contract or incur an obligation on behalf of the school district unless it is reasonable to believe sufficient funds will be available for the procurement. If sufficient funds are not available when a solicitation is issued, the solicitation shall include a statement that funds are not currently available and that any contract awarded will be conditioned upon the availability of funds.

B. Any bid or proposal that is conditioned upon award to the bidder or offeror of both the particular contract being solicited and another school district contract shall be deemed nonresponsive or unacceptable.

C. Except by mutual consent of the parties to the contract, no rule in Articles 10 and 11 may change any commitment, right or obligation of a school district or of a contractor under a contract in existence on the effective date of the rule.

D. Rights and duties arising from a school district contract may only be transferred, waived or assigned upon the express written consent of both parties.

E. School district employees and public officers shall not purchase construction, materials or services for their own personal or business use from contracts entered into by the school district.

F. If a contractor requests to change the name in which it holds a school district contract, the school district may, upon receipt of a document indicating the name change, enter into a contract modification with the contractor to effect the name change. The contract modification shall provide that no other terms and conditions of the contract are changed.

G. The school district may allow electronic media transactions, including an electronic record or electronic signature, if consistent with state law and advantageous to the school district.

H. A person who serves on an evaluation committee for a procurement is subject to A.R.S. § 41-2616(C).

I. No project or purchase may be divided or sequenced into separate projects or purchases in order to avoid the limits prescribed in Articles 10 and 11.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1004. Written Determinations

A. Written determinations required by Articles 10 and 11 shall specify the reasons for the determination.

B. The school district is authorized to prescribe methods and operational procedures to be used in preparing written determinations.

C. The school district shall place the written determination into the school district's procurement file.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1005. Change orders and contract modifications

Any change order or contract modification that exceeds $100,000 or five percent, whichever is greater, may be executed only if the governing board determines in writing that the change order or contract modification is advantageous to the school district and the price is determined to be fair and reasonable.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1006. Confidential Information

A. If a person believes that a bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest contains confidential trade secrets or other proprietary data not to be disclosed as otherwise required by A.R.S. § 39-121, a statement advising the school district of this fact shall accompany the submission and the information shall be so identified wherever it appears. Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information under this Section.

B. Until a determination is made under subsection (C), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.

C. Upon receipt of a submission designating information as confidential, the school district shall make one of the following written determinations:
1. The designated information is confidential and the school district shall not disclose the information except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.
2. The designated information is not confidential.

D. The school district may request additional information, if necessary to make the determination required by subsection (C).

E. If the school district determines that information submitted is not confidential, the person who made the submission shall be notified in writing. The notice shall specify that a request for review of the district representative's determination may be filed within 10 days of the date of the district representative's determination.

F. A request for review of the district representative's determination shall be filed in writing with the district representative. The request for review shall state the precise legal or factual errors in the district representative's decision. If a request for review is received:
1. The district representative shall consider the alleged legal or factual errors in the request for review of the district representative's determination and issue a final written determination to the person filing the request.
2. Until the final determination is made under subsection (C)(2), the school district shall not disclose information designated as confidential under subsection (A) except to school district personnel having a legitimate interest in, or persons assisting the school district in evaluation of, the bid, proposal, response to a request for information, technical offer, statement of qualifications, specification, or protest.

G. The school district may release information determined to not be confidential under subsection (C)(2) if:
1. A request for review is not received by the district representative within the time period specified in the notice; or
2. The district representative issues a final written determination under subsection (F)(1) that the designated information is not confidential.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1007. Delegation of Procurement Authority

A. The governing board may, in a public meeting held in conformity with A.R.S. Title 38, Chapter 3, Article 3.1, delegate procurement authority to a designee. Any delegation shall be accomplished by adopting a governing board policy for this purpose.

1. Delegated procurement authority may include, but is not limited to the following:
   a. Authority to make determinations required by Articles 10 and 11;
   b. Authority to award contracts;
   c. Authority to make sole source and emergency procurements; and
   d. Authority to approve change orders and contract modifications.
2. Delegated activities and functions shall be adequately separated among individuals so that one individual does not have complete authority over an entire procurement.

B. Any delegation shall specify:
1. The title of the school district employee or employees to whom authority is delegated;
2. The activity or function authorized;
3. Any limits or restrictions on the exercise of the delegated authority, including the maximum cost of any procurement;
4. Whether the authority may be further delegated;
5. The duration of the delegation; and
6. The conditions and procedures for revocation and modification of the delegation.

C. No person delegated such authority may participate in any aspect of a specific procurement if the person would receive any benefit directly or indirectly from a contract for such procurement. Violation of this prohibition may result in termination or other disciplinary action.

D. Delegation of procurement authority does not abrogate the responsibility of the governing board to ensure compliance with Articles 10 and 11 notwithstanding the fact that school district personnel were authorized to make procurement decisions.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1008. Procurement Consultants and Procurement Advisory Groups

A. The school district may contract with a procurement consultant to assist in drafting specifications, in the development of solicitations, or in the management of the procurement process. A procurement consultant may provide guidance or advice to a procurement evaluation committee, but shall not serve as a voting member of such committee. For the purposes of this Section, a school district employee or a contracted business manager or purchasing director for the school district is not a procurement consultant.

B. The school district may appoint procurement advisory groups or evaluation committees to assist with respect to specifications, solicitation evaluations or procurement in specific areas. Members of such procurement advisory groups or evaluation committees are not procurement consultants as set forth in this Section. Non-school district employees serving on such procurement advisory groups or evaluation committees are not eligible to receive compensation but are eligible for reimbursement of expenses consistent with the school district's travel policy adopted pursuant to A.R.S. § 15-342(5).

C. A procurement consultant, a member of a procurement advisory group, or a member of an evaluation committee who participates in any aspect of a specific procurement shall be prohibited from receiving any benefit directly or indirectly from a contract for such procurement, and shall sign a statement that the person has no interest in the procurement other than that of a disclosed remote interest, as defined in A.R.S. § 38-502, and will have no contact with any representative of a competing vendor related to the particular procurement except those contacts specifically authorized by these rules.

D. Specifications prepared by a procurement consultant or a procurement advisory group shall comply with R7-2-1010 through R7-2-1016.

E. The school district shall not delegate to a procurement consultant, a procurement advisory group, or an evaluation committee the authority for the award or administration of any particular contract, or over any dispute, claim or litigation pertaining thereto, and a procurement consultant or a procurement advisory group shall not be authorized to obligate the school district in any manner.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1009. Repealed

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

SPECIFICATIONS

R7-2-1010. Preparation of Specifications

A. Specifications shall be prepared only by the school district or by contract pursuant to R7-2-1014 and R7-2-1015. Regardless of who prepares the specifications, the governing board retains the authority to disapprove all specifications.

B. In an emergency under R7-2-1055, any necessary specifications may be utilized by the person designated in R7-2-1055 (C) without regard to the provisions of this Section.

C. Content of specifications.
1. A specification may provide alternate descriptions of materials, services, or construction items where two or more design, functional, or performance criteria will satisfactorily meet the school district's requirements.
2. To the extent practicable, a specification shall not include any solicitation term or condition or any contract term or condition.
3. If a specification for a common or general use item has been developed in accordance with R7-2-1011(A) or a qualified products list has been developed in accordance with R7-2-1011(D) for a particular material, service, or construction item, it shall be used unless the school district makes a written determination that its use is not advantageous to the school district and that another specification shall be used.
4. To the extent practicable, specifications shall emphasize functional or performance criteria. To facilitate the use of such criteria, the school district shall use reasonable efforts to include the principle functional or performance requirements as a part of their purchase requisitions.
5. All procurement solicitations for volatile organic compound containing commodities shall include a request for substitute commodities with lower or no volatile organic content. Substitute products shall not have increased toxicity compared to the original commodity.

Historical Note
Adopted effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking

at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1011. Types of Specifications

A. Specification for common or general use items. To the extent practicable, a specification for common or general use item shall be prepared and utilized when:
1. A material, service or construction item is used repeatedly by the school district, and the characteristics of the material, service, or construction item, as commercially produced or provided, remain relatively stable while the frequency or volume of procurements is significant;
2. The school district's recurring needs require uniquely designed or specially produced items; or
3. The school district finds it to be advantageous to the school district.

B. Brand name or equal specification. A brand name or equal specification may be used when the school district determines that use of a brand name or equal specification is advantageous to the school district.

C. Brand name specification. A brand name specification may be prepared and utilized only if the school district makes a determination that only the identified brand name item will satisfy the school district's needs. If only one source can supply the requirement, the procurement shall be made pursuant to R7-2-1053.

D. Qualified products list. A qualified products list may be prepared and utilized when:
1. The school district determines that testing or examination of the materials or construction items prior to issuance of the solicitation is desirable or necessary in order to best satisfy the school district's requirements.
2. The school district shall solicit as many potential suppliers as practicable to submit products for testing and examination to determine acceptability for inclusion on a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration in accordance with the schedule or procedure established for this purpose. The qualified products list shall not be modified after the solicitation is issued.
3. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with requirements established by the school district.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1012. Proprietary Specifications

The school district shall not use specifications in any way proprietary to one supplier unless the specification includes a statement of the reasons why no other specification is practicable, a description of the essential characteristics of the specified product and a statement specifically permitting an acceptable alternative product to be supplied.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1013. Recycled Products Use

A. If the price of a recycled paper product that conforms to specifications is within five percent of a low bid product that is not recycled and the recycled product bidder is otherwise the lowest responsible and responsive bidder, the award shall be made to the bidder offering the recycled product. The governing board may adopt rules requiring a five percent preference for other products made from recycled materials.

B. Specifications shall emphasize functional or performance criteria which, to the extent practicable, do not discriminate against the use of recycled materials.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1014. Maximum Practicable Competition

A. All specifications, including those prepared by architects, engineers, consultants and others for public contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the school district's needs and shall not be unduly restrictive.

B. Unless otherwise permitted by R7-2-1010 through R7-2-1016, all specifications shall describe the school district's requirements in a manner that does not unreasonably exclude a material, service, or construction item. Proprietary specifications shall be used only as provided in R7-2-1012.

C. To the extent practicable, the school district shall use accepted commercial specifications and shall procure standard commercial materials.

D. Contracts for the preparation of specifications by persons other than the school district shall require the specification writer to adhere to R7-2-1010 through R7-2-1016.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1015. Conflict of Interest

A. No person preparing specifications pursuant to R7-2-1014 shall receive any direct or indirect benefit from the utilization of such specifications.

B. The governing board may contract for the preparation of specifications with persons, including, but not limited to, consultants, architects, engineers, designers, and other draftsmen of specifications.

C. If a person prepares a specification pursuant to subsection (B) of this Section, such person shall comply with the requirements of R7-2-1010 through R7-2-1016.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1016. Confidentiality

A. Specifications and any written determination or other document generated or used in the development of a specification shall be available for public inspection pursuant to A.R.S. § 39-121, except to the extent that the withholding of such information is permitted or required by law.

B. If the supplier believes that the specifications contain confidential trade secrets, test data, or similar information, a statement advising the school district of this fact shall accompany the specification in accordance with R7-2-1006.

C. Qualified products lists test results shall be made available in a manner to protect the identity of the supplier.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1017. Reserved

REVERSE AUCTIONS

R7-2-1018. Reverse Auctions

A. Using reverse auctions
1. If a governing board determines in writing that use of reverse auctions is more advantageous to the school dis-

trict than other procurement methods prescribed by Articles 10 and 11, the school district may use reverse auctions for the purchase of materials.

2. The written determination shall include, but is not limited to the following information:
   a. An estimate of the number of prospective bidders;
   b. An explanation of how reverse auctions will foster competition;
   c. An explanation of why reverse auctions is more advantageous to the school district than other prescribed procurement methods; and
   d. The scope and estimated total dollar value of the proposed procurement.

B. Reverse auction procedures

1. The school district shall develop and implement procedures prior to conducting procurement via reverse auctions. The procedures shall include:
   a. The method or methods to ensure the integrity and security of the reverse auctions;
   b. The method or methods for registering bidders for reverse auctions;
   c. The method or methods for notifying vendors of reverse auction opportunities;
   d. The method or methods for receiving reverse auction bids; and
   e. The school district official or officials authorized to conduct reverse auctions.
2. School districts may require bidders to register before the date and time for opening the reverse auction for submission of bids and, as part of that registration, require bidders to agree to any terms, conditions or other requirements of the invitation for bids.
3. Notice of a reverse auction shall be issued at least 14 days before the date and time for opening the reverse auction for submission of bids, unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file. The reverse auction notice shall include:
   a. The school district's requirements for registering prior to the opening date and time, if any;
   b. The designated site on the Internet for bidder registration and bid submission;
   c. A link to the designated site on the Internet;
   d. The scheduled date and time for opening the reverse auction for bid submission; and
   e. The scheduled date and time for closing the reverse auction for bid submission.
4. The school district shall issue the notice of reverse auction as follows:
   a. Mail or otherwise furnish the notice of reverse auctions to all prospective bidders registered with the school district for the specific material being solicited.
   b. In the event there are four or fewer prospective bidders on the bidders list, publish the notice in the official newspaper of the county as defined in A.R.S. § 11-255 within which the school district is located for two publications which are not less than six nor more than 10 days apart. The second publication shall not be less than two weeks before the date and time for closing the reverse auction for bid submission. The time of publication may be altered if determined necessary by the school district. The school district shall document the basis for the altered time of publication.
   c. In addition to the notice provided in subsections (a) and (b), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.
5. The school district shall prepare an invitation for bids that includes:
   a. Notice that all information submitted by bidders will be made available for public inspection following the award of the contract, except for bid prices which will be made available to other bidders and the public when submitted by the bidder;
   b. Information for submitting bids, including:
      i. The date and time for opening the reverse auction for bid submission;
      ii. The date and time for closing the reverse auction for bid submission;
      iii. The provisions for extending the period for bid submission, if any;
      iv. Instructions for submitting bids and other required information, including the designated site on the Internet for submitting bids;
      v. Notice that bids shall be accepted electronically at the time and in the manner designated in the invitation for bids;
      vi. Notice that bidders' prices shall be disclosed electronically to other bidders and the public on a real time basis;
      vii. Notice that bidders may submit multiple prices and may reduce their bid prices until the reverse auction bidding is closed;
      viii. Notice that the lowest price offered shall become the official bid price;
      ix. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;
      x. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
   c. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
   d. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon informa-

tion the school district has available concerning future use.

e. The contract terms and conditions, including:
   i. Warranty and bonding or other security requirements, as applicable;
   ii. The length of the contract and whether the contract will include an option for extension; and
   iii. Any other contract terms and conditions;

f. The name of the district representative or district representatives;

g. The manner by which the bidder is required to acknowledge amendments;

h. The minimum required information in the bid;

i. The specific requirements for designating trade secrets and other proprietary data as confidential;

j. Any specific responsibility criteria;

k. A statement specifying where documents incorporated by reference may be obtained;

l. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;

m. The date, time and location of bid opening;

n. A description of all information that will be recorded and available for public inspection at bid opening; and

o. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, outright purchase.

6. Amendments to invitations for bids shall be made in accordance with R7-2-1026.

C. The school district shall accept reverse auction bids as follows:

1. At the date and time for opening the reverse auction for bid submission, the school district shall begin accepting on-line bids and shall continue accepting bids until the reverse auction is officially closed.
2. Bids shall be accepted electronically in the manner designated in the invitation for bids.
3. All reverse auction on-line bids shall be posted electronically and updated on a real-time basis. Bidders' prices shall be disclosed to other bidders and the public.
4. The identity of competing bidders shall not be disclosed until the reverse auction bidding is closed.
5. Bidders shall have the opportunity to submit multiple prices and to reduce their bid prices.
6. The lowest price offered shall become the official bid price.

D. Bids made through a reverse auction are considered to be opened when a computer generated record of the information contained in all bids that were received by the designated site on the Internet not later than the scheduled or final closing date and time are reviewed publicly by the school district in the presence of one or more witnesses at the time and place designated in the invitation for bids. Bid opening shall not be later than 24 hours after the scheduled or final closing date and time.

E. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.

F. The school district shall not modify evaluation criteria after the closing date and time.

G. In the event that multiple bidders submit identical prices for the same materials, bids will be considered in the order received with the first being considered to be the lowest bid.

H. If only one bid is received in response to an invitation for bids, the school district shall proceed according to R7-2-1032.

I. The date and time for closing a reverse auction for bid submission may be fixed or remain open depending on the materials being bid.

J. After the reverse auction bidding has closed, a bidder may withdraw a bid or correct a mistake in accordance with R7-2-1030. Withdrawal of bids shall also be permitted as provided in R7-2-1028.

K. The school district shall notify all bidders of an award.

L. A copy of the invitation for bids shall be made available for public inspection at the school district office.

M. A record of the bid prices received and the name of each bidder shall be open to public inspection following bid opening.

N. A record of the reverse auction shall be maintained by the school district that will include all prices offered by all bidders. This record will become part of the procurement file.

O. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.

1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1019. Reserved

R7-2-1020. Reserved

COMPETITIVE SEALED BIDDING

R7-2-1021. Method of Source Selection

A. Unless otherwise authorized by law, all school district contracts shall be awarded by competitive sealed bidding as provided in R7-2-1021 through R7-2-1032, except as provided in R7-2-1018, R7-2-1033 through R7-2-1068, R7-2-1100 through R7-2-1123, and R7-2-1196.

B. A school district may conduct competitive sealed bidding electronically, provided that the electronic competitive sealed bidding process complies with the requirements of R7-2-1021 through R7-2-1032. A determination that conducting competitive sealed bidding electronically is advantageous to the school district shall be in writing and retained in the procurement file.

C. When using electronic competitive sealed bidding, the school district shall determine whether electronic submission of bids is required or optional and state the electronic submission requirements in the public notice and the invitation for bids.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective October 22, 1992 (Supp. 92-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525,

effective July 1, 2015 (Supp. 15-3).

R7-2-1022. Notice of Competitive Sealed Bidding

A. Adequate public notice of the invitation for bids shall be given as provided in subsection (B) of this Section or in R7-2-1024(C). If notice is given pursuant to R7-2-1024(C), notice also may be given as provided in subsection (B). In the event there are four or fewer prospective bidders on the bidders list, then notice also shall be given as provided in subsection (B). If the invitation for bids is for the procurement of services other than those described in R7-2-1061 through R7-2-1068 and R7-2-1117 through R7-2-1123, notice also shall be given as provided in subsection (B).

B. In the event there are four or fewer prospective bidders on the bidders list, the notice shall include publication in the official newspaper of the county as defined in A.R.S. § 11-255 within which the school district is located for two publications which are not less than six nor more than ten days apart. The second publication shall not be less than two weeks before bid opening. The time of publication may be altered if deemed necessary pursuant to R7-2-1024(A).

C. In addition to the notice provided in subsections (A) and (B), the school district may give such additional notice as the school district deems appropriate, including posting on a designated site on the Internet.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1023. Prospective Bidders Lists

A. The school district shall compile and maintain a prospective bidders list. Inclusion of the name of a person shall not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a school district contract.

B. Persons desiring to be included on the prospective bidders list shall notify the school district. Upon notification, the school district shall mail or otherwise provide the person with the school district procedures for inclusion on the bidders list. Within 30 days after receiving the required information, the school district shall add the person to the prospective bidders list unless the school district makes a determination that inclusion is not advantageous to the school district.

C. Persons who fail to respond to invitations for bids for two consecutive procurements of similar items may be removed from the applicable bidders list after notifying the person in writing. This notice shall not be required if the two invitations for bids which were not responded to both contained the notice that bidders' names may be removed from the bidders list if they fail to respond to invitations for bids for two consecutive procurements of similar items. Persons may be reinstated upon request.

D. Prospective bidders lists shall be available for public inspection, unless the school district makes a written determination that it is advantageous to the school district that they be kept confidential or private and should not be open for inspection pursuant to A.R.S. § 39-121.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1024. Invitation for Bids

A. Invitation for bids shall be issued at least 14 days before the due date and time in the invitation for bids unless a shorter time is deemed necessary for a particular procurement as determined by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.

B. Content.

1. The invitation for bids shall include the following:
   a. Notice that all information and bids submitted by bidders will be made available for public inspection following the award of the contract;
   b. Instructions and information to bidders concerning bid submission requirements, including the means for bid submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the bid due date and time, the address of the office at which bids or other documents are to be received, the bid acceptance period, and any other special information or requirements;
   c. Whether the school district will consider partial bids for award of a contract;
   d. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the invitation for bids shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including whether contracts will be awarded by individual line items or groups of line items, whether contracts will be awarded incrementally, or whether contracts will be awarded by designated regions or locations;
   e. The basis for determining the lowest bidder or bidders;
   f. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
   g. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;
   h. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use;
   i. The contract terms and conditions, including:
      i. Warranty and bonding or other security requirements, as applicable;

ii. The length of the contract and whether the contract will include an option for extension; and
iii. Any other contract terms and conditions;
j. The name of the district representative or district representatives;
k. The manner by which the bidder is required to acknowledge amendments;
l. The minimum information required in the bid;
m. The specific requirements for designating trade secrets and other proprietary data as confidential;
n. Any specific responsibility criteria;
o. A statement specifying where documents incorporated by reference may be obtained;
p. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;
q. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;
r. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
s. Any bid security required;
t. A description of all information that will be recorded and available for public inspection at bid opening; and
u. The date, time and location of any pre-bid conference.

2. When using electronic competitive sealed bidding, the invitation for bids shall specify whether electronic submission of bids is required or optional, the electronic submission requirements, and the electronic signature requirements.

C. The school district shall mail or otherwise furnish invitation for bids or notices of the availability of invitation for bids to all prospective bidders registered with the school district for the specific material, service or construction being bid.

D. A copy of the invitation for bids shall be made available for public inspection at the school district office.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective October 22, 1992 (Supp. 92-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1025. Pre-bid Conferences

A. The school district may conduct a pre-bid conference to explain the procurement requirements.

B. If a pre-bid conference is conducted, it shall be not less than seven days before the bid due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during a pre-bid conference are not amendments to the solicitation.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1026. Amendments to Invitation for Bids

A. An amendment to an invitation for bids shall be issued if necessary to:

1. Make changes in the invitation for bids;
2. Correct defects or ambiguities;
3. Furnish to other bidders information given to one bidder if the information will assist the other bidders in submitting bids or if the lack of the information will prejudice the other bidders;
4. Provide additional information or instructions; or
5. Set a later bid due date and time if the school district determines that an extension is advantageous to the school district.

B. Amendments to an invitation for bids shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation for bids was distributed or made available. The school district shall make a copy of the amendments to an invitation for bids available for public inspection at the school district office. If the school district posted the invitation for bids or a notice of the availability of an invitation for bids on a designated site on the Internet, then the school district shall post any amendments to the invitation for bids on the same designated site on the Internet. The school district shall also do one or more of the following:

1. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed;
2. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all prospective bidders to whom the invitation for bids was distributed. Upon receipt of such notice of amendment, it is the responsibility of the prospective bidder to obtain the amendment.

C. Amendments to invitation for bids shall be issued within a reasonable time before bid opening to allow prospective bidders to consider them in preparing their bids. If the school district determines that the bid due date and time does not permit sufficient time for bid preparation, the bid due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.

D. A bidder shall acknowledge receipt of an amendment in the manner specified in the invitation for bids or the amendment on or before the bid due date and time.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1027. Pre-opening Modification or Withdrawal of Bids

A. A bidder may modify or withdraw a bid in writing at any time before bid opening if the modification or withdrawal is received before the bid due date and time at the location designated in the invitation for bids for receipt of bids.

B. All documents concerning a modification or withdrawal of a bid shall be retained in the procurement file.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1028. Late Bids, Late Withdrawals and Late Modifications

A. A bid, modification or withdrawal is late if it is received at the location designated in the invitation for bids for receipt of bids after the bid due date and time.

B. A late bid, late modification, or late withdrawal shall be rejected, unless the late bid, late modification, or late withdrawal would have been timely received but for the action or inaction of school district personnel and is received before contract award.

C. Upon receiving a late bid, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the bidder. The school district may discard the document 30 days after the date on the notice unless the bidder requests the document be returned.

D. All documents concerning acceptance of a late bid, late modification, or late withdrawal shall be retained in the procurement file.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1029. Receipt, Opening and Recording of Bids

A. A school district shall maintain a record of bids and modifications received for each invitation for bids, shall record the time and date when each bid or modification is received, and shall store each unopened bid or modification in a secure place until the bid due date and time.
1. If required to confirm a vendor's inquiry regarding receipt of its bid prior to the due date and time, a school district may open a bid to identify the vendor. If this occurs, the school district shall record the reason for opening the bid, the date and time the bid was opened, and the solicitation number. The school district shall secure the bid and retain it for public opening.
2. One or more witnesses shall be present for the opening of a bid under subsection (A)(1).

B. Bids and modifications shall be opened publicly at the date, time and place designated in the invitation for bids in the presence of one or more witnesses. The name of each bidder, the amount of each bid, and other relevant information deemed appropriate by the school district shall be recorded. The person opening the bids and all witnesses shall sign the record.
1. The record created in subsection (B) shall be available for public inspection.
2. The bids shall not be open for public inspection until after a contract is awarded.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1030. Mistakes in Bids

A. If an apparent mistake in a bid, relevant to the award determination, is discovered after opening and before award, a school district shall contact the bidder for written confirmation of the bid. If the bidder fails to act, the bidder is considered nonresponsive and the school district shall place a written determination that the bidder is nonresponsive in the procurement file. The school district shall designate a time-frame within which the bidder shall either:
1. Confirm that no mistake was made and assert that the bid stands as submitted; or
2. Acknowledge that a mistake was made and include all of the following in a written response:
   a. An explanation of the mistake and any other relevant information;
   b. A request for correction including the corrected bid or a request for withdrawal; and
   c. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.

B. A bidder who discovers a mistake in its bid after bid opening and before award, may request correction or withdrawal in writing and shall include all of the following in the written request:
1. An explanation of the mistake and any other relevant information;
2. A request for correction including the corrected bid or a request for withdrawal; and
3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.

C. After bid opening and before award, a bid mistake based on an error in judgment may not be corrected or withdrawn. Other bid mistakes may be corrected or withdrawn pursuant to subsections (D) through (F).

D. After bid opening and before award, the school district shall either waive minor informalities in a bid or allow the bidder to correct them if correction is advantageous to the school district.

E. After bid opening and before award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake and the intended bid are evident on the face of the bid.

F. After bid opening and before award, the school district may permit a bidder to withdraw a bid if:
1. A nonjudgmental mistake is evident on the face of the bid but the intended bid is not evident; or
2. The bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.

G. If correction or withdrawal of a bid after bid opening is permitted or denied under subsections (D), (F) and (J), the school district shall prepare a written determination showing that the relief was permitted or denied under this Section.

H. Notwithstanding other provisions of this Section, after bid opening and before award, no corrections in bid prices or other provisions of bids prejudicial to the interest of the school district or fair competition shall be permitted.

I. If a mistake in the bid is discovered after the award, the bidder may request withdrawal or correction in writing and shall include all of the following in the written request:
1. An explanation of the mistake and any other relevant information;
2. A request for correction including the corrected bid or a request for withdrawal; and
3. The reasons why correction or withdrawal is consistent with fair competition and advantageous to the school district.

J. Based on the considerations of fair competition and the best interest of the school district, the school district may take one of the following actions regarding a bid mistake discovered after the award:
1. Allow correction of the mistake, if the corrected bid amount is less than the next lowest bid;
2. Cancel all or part of the award; or
3. Deny correction or withdrawal.

K. After cancellation of all or part of an award in accordance with subsection (J)(2), if the bid acceptance period has not expired, the school district may award all or part of the contract to the next lowest responsible and responsive bidder, based on the considerations of fair competition and the best interest of the school district.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525,

effective July 1, 2015 (Supp. 15-3).

R7-2-1031. Bid Evaluation and Award

A. As provided in subsection (C), the contract or contracts shall be awarded to the lowest responsible and responsive bidder or bidders whose bid or bids conform in all material respects to the requirements and evaluation criteria set forth in the invitation for bids. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder.

B. A product acceptability evaluation shall be conducted solely to determine whether a bidder's product is acceptable as set forth in the invitation for bids and not whether one bidder's product is superior to another bidder's product. Any bidder's offering that does not meet the acceptability requirements shall be rejected as nonresponsive.

C. The school district shall award the contract to the single lowest responsible and responsive bidder for all materials or services, except that the school district may make a multiple award if the invitation for bids included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.

D. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to offer the lowest cost in satisfying the school district's requirements. A multiple award shall be limited to the least number of suppliers the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:

1. Awards to the lowest responsible and responsive bidder for individual line items or groups of line items.
2. Awards to the lowest responsible and responsive bidders for similar or identical line items or groups of line items only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of bidders necessary to meet the school district's requirements.
3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the lowest responsible and responsive bidder, then the next lowest responsible and responsive bidder or bidders until the total definite quantity required is awarded.
4. A regional award to the lowest responsible and responsive bidder in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.

E. The procurement file shall contain the basis on which the award or awards are made.

F. The school district shall not modify evaluation criteria after the bid due date and time.

G. A school district may appoint an evaluation committee to assist in the evaluation of bids. If bids are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:

1. Accept the findings of the evaluation committee;
2. Request additional information from the evaluation committee; or
3. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing bids or cancel the solicitation.

H. The school district may contact a bidder to confirm the school district's understanding of the bid. Such contact shall be prior to award. The school district shall obtain written confirmation from the bidder and shall retain the confirmation in the procurement file.

I. The contract or contracts shall be awarded during the bid acceptance period. If the bid acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the bid acceptance period is extended in accordance with subsection (J).

J. To extend the bid acceptance period, a school district shall notify all bidders in writing of an extension and request written concurrence from each bidder. To be eligible for a contract award, a bidder shall submit a written concurrence to the extension. The school district shall reject a bid as nonresponsive if written concurrence is not provided as requested.

K. A contract may not be awarded to a bidder submitting a higher quality item than that designated in the invitation for bids unless the bidder is also the lowest bidder as determined under subsection (A). This Section does not permit negotiations with any bidder, except as provided in subsection (L).

L. If all bids for a construction project exceed available monies as certified by the school district, and the lowest responsive bid from a responsible bidder does not exceed such monies by more than five percent, the school district may in situations in which time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible and responsive bidder, to bring the bid within the amount of available monies.

M. If there are two or more low responsive bids from responsible bidders that are identical in price and that meet all the requirements and criteria set forth in the invitation for bids, award shall be made by drawing lots in the presence of one or more witnesses.

N. A record showing the basis for determining the successful bidder shall be retained in the procurement file.

O. The school district shall notify all bidders of an award.

P. After a contract is awarded, the school district shall return any bid security provided by unsuccessful bidders.

Q. Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful bidder.

R. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all bids, available for public inspection.

1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective October 22, 1992 (Supp. 92-4).

Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1032. Only One Bid Received

If only one responsive bid is received in response to an invitation for bids, an award may be made to the single bidder if the school district determines in writing that the bidder is responsible, that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise the bid may be rejected in whole or in part as may be specified in the invitation for bids if it is advantageous to the school district. The reasons for cancellation or rejection shall be made part of the procurement file and:

1. New bids may be solicited;
2. The proposed procurement may be canceled; or
3. If the school district determines that the need for the material or service continues and the acceptance of the one bid is not advantageous to the school district, the procurement may then be conducted as follows:
   a. The school district may follow the sole source procurement procedure if R7-2-1053 applies.
   b. Notwithstanding any other provision of Articles 10 and 11, the school district may make emergency procurements pursuant to R7-2-1055 and R7-2-1056 if an emergency condition exists pursuant to R7-2-1055.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1033. Simplified School Construction Procurement Program

A. The simplified school construction procurement program is applicable to construction projects which do not exceed the maximum amount specified in A.R.S. § 15-213(A)(2).

B. To participate in the simplified school construction procurement program:

1. Each county school superintendent shall maintain a prospective bidders list of persons who desire to receive solicitations to bid on school district construction projects within that county. The prospective bidders list shall be maintained in accordance with R7-2-1023;
2. The prospective bidders list maintained pursuant to subsection (B)(1) shall be available for public inspection;
3. A performance bond and a payment bond, as required by A.R.S. § 34-222, shall be provided for contracts for construction by contractors;
4. All bids for construction shall be opened at a public opening and the bids shall remain confidential until the public opening;
5. All persons desiring to submit bids shall be treated equitably and the information related to each project shall be available to all eligible persons; and
6. Competition for construction projects under the simplified school construction procurement program shall be encouraged to the maximum extent possible. School districts shall submit information on each project to all persons listed on the prospective bidders list maintained by the county school superintendent pursuant to subsection (B)(1).

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1034. Reserved

MULTISTEP SEALED BIDDING

R7-2-1035. Multistep Sealed Bidding

A. The multistep sealed bidding method may be used if:

1. Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the school district;
2. Definite criteria exist for evaluation of technical offers;
3. More than one technically qualified source is expected to be available; and
4. A fixed-price contract will be used.

B. The multistep sealed bidding method may not be used for construction contracts.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1036. Phase 1 of Multistep Sealed Bidding

A. Multistep sealed bidding shall be initiated by the issuance of an invitation to submit technical offers. The invitation to submit technical offers shall be issued according to R7-2-1022 and R7-2-1024(A).

B. The invitation to submit technical offers shall include the following information:

1. Notice that the procurement shall be conducted in two phases;
2. The best description of the material or services desired;
3. A statement that unpriced technical offers only shall be considered in phase 1;
4. The requirements for the technical offers, such as drawings and descriptive literature;
5. The criteria for evaluating technical offers;
6. The due date and time for receipt of technical offers and the location where technical offers shall be delivered or mailed;
7. A statement that discussions may be held;
8. A statement that only bids based on technical offers determined to be acceptable in phase 1 shall be considered for award;
9. The name of the district representative or district representatives;
10. Notice that all technical offers submitted will be made available for public inspection following the award of the contract; and
11. The date, time and location of any pre-technical offer conference.

C. A school district may conduct a pre-technical offer conference open to all persons. If a pre-technical offer conference is conducted, it shall be not less than seven days before the technical offer due date and time, unless the school district makes a written determination that the specific needs of the procurement justify a shorter time. Statements made during the pre-technical offer conference shall not be considered modifications to the invitation to submit technical offers.

D. The invitation to submit technical offers may be amended before or after the submission of the unpriced technical offers. Amendments to an invitation to submit technical offers shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original invitation to submit technical offers was distributed or made available. The school district shall make a

copy of the amendments to an invitation to submit technical offers available for public inspection at the school district office. If the school district posted the invitation to submit technical offers or a notice of the availability of an invitation to submit technical offers on a designated site on the Internet, then the school district shall post any amendments to the invitation to submit technical offers on the same designated site on the Internet. The school district shall also do one or more of the following:

a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed;

b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the invitation to submit technical offers was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.

2. Amendments shall be issued within a reasonable time before technical offer opening to allow persons to consider them in preparing their technical offers. If the school district determines that the technical offer due date and time does not permit sufficient time for technical offer preparation, the technical offer due date and time shall be extended in the amendment or, if necessary, telephone, facsimile, email, or other communications methods, and confirmed in the amendment.

3. A person shall acknowledge receipt of an amendment in the manner specified in the invitation to submit technical offers or the amendment on or before the technical offer due date and time.

E. Unpriced technical offers shall not be opened publicly, but shall be opened in the presence of two or more district officials designated by the school district. The contents of unpriced technical offers shall not be disclosed to unauthorized persons. Late technical offers shall not be considered except under the circumstances set forth in R7-2-1028(B).

F. Unpriced technical offers shall be evaluated solely in accordance with the criteria set forth in the invitation to submit technical offers and shall be determined to be either acceptable for further consideration or unacceptable. A determination that an unpriced technical offer is unacceptable shall be in writing, state the basis for the determination and be retained in the procurement file. If the school district determines a person's unpriced technical offer is unacceptable, the school district shall notify that person of the determination and that the person shall not be afforded an opportunity to amend the technical offer.

G. The school district may conduct discussions with any person who submits an acceptable or potentially acceptable technical offer. During discussions, the school district shall not disclose any information derived from one unpriced technical offer to any other person. After discussions, the school district shall establish a due date and time for receipt of final technical offers and shall notify, in writing, persons submitting acceptable or potentially acceptable technical offers of the due date and time. The school district shall keep a detailed record of all discussions.

H. At any time during phase 1, technical offers may be withdrawn.

I. A copy of the invitation to submit technical offers shall be made available for public inspection at the school district office.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1037. Phase 2 of Multistep Sealed Bidding

A. Upon completion of phase 1, the school district shall issue an invitation for bids and conduct phase 2 under R7-2-1024 through R7-2-1032 as a competitive sealed bidding procurement, except that the invitation for bids shall be issued only to persons whose technical offers were determined to be acceptable in phase 1.

B. Unpriced technical offers of unsuccessful persons shall be open to public inspection after contract award, except to the extent set forth in R7-2-1006.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1038. Reserved

R7-2-1039. Reserved

R7-2-1040. Reserved

COMPETITIVE SEALED PROPOSALS

R7-2-1041. Competitive Sealed Proposals

A. This Section does not apply to procurement of services of clergy, certified public accountants, physicians, dentists, and legal counsel, construction, construction services, or specified professional services. Services of clergy, certified public accountants, physicians, dentists and legal counsel shall be procured pursuant to R7-2-1061 through R7-2-1068. Construction and construction services shall be procured as provided in R7-2-1100. Specified professional services shall be procured pursuant to R7-2-1117 through R7-2-1123.

B. As an alternative to competitive sealed bidding, competitive sealed proposals may be used in order to:

1. Use a contract other than a fixed-price type;
2. Conduct oral or written discussions with offerors concerning technical and price aspects of their proposals;
3. Afford offerors an opportunity to revise their proposals;
4. Compare the different price, quality, and contractual factors of the proposals submitted; or
5. Award a contract in which price is not the determining factor.

C. A school district may conduct competitive sealed proposals electronically, provided that the electronic competitive sealed proposals process complies with the requirements of R7-2-1041 through R7-2-1050. A determination that conducting competitive sealed proposals electronically is advantageous to the school district shall be in writing and retained in the procurement file.

D. When using electronic competitive sealed proposals, the school district shall determine whether electronic submission of proposals is required or optional and state the electronic submission requirements in the public notice and the request for proposals.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1).
Amended by final exempt rulemaking at 21 A.A.R. 1525,

effective July 1, 2015 (Supp. 15-3).

R7-2-1042. Request for Proposals

A. Competitive sealed proposals shall be solicited through a request for proposals. A request for proposals shall include the following:

1. Instructions to offerors, including:
   a. Instructions and information to offerors concerning proposal submission requirements, including the means for proposal submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the proposal due date and time, the address of the office at which proposals or other documents are to be received, the proposal acceptance period, and any other special information or requirements;
   b. The manner by which the offeror is required to acknowledge amendments;
   c. Notification of whether the school district may award multiple contracts and the school district's basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the request for proposals shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including whether contracts will be awarded by individual line items or groups of line items, whether contracts will be awarded incrementally, or whether contracts will be awarded by designated regions or locations;
   d. The minimum information required in the proposal;
   e. The specific requirements for designating trade secrets and other proprietary data as confidential;
   f. Any specific responsibility criteria;
   g. Whether the offeror is required to submit samples, descriptive literature, and technical data with the proposal;
   h. Evaluation factors and the relative importance of price and other evaluation factors. Specific numerical weighting is not required;
   i. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as evaluation factors the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;
   j. A statement specifying where documents incorporated by reference may be obtained;
   k. A statement that the school district may cancel the solicitation or reject a proposal in whole or in part if deemed advantageous to the school district;
   l. Notice that the offeror is required to certify that submission of the proposal did not involve collusion or other anticompetitive practices;
   m. Notice that the offeror is required to declare whether the offeror has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
   n. Any bid security required;
   o. Any cost or pricing data required;
   p. The type of contract to be used;
   q. A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being awarded a contract;
   r. The date, time and location of any pre-proposal conference;
   s. The name of the district representative or district representatives;
   t. A description of all information that will be recorded and available for public inspection at proposal opening;
   u. Notice that all information and proposals submitted by offerors will be made available for public inspection following the award of the contract; and
   v. Whether the school district will consider partial proposals for award of a contract.
2. Specifications, including:
   a. The purchase description, delivery or performance schedule, and inspection and acceptance requirements, as applicable;
   b. If a brand name or equal specification is used, instructions that the use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district's requirements and is not intended to limit or restrict competition. The solicitation shall state that products substantially equivalent to those brands designated shall qualify for consideration; and
   c. Any other specification requirements specific to the solicitation.
3. Contract terms and conditions, including:
   a. Warranty and bonding or other security requirements, as applicable;
   b. The length of the contract and whether the contract will include an option for extension; and
   c. Any other contract terms and conditions.
4. When using electronic competitive sealed proposals, the request for proposals shall specify whether electronic submission of proposals is required or optional, the electronic submission requirements, and the electronic signature requirements.

B. A request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district. If a shorter time is necessary, the school district shall document the specific reasons in the procurement file.

C. Notice of the request for proposals shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).

D. Before submission of initial proposals, amendments to requests for proposals shall be made in accordance with R7-2-1026. After submission of proposals, amendments may be made in accordance with R7-2-1036(D).

E. A copy of the request for proposals shall be made available for public inspection at the school district office.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective October 22, 1992 (Supp. 92-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1043. Pre-proposal Conferences

Pre-proposal conferences may be convened in accordance with R7-2-1025.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1044. Late Proposals, Modifications or Withdrawals

A. An offeror may modify or withdraw a proposal in writing at any time before proposal opening if the modification or with-

drawal is received before the proposal due date and time at the location designated in the request for proposals for receipt of proposals.

B. Withdrawal of a proposal after proposal opening is permissible only in accordance with R7-2-1049.

C. A proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B). A best and final offer received after the due date and time for receipt of best and final offers is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).

D. A modification of a proposal received after the due date and time for receipt of proposals is late and shall not be considered except under the circumstances set forth in R7-2-1028(B).

E. A modification of a proposal resulting from an amendment issued after the due date and time for receipt of proposals or a modification of a proposal resulting from discussions shall be considered if received by the due date and time set forth in the amendment or by the due date and time for submission of best and final offers, whichever is applicable. If the modifications described in this subsection are received after the respective date and time described in this subsection, the modifications are late and shall not be considered except under the circumstances set forth in R7-2-1028(B).

F. Upon receiving a late proposal, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send written notice of late receipt to the offeror. The school district may discard the document 30 days after the date on the notice unless the offeror requests the document be returned.

G. All documents concerning acceptance of a late proposal, late modification, or late withdrawal shall be retained in the procurement file.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1045. Receipt, Opening and Recording of Proposals

A. A school district shall maintain a record of proposals and modifications received for each solicitation, shall record the time and date when each proposal or modification is received, and shall store each unopened proposal or modification in a secure place until the proposal due date and time.

1. If required to confirm a vendor's inquiry regarding receipt of its proposal prior to the due date and time, a school district may open a proposal to identify the vendor. If this occurs, the school district shall record the reason for opening the proposal, the date and time the proposal was opened, and the solicitation number. The school district shall secure the proposal and retain it for public opening.
2. One or more witnesses shall be present for the opening of a proposal under subsection (A)(1).

B. Proposals and modifications shall be opened publicly at the date, time and place designated in the request for proposals in the presence of one or more witnesses. The name of each offeror and other relevant information deemed appropriate by the school district shall be recorded. The person opening the proposals and all witnesses shall sign the record. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the evaluation of proposals. Proposals and modifications shall be shown only to school district personnel having a legitimate interest in them or persons assisting the school district in evaluation.

1. The record created in subsection (B) shall be available for public inspection.
2. The proposals shall not be open for public inspection until after a contract is awarded.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1046. Evaluation of Proposals

A. Evaluation of proposals and best and final offers shall be based on the evaluation factors set forth in the request for proposals. Specific numerical weighting may be used.

1. If only one proposal is received in response to a request for proposals, the school district shall proceed according to R7-2-1032.
2. The school district shall not modify evaluation factors or the relative importance of price and other evaluation factors after the proposal due date and time.
3. A school district may appoint an evaluation committee to assist in the evaluation of proposals. If proposals are evaluated by an evaluation committee, the evaluation committee shall prepare an evaluation report for the school district. The school district may:
   a. Accept the findings of the evaluation committee;
   b. Request additional information from the evaluation committee; or
   c. Reject the findings of the evaluation committee, in which case the school district shall appoint a new evaluation committee to evaluate the existing proposals or cancel the solicitation.

B. As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.

C. The contract or contracts shall be awarded during the proposal acceptance period. If the proposal acceptance period expires prior to award of the contract or contracts, the procurement shall be canceled, unless the proposal acceptance period is extended in accordance with subsection (D).

D. To extend the proposal acceptance period, a school district shall notify all offerors in writing of an extension and request written concurrence from each offeror. To be eligible for a contract award, an offeror shall submit a written concurrence to the extension. The school district shall reject a proposal as nonresponsive if written concurrence is not provided as requested.

E. For the purpose of conducting discussions, the school district shall determine that proposals are either acceptable for further consideration or unacceptable.

F. A proposal is acceptable if it is determined to be reasonably susceptible of being awarded a contract in accordance with the evaluation criteria and a comparison and ranking of original proposals. Proposals to be considered reasonably susceptible of being awarded a contract shall, at a minimum, demonstrate the following:

1. Affirmative compliance with mandatory requirements designated in the solicitation.
2. An ability to deliver goods or services on terms advantageous to the school district sufficient to be entitled to continue in the competition.
3. That the proposal is technically acceptable as submitted.

G. A proposal is unacceptable if it is determined to not be reasonably susceptible of being awarded a contract. Those proposals

that have no reasonable chance for award when compared on a relative basis with more highly ranked proposals will not be reasonably susceptible of being awarded a contract. The determination shall be in writing, state the basis for the determination and be retained in the procurement file. When there is doubt as to whether a proposal is reasonably susceptible of being awarded a contract, the proposal shall be considered acceptable.

H. If the school district determines an offeror's proposal is unacceptable, the school district shall notify that offeror of the determination and that the offeror shall not be afforded an opportunity to amend its proposal.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1047. Discussions with Individual Offerors

A. Discussions may be conducted with responsible offerors who submit proposals determined to be acceptable for further consideration. Discussions may be conducted to assure full understanding of the proposal in order to obtain the most advantageous contract for the school district based upon the requirements and evaluation factors in the request for proposals. Offerors shall be afforded fair treatment with respect to any opportunity for discussion and revision of proposals.

B. A school district shall establish procedures and schedules for conducting discussions. The school district shall ensure there is no disclosure of one offeror's price or any information derived from competing proposals to another offeror.

C. Discussions may be conducted orally or in writing. If oral discussions are conducted, the offeror shall confirm the discussions in writing.

D. If discussions are conducted, they shall be conducted with all offerors who submit proposals determined to be acceptable for further consideration. Proposals may not be revised during discussions.

E. The school district shall keep a detailed record of all discussions in the procurement file.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1048. Best and Final Offers

A. Only if discussions are conducted pursuant to R7-2-1047, the school district shall issue a written request for best and final offers to all offerors who submitted proposals determined to be acceptable pursuant to R7-2-1046(E). The request shall set forth the date, time and place for the submission of best and final offers.

B. Best and final offers shall be requested only once, unless the school district makes a determination that it is advantageous to the school district to conduct further discussions or change the school district's requirements.

C. The request for best and final offers shall inform offerors that, if they do not submit a notice of withdrawal or a best and final offer, their immediate previous offer will be construed as their best and final offer.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1049. Mistakes in Proposals

A. Prior to the due date and time for receipt of best and final offers, any offeror may withdraw a proposal in writing or correct any mistake by modifying the proposal.

B. After receipt of best and final offers, an offeror may withdraw a proposal or correct a mistake in accordance with R7-2-1030.

C. The offeror shall withdraw or correct its proposal in writing. The school district shall retain the written withdrawal or correction in the procurement file.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1050. Contract Award

A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors whose proposal or proposals are determined in writing to be most advantageous to the school district based on the factors set forth in the request for proposals. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the most advantageous proposal.

B. The school district shall award the contract to the offeror whose proposal is deemed most advantageous to the school district for all materials or services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school district's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.

C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:

1. Awards to the offerors most advantageous to the school district for individual line items or groups of line items.
2. Awards to the offerors most advantageous to the school district for similar or identical line items or groups of line items only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the offeror whose proposal is determined to be the most advantageous to the school district, then to the offeror with the next most advantageous proposal, etc., until the total definite quantity required is reached.
4. Regional awards to the offerors most advantageous to the school district in designated regions or locations only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.

D. The school district shall notify all offerors of an award.

E. The procurement file shall contain the basis on which the award or awards are made.

F. After a contract is awarded, the school district shall return any bid security provided by the unsuccessful offerors.

G. Upon execution of the contract, if performance and payment bonds were not required, or upon receipt of the specified bonds, if performance and payment bonds were required, the school district shall return any bid security provided by the successful offeror.

H. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.

1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective October 22, 1992 (Supp. 92-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1051. Reserved

R7-2-1052. Reserved

SOLE SOURCE PROCUREMENTS

R7-2-1053. Sole Source Procurements

A. A contract may be awarded for a material, service or construction item without competition if the governing board determines in writing that there is only one source for the required material, service or construction item. The school district may require the submission of cost or pricing data in connection with an award under this Section. Sole source procurement shall be avoided, except when no reasonable alternative source exists.

B. The governing board's determination shall be made before entering the contract and shall include the following information:

1. A description of the procurement need and the reason why there is only a single source available or why no reasonable alternative exists;
2. The name of the proposed supplier;
3. The duration and estimated total dollar value of the proposed procurement;
4. Documentation that the price submitted is fair and reasonable; and
5. A description of efforts made to seek other sources.

C. The school district shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the school district.

D. A copy of the written determination of the basis for the sole source procurement and any cost or pricing data shall be retained in the procurement file by the school district. The school district shall keep a record of all sole source procurements pursuant to R7-2-1086.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1054. Reserved

EMERGENCY PROCUREMENTS

R7-2-1055. Emergency Procurement Procedure

A. An emergency condition creates an immediate and serious need for materials, services, or construction that cannot be met through normal procurement methods and seriously threatens the functioning of the school district, the preservation or protection of property or the public health, welfare or safety. Some examples of emergency conditions are floods, epidemics, or other natural disasters, riots, fire or equipment failures.

B. An emergency procurement shall be limited to the materials, services, or construction necessary to satisfy the emergency need.

C. The governing board shall designate a board member or members or school district official or officials authorized to make emergency procurements, and may prescribe limiting factors including maximum spending limits with regard to emergency procurements.

D. The designated board member or district official shall:

1. Select the contractor to perform the emergency work with as much competition as practicable under the circumstances;
2. Obtain a price that is fair and reasonable under the circumstances;
3. Prepare a written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable. The statement shall be signed by the designated governing board member or district official authorized to initiate emergency procurements; and
4. Convene a meeting of the governing board to approve the emergency procurement, unless the nature of the emergency requires that the procurement be made prior to governing board approval.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1056. Emergency Procurement Reporting

A. If the nature of the emergency does not permit convening a meeting of the governing board to approve the emergency procurement, the designated board member or district official who makes an emergency procurement shall, at the first scheduled governing board meeting following the procurement, provide to the governing board a report concerning the emergency procurement including the following information:

1. The written statement documenting the basis for the emergency, the basis for the selection of the particular contractor, and why the price paid was fair and reasonable; and
2. Why it was impracticable to convene a meeting of the governing board.

B. The information and documentation required in this Section shall be included in the procurement file.

C. The school district shall keep a record of all emergency procurements pursuant to R7-2-1086.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1057. Repealed

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

REQUEST FOR INFORMATION

R7-2-1058. Request for Information

A. The school district may issue a request for information to obtain data about services or materials available to meet a specific need. Notice of the request for information shall be issued in accordance with R7-2-1022 and R7-2-1024(C).

B. Responses to a request for information are not offers and cannot be accepted to form a binding contract.

C. Information contained in a response to a request for information may be withheld from public inspection until the subsequent procurement is awarded or terminated, two years from the date of the vendor's response, or upon commencement of a new procurement, whichever occurs first.

D. There is no required format to be used for requests for information.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1059. Reserved

R7-2-1060. Reserved

SERVICES OF CLERGY, CERTIFIED PUBLIC ACCOUNTANTS, PHYSICIANS, DENTISTS AND LEGAL COUNSEL

R7-2-1061. Competitive Selection Procedures for Clergy, Certified Public Accountants, Physicians, Dentists and Legal Counsel

A. The services of clergy, certified public accountants, physicians, dentists, or legal counsel shall be procured in accordance with R7-2-1061 through R7-2-1068, except as authorized pursuant to R7-2-1002, R7-2-1053, or R7-2-1055.

B. Pursuant to A.R.S. § 15-914, contracts for financial and compliance audits and completed audits shall be approved by the Auditor General as provided in A.R.S. § 41-1279.21.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1062. Statement of Qualifications

A. If the services specified in R7-2-1061(A) are needed, persons may submit and the school district may solicit persons engaged in providing the services to submit statements of qualifications on a prescribed form that shall include the following information:

1. Technical education and training;
2. General or special experience, certifications, licenses, and memberships in professional associations, societies, or boards;
3. An expression of interest in providing a particular service; and
4. Any other pertinent information requested by the school district.

B. Persons who have submitted statements of qualifications may amend those statements at any time by filing a new statement.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1063. Request for Proposals

A. Adequate notice of the need for services specified in R7-2-1061(A) shall be given by the school district through a request for proposals. The request for proposals shall be in accordance with R7-2-1042.

B. In addition to providing notice of the request for proposals pursuant to R7-2-1022 and R7-2-1024(C), the school district shall provide notice to all persons who submitted statements of qualifications for the particular services solicited.

C. If required to evaluate proposals, the request for proposals shall require all offerors who have not already done so to submit a statement of qualifications pursuant to R7-2-1062.

D. Pre-proposal conferences may be convened in accordance with R7-2-1025.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1064. Receipt of Proposals

Proposals shall be received and opened in accordance with R7-2-1045. Late proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1065. Evaluation of Proposals

Proposals shall be evaluated in accordance with R7-2-1046.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1066. Discussions with Individual Offerors

A. As part of its initial evaluation, the school district may contact an offeror to confirm the school district's understanding of the proposal. Such contact shall be prior to the determination that a proposal is acceptable for further consideration. The school district shall obtain written confirmation from the offeror and shall retain the confirmation in the procurement file.

B. The school district may conduct discussions with any offeror in accordance with R7-2-1047. If such discussions are conducted, the school shall issue a request for best and final offers pursuant to R7-2-1048.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1067. Mistakes in Proposals

Mistakes in proposals shall be addressed pursuant to R7-2-1049.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1068. Contract Award

A. As provided in subsection (B), the school district shall award a contract or contracts to the responsible offeror or offerors best qualified based on the evaluation factors set forth in the request for proposal and after making a written determination that the price is fair and reasonable. The school district shall not award a contract based solely on price. No factors or criteria may be used in proposal evaluation that are not set forth in the request for proposals.

B. The school district shall award the contract to the best qualified offeror whose price is determined to be fair and reasonable for all services, except that the school district may make a multiple award if the request for proposals included notification that multiple contracts may be awarded, the school dis-

trict's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts.

C. Before making a multiple award, the school district shall determine in writing that a multiple award is necessary and is advantageous to the school district and shall establish procedures for the use of the multiple awarded contracts to ensure that purchases are made from the contracts determined by the school district to be most advantageous to the school district in satisfying the school district's requirements. A multiple award shall be limited to the least number of contracts the school district determines in writing to be necessary to meet the school district's requirements, and may include the following types of awards:

1. Award to the best qualified offeror whose price is determined to be fair and reasonable for individual line items or groups of line items.
2. Awards to the best qualified offerors whose prices are determined to be fair and reasonable for similar or identical line items or groups of line items only if the school district determines in writing that such awards are necessary to obtain the required quantity or delivery, and the awards are limited to the least number of offerors necessary to meet the school district's requirements.
3. An incremental award only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery. The award shall be made to the best qualified person whose price is determined to be fair and reasonable, then to the next best qualified person whose price is determined to be fair and reasonable, etc., until the total definite quantity required is reached.
4. Regional awards to the best qualified offerors whose prices are determined to be fair and reasonable in designated regions or locations only if the school district determines in writing that such an award is necessary to obtain the required quantity or delivery over widely scattered locations or a particular requirement is of a local nature.

D. The school district shall notify all offerors of an award.

E. The procurement file shall contain the basis on which the award or awards are made.

F. Within 10 days after a contract is awarded, the school district shall make the procurement file, including all proposals, available for public inspection.

1. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
2. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

GUARANTEED ENERGY CONTRACTS

R7-2-1069. Guaranteed Energy Cost Savings Contracts

A. A school district may procure a guaranteed energy cost savings contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.

1. The request for proposal evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the cost of the contract, the energy cost savings, the net projected energy savings, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
3. At the qualified provider's expense, the proposal shall include an independent third-party validation of cost savings calculations associated with each proposed energy cost savings measure by a licensed, registered professional engineer, with credentials from the national association of energy engineers, who has demonstrated experience in energy analysis. The school district shall approve the selection of the independent third party.
4. A school district may enter into a guaranteed energy cost savings contract with a qualified provider if the school district determines that the energy savings project will pay for itself within the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or twenty-five years, whichever is shortest, if the recommendations in the proposal are followed. The school district shall retain the cost savings achieved by a guaranteed energy cost saving contract, and these cost savings may be used to pay for the contract and project implementation.
5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has a record of established projects or measures of similar size and scope, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for energy cost savings.

B. In selecting a contractor to perform any construction work related to performing the guaranteed energy cost savings contract, the qualified provider may:

1. Develop and use a prequalification process for contractors.
2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.

C. At the selected qualified provider's expense, a study shall be performed by the selected qualified provider in order to establish the exact scope of the guaranteed energy cost savings contract, the fixed cost savings guarantee amount and the methodology for determining actual savings. The selected qualified provider will provide the school district with a final study report which validates that the fixed cost savings guarantee amount will meet or exceed the cost savings calculations contained within the original proposal. The study report shall be reviewed and approved by the school district before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved study report to the school facilities board and the governor's office of energy policy.

D. The information to develop the energy baseline shall be derived from historical energy costs or actual energy measurements or shall be calculated from energy measurements at the facility where energy cost savings measures are to be installed or implemented. The baseline shall be established before the

installation or implementation of energy cost savings measures.

E. One or more school districts may enter into a financing agreement with a qualified provider or a financial institution, trustee or paying agent for the purchase and installation or implementation of energy cost savings measures. Any required financing may be obtained as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution that is procured separately in accordance with Articles 10 and 11.

F. The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).

G. The selected qualified provider shall make public information in the subcontractor's bids.

H. The guaranteed energy cost savings contract shall include the following:

1. A requirement that, in determining whether the projected energy savings calculations have been met, the energy savings shall be computed by comparing the energy baseline before installation or implementation of the energy cost savings measures with the energy consumed after installation or implementation of the energy cost savings measures. The qualified provider and the school district may agree to make modifications to the energy baseline only for any of the following:
   a. Changes in utility rates.
   b. Changes in the number of days in the utility billing cycle.
   c. Changes in the square footage of the facility.
   d. Changes in the operational schedule of the facility.
   e. Changes in facility temperature.
   f. Significant changes in the weather.
   g. Significant changes in the amount of equipment or lighting utilized in the facility.
   h. Significant changes in the nature or intensity of energy use such as the change of classroom space to laboratory space.
2. A payment schedule, with payments over a period of not more than the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or twenty-five years, whichever is shortest.
3. A requirement that all payments, except obligations on termination of the contract before its expiration, be made pursuant to the terms of the financing agreement.
4. A written guarantee from the qualified provider that the energy savings will meet or exceed the costs of the energy cost savings measures over the expected life of the energy cost savings measures implemented (according to the manufacturer's equipment standards), the term of the financial agreement or twenty-five years, whichever is shortest. The school district shall ensure that the contractor:
   a. For the term of the guaranteed energy savings contract, prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of savings.
   b. Reimburses the school district for any shortfall of guaranteed energy cost savings on an annual basis.
   c. Uses the international performance and measurement and verification protocol standards or the federal energy management program standards to validate the savings guarantee.

I. A school district may utilize a simplified energy performance contract for projects less than $500,000. Simplified energy performance contracts are not required to include an energy savings guarantee and shall comply with all requirements in this Section except for subsections (D), (H)(1)(a) through (h) and (H)(4)(a) through (c).

J. This Section does not apply to the construction of new buildings.

K. For all projects under this Section, the school district shall report to the governor's office of energy policy and the school facilities board:
1. The name of the project.
2. The qualified provider.
3. The total cost of the project.
4. The expected energy cost savings and relevant escalators.
5. The agreed on baseline in the measurement and verification agreement in both kilowatt hours and dollars.

L. For all projects under this Section, the school district shall annually report the actual energy cost savings to the school facilities board no later than October 15.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1070. Guaranteed Energy Production Contracts

A. A school district may procure a guaranteed energy production contract with a qualified provider through competitive sealed proposals in accordance with R7-2-1041 through R7-2-1050.
1. The request for proposals evaluation factors required by R7-2-1042(A)(1)(h) shall include objective criteria for selecting the qualified provider, including the guaranteed energy price, the guaranteed energy production, the quality of the technical approach, the quality of the project management plan, the financial solvency of the qualified provider and the experience of the qualified provider with projects of similar size and scope.
2. Notwithstanding R7-2-1042(A)(1)(h), the request for proposals shall set forth the respective numerical weighting for each evaluation criterion.
3. The school district may obtain any required financing as part of the original competitive sealed proposal process from the qualified provider, or from a third-party financing institution procured separately in accordance with Articles 10 and 11.
4. When submitting a proposal for the installation of equipment, the qualified provider shall include information containing the guaranteed energy production associated with each proposed energy production measure. The school district shall review and approve this guarantee before the actual installation of any equipment. The qualified provider shall transmit a copy of the approved guarantee to the school facilities board and the governor's office of energy policy.
5. A qualified provider is a person that is experienced in designing, implementing or installing energy cost savings measures, that has demonstrated technical, operational, financial and managerial capabilities to design and operate cost savings measures and projects and that has the financial ability to satisfy guarantees for guaranteed energy production, financial solvency and experience for projects of similar size and scope.

B. In selecting a contractor to perform any construction work related to performing the guaranteed energy production contract, the qualified provider may:
1. Develop and use a prequalification process for contractors.

2. Require the contractor to demonstrate that the contractor is adequately bonded to perform the work and that the contractor has not failed to perform on a prior job.

C. A guaranteed energy production contract shall include a guaranteed energy price, and a written guaranteed energy production as measured on an annual basis over the expected life of the energy production measures implemented or within twenty-five years, whichever is shorter. The school district shall ensure that the contractor:
1. Prepares a measurement and verification report on an annual basis in addition to an annual reconciliation of any guaranteed energy production shortfall.
2. Reimburses the school district for any guaranteed energy production shortfall on an annual basis by multiplying any energy production shortfall by either the difference between the guaranteed energy price and the effective utility rate, or an alternative method as mutually agreed on by the school district and the provider.

D. The selected qualified provider shall provide a performance bond in accordance with R7-2-1103(A)(1)(c).

E. The selected qualified provider shall make public information in the subcontractor's bids.

F. For all projects under this Section, the school district shall report to the governor's office of energy policy and the school facilities board:
1. The name of the project.
2. The qualified provider.
3. The total cost of the project.
4. The expected guaranteed energy production and guaranteed energy price, including relevant escalators, if applicable, over the term of the guaranteed energy production contract.

G. For all projects under this Section, the school district shall annually report the actual energy production and guaranteed energy price to the school facilities board no later than October 15.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

GENERAL CONTRACT REQUIREMENTS

R7-2-1071. Reserved

R7-2-1072. Cancellation of Solicitations; Rejection of Bids and Proposals

Each solicitation issued by the school district shall state that the solicitation may be canceled or bids or proposals rejected if it is advantageous to the school district.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1073. Cancellation of Solicitation Before the Due Date and Time

A. Before the due date and time, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.

B. The school district shall notify in writing all persons to whom the original notice or solicitation was distributed by the school district. Notice shall be in the same manner as the original notice or solicitation, including posting on a designated site on the Internet, as applicable.

C. The school district shall not open bids or proposals after cancellation. The school district may discard the bid or proposal 30 days after notice is given in accordance with subsection (B), unless the bidder or offeror requests the bid or proposal be returned.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1074. Cancellation of Solicitation After Bid or Proposal Opening and Before Award

A. After opening of bids or proposals but before award, a solicitation may be canceled in whole or in part if the school district determines that cancellation is advantageous to the school district. The reasons for the cancellation shall be made part of the procurement file.

B. The school district shall notify bidders or offerors of the cancellation in writing.

C. The school district shall retain bids or proposals received under the canceled solicitation in the procurement file. If the school district intends to issue another solicitation within six months after cancellation of the procurement, the school district shall withhold the bids or proposals from public inspection. After award of a contract under the subsequent solicitation, the school district shall make bids or proposals submitted in response to the canceled solicitation available for public inspection except for information determined to be confidential pursuant to R7-2-1006.

D. In the event of cancellation, the school district shall promptly return any bid security provided by a bidder or offeror.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1075. Rejection of Individual Bids and Proposals

A. A bid or proposal may be rejected in whole or in part if:
1. The person responding to the solicitation is determined to be nonresponsible pursuant to R7-2-1076;
2. It is nonresponsive or unacceptable;
3. The proposed price is unreasonable; or
4. It is otherwise not advantageous to the school district.

B. Bidders or offerors whose bids or proposals are rejected shall be notified. A record of the rejection shall be retained in the procurement file.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1076. Responsibility of Bidders and Offerors

A. The school district shall make a written determination that a bidder or offeror is responsible before awarding a contract to that bidder or offeror.

B. If the school district determines a bidder or offeror is nonresponsible, the school district shall promptly send a determination to the bidder or offeror stating the basis for the determination. The school district shall file a copy of the determination in the procurement file.

C. A finding of nonresponsibility shall not be construed as a violation of the rights of any person.

D. If the school district included specific responsibility criteria in the solicitation, such criteria shall be considered in determining if a bidder or offeror is responsible.

E. Factors to be considered in determining if a bidder or offeror is responsible may include:
1. The bidder or offeror's financial, material, personnel or other resources, including subcontracts;

2. The bidder or offeror's record of performance and integrity;
3. Whether the bidder or offeror has been debarred or suspended; and
4. Whether the bidder or offeror is qualified legally to contract with the school district.

F. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility shall be grounds for a determination of nonresponsibility with respect to the bidder or offeror.

G. As required by A.R.S. § 41-2540(B), information furnished by a bidder or offeror pursuant to this Section shall not be disclosed outside of the school district without prior written consent by the bidder or offeror except to law enforcement agencies.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1077. Prequalification of Contractors for Materials, Services and Construction

A. Prospective contractors may be prequalified for particular types of materials, services and construction. Prospective contractors have a continuing duty to provide the school district with information on any material change affecting the basis of prequalification. Solicitation mailing lists of prospective contractors shall include the prequalified contractors.

B. A prospective contractor need not be prequalified to be awarded a contract. Prequalification does not represent a determination of responsibility.

C. The existence of a qualified product list pursuant to R7-2-1011(D) does not constitute prequalification of any prospective supplier of that product.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1078. Bid and Contract Security

A. Bid and performance bonds or other security may be required for material or service contracts to guarantee faithful bid and contract performance if the governing board determines that such requirement is advantageous to the school district. In determining the amount and type of security required for each contract, the governing board shall consider the nature of the performance and the need for future protection to the school district. The requirement for bonds or other security shall be included in the solicitation.

B. Bid or performance bonds shall not be used as a substitute for a determination of bidder or offeror responsibility.

C. If a bid or proposal is withdrawn at any time before bid or proposal opening, any bid security shall be returned to the bidder or offeror.

D. After the contract is awarded, any bid security shall be returned to the unsuccessful bidders or offerors. Upon execution of the contract, if performance bonds or other security were not required, or upon receipt of the specified bonds, if performance bonds or other security were required, the school district shall return any bid security provided by the successful bidder or offeror.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1079. Cost or Pricing Data

A. The submission of current cost or pricing data may be required in connection with an award in situations in which analysis of the proposed price is essential to determine that the price is fair and reasonable. A contractor shall, except as provided in subsection (C), submit current cost or pricing data and shall certify that, to the best of the contractor's knowledge and belief, the cost or pricing data submitted is accurate, complete and current as of a mutually determined specified date before the date of either:
1. The pricing of any contract awarded by competitive sealed proposals or pursuant to the sole source procurement authority, if the total contract price is expected to exceed $100,000.
2. The pricing of any change order or contract modification which is expected to increase the total contract price which will then exceed $100,000.

B. Any contract, change order or contract modification for which certified cost or pricing data is required shall contain a provision that the price to the school district shall be adjusted to exclude any significant amounts by which the school district finds that the price was increased because the contractor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date agreed on between the parties. Such adjustment by the school district may include profit or fee. The school district may reduce the contract price pursuant to R7-2-1081.

C. The requirements of this Section may be waived if any of the following apply:
1. The contract price is based on adequate price competition.
2. The contract price is based on established catalog prices or market prices.
3. Contract prices are set by law or regulation.
4. It is determined in writing by the school district that the waiver is advantageous to the school district. The determination shall include the reasons why the waiver is advantageous to the school district.

D. When applicable, the solicitation shall include a notice that certified cost or pricing data shall be submitted.

E. In an emergency, cost or pricing data may be submitted at a reasonable time after the contract is awarded.

F. A copy of all determinations by the school district that pertain to the submission of cost or pricing data shall be retained in the procurement file.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1080. Refusal to Submit Cost or Pricing Data

A. If the offeror fails to submit cost or pricing data in the required form, the school district may reject the proposal.

B. If a contractor fails to submit data to support a price adjustment in the form required, the school district may:
1. Reject the price adjustment; or
2. Set the amount of the price adjustment subject to the contractor's rights under R7-2-1141 through R7-2-1185.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1081. Defective Cost or Pricing Data

A. The school district may reduce the contract price if, upon determination, the cost or pricing data are defective.
B. The contract price shall be reduced in the amount of the defect plus related overhead and profit or fee if the school district relied upon the defective data in awarding the contract.
C. Any dispute as to the existence of defective cost or pricing data or the amount of an adjustment due to defective cost or pricing data may be appealed as a contract controversy under R7-2-1141 through R7-2-1185. Pending appeal, the adjusted contract price shall remain in effect.
D. If certification of either current cost or pricing data is required, the awarded contract shall include notice of the right of the school district to a reduction in price if certified cost or pricing data are subsequently determined to be defective.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1082. Right to Inspect Plant
The school district may at reasonable times inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the school district.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1083. Right to Audit Records
A. The school district may, at reasonable times and places, audit the books and records of any person who submits cost or pricing data as provided in R7-2-1079 to the extent that the books and records relate to the cost or pricing data. Any person who receives a contract, change order or contract modification for which cost or pricing data is required shall maintain the books and records that relate to the cost or pricing data for five years after completion of the contract.
B. The school district is entitled to audit the books and records of a contractor or any subcontractor under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of five years after completion of the contract and by the subcontractor for a period of five years after completion of the subcontract.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1084. Anticompetitive Practices
A. If for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice or the relevant facts shall be transmitted to the governing board and the attorney general. This Section does not require a law enforcement agency conducting an investigation into such practices to convey such notice to the school district.
B. Upon submitting a bid or proposal, the bidder or offeror shall certify on a form prescribed by the school district that the submission of the bid or proposal did not involve collusion or other anticompetitive practices.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1085. Retention of Procurement Records
All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the Arizona State Library, Archives and Public Records.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1086. Record of Procurement Actions
A. The school district shall maintain a record listing all contracts made under R7-2-1053, Sole source procurements, or R7-2-1055, Emergency procurements, for a minimum of five years. The record shall contain:
1. Each contractor's name.
2. The amount and type of each contract.
3. A listing of the materials, services or construction procured under each contract.

B. The record shall be available for public inspection.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1087. Contract Clauses
A. The school district shall include in solicitations and contracts all contract clauses necessary to ensure the school district's interests are addressed. The school district may modify clauses for inclusion in any particular school district contract, provided that any variations are supported by a written determination that states the circumstances justifying the variation and provided that notice of any material variation is stated in the solicitation.
B. All contract clauses shall be consistent with the provisions of Articles 10 and 11.
C. The school district may permit or require the inclusion of clauses providing for appropriate remedies, adjustments in prices, time of performance or other contract provisions.
D. A contract for the procurement of construction or construction services shall include a provision for the recovery of damages related to expenses incurred by the contractor for a delay for which the school district is responsible, that is unreasonable under the circumstances and that was not within the contemplation of the parties to the contract. This subsection shall not be construed to void any provision in the contract that requires notice of delays, provides for arbitration or any other procedure for settlement or provides for liquidated damages.
E. A provision, covenant, clause or understanding in, collateral to or affecting a construction contract that makes the contract subject to the laws of another state or that requires any litigation, arbitration or other dispute resolution proceeding arising from the contract to be conducted in another state is against the public policy of this state and is void and unenforceable.
F. A covenant, clause or understanding in, collateral to or affecting a construction contract or subcontract or a design professional services contract or subcontract that purports to indemnify, to hold harmless or to defend the promisee of, from or against liability for loss or damage resulting from the negligence of the promisee or the promisee's agents, employees or indemnitee is against the public policy of this state and is void.
G. If a design professional provides work, services, studies, planning, surveys or other preparatory work in connection with a public building or improvement, the school district or property owner may require that the design professional services contract or subcontract require the design professional to indemnify and hold harmless the school district or property owner, and its officers and employees, from liabilities, damages,

losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional or other persons employed or used by such design professional in the performance of the contract or subcontract.

H. A design professional services subcontract entered into in connection with a public building or improvement may also require any design professional to indemnify and hold harmless the school district or property owner and the indemnified design professional who executed the subcontract, and their respective owners, officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of such design professional, or persons employed or used by the indemnifying design professional in connection with the subcontract.

I. Nothing in this Section shall prohibit the requirement of insurance coverage that complies with this Section, including the designation of the school district or property owner as an additional insured on a general liability insurance policy or as a designated insured on an automobile liability policy provided in connection with a construction contract or subcontract or design professional services contract or subcontract.

J. Notwithstanding subsection (F), a contractor who is responsible for the performance of a construction contract or subcontract may fully indemnify a person, firm, corporation, state or other agency for whose account the construction contract or subcontract is not being performed and that, as an accommodation, enters into an agreement with the contractor that permits the contractor to enter on or adjacent to its property to perform the construction contract or subcontract for others.

K. Except as provided in subsections (G), (H) and (I), a design professional services contract or subcontract entered into in connection with a public building or improvement shall not require that a design professional defend, indemnify, insure or hold harmless the school district or property owner or its employees, officers, directors, agents, contractors or subcontractors from any liability, damage, loss, claim, action or proceeding, and any contract provision that is not permitted by subsections (G), (H) and (I) is against the public policy of this state and is void.

L. If any provision or condition contained in this Section conflicts with any provision of a contract between the school district and the federal government, such provision shall not apply to any construction contract or subcontract, or design professional services contract or subcontract to the extent such conflict exists, but all provisions of this Section with which there is no such conflict, shall apply.

M. In this Section:

1. "Construction contract or subcontract" means a written or oral agreement relating to the construction, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development, or other improvement to land.
2. "Design professional services" means architect services, engineer services, land surveying services, geologist services or landscape architect services or any combination of those services performed by or under the supervision of a design professional or any person employed by the design professional.
3. "Design professional services contract or subcontract" means a written or oral agreement relating to the planning, design, construction administration, study, evaluation, consulting, inspection, surveying, mapping, material sampling, testing or other professional, scientific or technical services furnished in connection with any actual or proposed study, planning, survey, environmental remediation, construction, improvement, alteration, repair, maintenance, relocation, moving, demolition or excavation of a structure, street or roadway, appurtenance, facility, development or other improvement to land.
4. "Other persons employed or used" means a subcontractor to a contractor or design professional in any tier, or any other person or entity who performs work or design professional services, or provides labor, services, materials or equipment in connection with a construction contract or subcontract or design professional service contract or subcontract subject to this Section.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1088. Reserved

R7-2-1089. Reserved

R7-2-1090. Reserved

CONTRACT TYPES

R7-2-1091. Repealed

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1092. Authority to Use Contract Types

Subject to the limitations of this Section, any type of contract that would be advantageous to the school district may be used, except that the use of a cost-plus-a-percentage-of-cost contract is prohibited.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1093. Multiterm Contracts

A. Unless otherwise provided by law, multiterm contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five years unless the governing board determines in writing before the procurement solicitation is issued that a contract of longer duration would be advantageous to the school district. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies.

B. Before the use of a multiterm contract, it shall be determined in writing by the governing board that:

1. Estimated requirements cover the period of the contract and are reasonable and continuing.
2. Such a contract will be advantageous to the school district by encouraging effective competition or otherwise promoting economies in school district procurement.

C. The school district shall include in all multiterm contracts a clause specifying that the contract shall be canceled if monies

are not appropriated or otherwise made available to support the continuation of performance in a subsequent fiscal year.

D. If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled and the contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the materials or services delivered under the contract or which are otherwise not recoverable. The cost of cancellation may be paid from any appropriations available for such purposes.

E. A contract for specified professional services shall have a term not exceeding five years after the date of contract award by the school district of the first contract under the procurement, except that the contract may continue in effect after the five year term for projects on which the rendering of specified professional services commences within the five year term.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1094. Reserved

R7-2-1095. Reserved

R7-2-1096. Reserved

R7-2-1097. Reserved

R7-2-1098. Reserved

R7-2-1099. Reserved

ARTICLE 11. SCHOOL DISTRICT PROCUREMENT (CONTINUED)

PROCUREMENT OF CONSTRUCTION

R7-2-1100. Construction Project Delivery Methods

A. For the design-bid-build project delivery method, the school district shall procure:

1. Design services pursuant to R7-2-1117 through R7-2-1123, except as authorized by R7-2-1053 and R7-2-1055.
2. Construction by competitive sealed bidding pursuant to R7-2-1021 through R7-2-1032 and R7-2-1102 through R7-2-1105, except as authorized by R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1101.

B. For construction-manager-at-risk, design-build and job-order-contracting project delivery methods, the school district shall procure construction services pursuant to R7-2-1102 through R7-2-1115.

C. For construction-manager-at-risk project delivery method, the school district shall purchase design services pursuant to R7-2-1117 through R7-2-1123.

D. For job-order-contracting project delivery method, the school district may include design services in the job-order-contracting construction services contract, but if the school district does not include design services in the contract, the school district shall procure any design services relating to construction services projects under the contract pursuant to R7-2-1117 through R7-2-1123.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1101. Qualified Select Bidders List

A. The school district may use the qualified select bidders list method to determine the vendors who receive the notice of competitive sealed bidding for a construction contract. The qualified select bidders list shall be determined in accordance with this Section.

B. Sealed prime contractor or construction materials supplier statements of qualifications shall be solicited through requests for qualifications.

1. Notice of the request for qualifications shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C).
2. Requests for qualifications shall be issued at least 21 days before the due date and time for submission.
3. Use of the qualified select bidders list shall be restricted to the specific projects identified in the request for qualifications.
4. The qualified select bidders list shall consist of at least three prime contractors when a contractor is solicited or three construction material suppliers when material suppliers are solicited.
5. The qualified select bidders list for any specific project is valid for one year but may be extended for an additional year, at the option of the school district.

C. The request for qualifications shall include the following:

1. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection following the establishment of a qualified select bidders list.
2. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for submission, the address of the office at which the statements of qualifications are to be received, and any other special information.
3. The anticipated evaluation period and selection of a qualified select bidders list.
4. General information on the project site or sites, scope of work, schedule, evaluation criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
5. The weight prescribed by the school district for each of the criteria to be used in making the evaluation.
6. The criteria to be used in making the evaluation, which shall include at a minimum:
   a. Person's capabilities and qualifications for performing the scope of work;
   b. Person's project team, and key members' education, training and qualifications;
   c. Method of approach, including subcontractor plan, safety plan;
   d. Safety record and worker's compensation rate;
   e. Projected construction schedule;
   f. Current workload;
   g. Five most recent representative examples of similar work along with references for each example;
   h. Current bonding availability and capacity;
   i. Any judgment or liens against the person within the last three years;
   j. Any current unresolved bond claims against the person;
   k. Any deficiency orders issued against the prime contractor by the Arizona Registrar of Contractors within the last three years; and
   l. Any filing under the United States Bankruptcy Code, assignments for the benefit of creditors, or other measures taken for the protection against creditors during the last three years.
7. The type of contract to be used.

8. The name of the district representative or district representatives.
9. The expiration date of the qualified select bidders list if less than one year.
10. A statement that the school district reserves the right to conduct interviews as part of the evaluation process.
11. The date, time and location of any pre-submittal conference.

D. The school district may conduct a pre-submittal conference not less than 14 days prior to the statement of qualifications due date and time for the purposes of explaining the requirements of the request for qualifications.

E. Amendments to request for qualifications.
1. An amendment to a request for qualifications shall be issued if necessary to do any of the following:
   a. Make changes in the request for qualifications;
   b. Correct defects or ambiguities;
   c. Furnish to persons information given to any other person, if the information will assist the persons in submitting their statements of qualifications or if the lack of the information will prejudice the persons;
   d. Provide additional information or instructions; or
   e. Extend the due date and time if the school district determines that an extension is advantageous to the school district.
2. Amendments to a request for qualifications shall be so identified and the school district shall ensure that the amendments are distributed or made available to all persons to whom the original request for qualifications was distributed or made available. The school district shall make a copy of the amendments to a request for qualifications available for public inspection at the school district office. If the school district posted the request for qualifications or a notice of the availability of a request for qualifications on a designated site on the Internet, then the school district shall post any amendments to the request for qualifications on the same designated site on the Internet. The school district shall also do one or more of the following:
   a. Distribute the amendment, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed;
   b. Make the amendment available and issue a notice of amendment which contains instructions for obtaining copies of the amendment. The notice of amendment shall be distributed, by any method reasonably calculated to ensure delivery, to all persons to whom the request for qualifications was distributed. Upon receipt of such notice of amendment, it is the responsibility of the person to obtain the amendment.
3. Amendments to request for qualifications shall be issued within a reasonable time before the due date and time to allow persons to consider them in preparing their statements of qualifications. If the school district determines that the due date and time in the request for qualifications does not permit sufficient time for statement of qualifications preparation, the due date and time shall be extended in the amendment or, if necessary, by telephone, facsimile, email, or other communications methods, and confirmed in the amendment.
4. A person shall acknowledge receipt of an amendment in the manner specified in the request for qualifications or the amendment on or before the due date and time.

F. Pre-submittal modification or withdrawal of statements of qualifications
1. A person may modify or withdraw a statement of qualifications in writing at any time before the prescribed due date and time if the modification or withdrawal is received before the due date and time at the location designated in the request for qualifications for receipt of statements of qualifications.
2. All documents concerning a modification or withdrawal of a statement of qualifications shall be retained in the procurement file.

G. Late statements of qualifications, late withdrawals and late modifications
1. A statement of qualifications, modification or withdrawal is late if it is received at the location designated in the request for qualifications for receipt of statements of qualifications after the due date and time.
2. A late statement of qualifications, late modification, or late withdrawal shall be rejected, unless the statement of qualifications, modification or withdrawal would have been timely received but for the action or inaction of school district personnel and is received before the qualified select bidders list is established.
3. Upon receiving a late statement of qualifications, late modification, or late withdrawal, the school district shall record the time and date of receipt and promptly send notice of late receipt to the person. The school district may discard the document 30 days after the date on the notice unless the person requests the document be returned.
4. All documents concerning acceptance of a late statement of qualifications, late modification, or late withdrawal shall be retained in the procurement file.

H. Receipt, opening and recording statements of qualifications
1. A school district shall maintain a record of statements of qualifications and modifications received for each solicitation, shall record the time and date when each statement of qualifications or modification is received, and shall store each unopened statement of qualifications or modification in a secure place until the due date and time.
   a. If required to confirm a vendor's inquiry regarding receipt of its statement of qualifications prior to the due date and time, a school district may open a statement of qualifications to identify the vendor. If this occurs, the school district shall record the reason for opening the statement of qualifications, the date and time the statement of qualifications was opened, and the solicitation number. The school district shall secure the statement of qualifications and retain it for public opening.
   b. One or more witnesses shall be present for the opening of a statement of qualifications under subsection (H)(1)(a).
2. Statements of qualifications and modifications shall be opened publicly at the date, time and location designated in the request for qualifications in the presence of one or more witnesses. The name of each person and any other relevant information deemed appropriate by the school district shall be recorded. The person opening the statements of qualifications and all witnesses shall sign the record.
   a. The record created in subsection (H)(2) shall be available for public inspection.
   b. The statements of qualifications shall not be open for public inspection until after the qualified select bidders list has been established.

I. Establishing the qualified select bidders list.

1. The qualified select bidders list shall be established by determining the highest rated persons from the statements of qualifications received. This will be a minimum of three and a maximum of five.
2. For each qualified select bidders list process there will be established by the school district an evaluation committee composed of five members. These members shall include the project designer or construction material specifier, one member from the prime contracting or construction material supplier community that performs commensurate level work and is disinterested in this project, a school district facilities representative and two other members as designated by the school district.
3. The evaluation committee shall review and score each statement of qualifications received according to the established evaluation criteria. The committee shall rank the statements of qualifications in accordance with the scores.
4. The committee may conduct interviews before making the final determination of the qualified select bidders list. The committee shall document the interviews in writing.
5. The committee shall select at least three and not more than five of the highest scoring persons for the qualified select bidders list.
6. The district representative shall review the committee's qualified select bidders list. The district representative shall:
   a. Accept the list as submitted;
   b. Return the list for additional committee review;
   c. Reject the list and terminate the process.
7. A one-year eligibility period for the qualified select bidders list shall begin on the date the district representative accepts it. The qualified select bidders list may be extended one year at the option of the school district.
8. Once the qualified select bidders list is established, a written notice of the selected persons shall be sent to all the persons that submitted statements of qualifications.
9. After the establishment of the qualified select bidders list, a written record showing the basis for determining the qualified select bidders list shall be prepared by the district representative and retained in the procurement file. Within 10 days after the qualified select bidders list has been established, the school district shall make the procurement file, including all statements of qualifications, available for public inspection.
   a. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection.
   b. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.
10. The qualified select bidders shall be provided an invitation for bids in accordance with R7-2-1024 to R7-2-1032. For any projects not identified in the request for qualifications, the school district may not solicit bids on those projects under the qualified select bidders list either in the initial one-year period or the one-year extension period.
11. Projects identified in the request for qualifications shall have invitation for bids issued within the initial one-year period, or in the one-year extension period, to be awarded a contract under that qualified select bidders list.

J. Terminating the process for insufficient response or selection
1. In the event that less than three statements of qualifications are received, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.
2. In the event that less than three persons are identified by the selection committee as being the most highly qualified, this procurement process shall cease and the school district may elect to reissue the request for qualifications or pursue other procurement methods.

K. A copy of the request for qualifications shall be made available for public inspection at the school district office.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1102. Bid Security

A. Bid security shall be required for all competitive sealed bidding for construction contracts, and for all competitive sealed proposals for design-build construction services or job-order-contracting construction services procured pursuant to R7-2-1111, if the price, excluding the cost of any finance services, maintenance services, operations services, design services, preconstruction services, or other related services included in the contract, is estimated by the school district to exceed the amount established by R7-2-1002(A).

B. Invitations for bid on school district construction contracts and requests for proposals for design-build construction services or job-order-contracting construction services, shall require submission of bid security as follows:
1. For design-bid-build construction services, ten percent of the contractor's bid.
2. For design-build construction services awarded by competitive sealed proposals pursuant to R7-2-1111, ten percent of the school district's construction budget for the project as stated in the request for proposals, excluding finance services, maintenance services, operations services, design services, preconstruction services or any other related services included in the contract.
3. For job-order-contracting construction services awarded by competitive sealed proposals pursuant to R7-2-1111, the amount prescribed by the school district in the request for proposals, but not more than ten percent of the school district's reasonably estimated budget for construction that the school district believes is likely to actually be done during the first year under the contract, excluding any finance services, maintenance services, operations services, design services, preconstruction services or other related services included in the contract.

C. Acceptable bid security shall be limited to:
1. An annual or one-time bid bond executed and furnished as required by A.R.S. Title 34, Chapter 2 or 6, as applicable; or
2. A certified or cashier's check.

D. The school district may issue a written determination to accept the bid security if the bid security fails to comply in a nonsubstantial manner when:
1. Only one bid or proposal is received and there is not sufficient time to rebid or resolicit proposals;
2. The amount of the bid security submitted, although less than the amount required by the invitation for bids or request for proposals, is equal to or greater than the difference between the apparent low bid or highest scoring proposal and the next higher acceptable bid or next highest scoring proposal; or

3. The bid security is inadequate as a result of modifying or correcting a bid in accordance with R7-2-1027 or R7-2-1030, if the bidder increases the amount of security to required limits within two days after notification.

E. After the bids and proposals are opened, they are irrevocable for the period specified in the invitation for bids or request for proposals, except as provided in R7-2-1030. If a bidder or offeror is permitted to withdraw its bid before award, no action may be had against the bidder or offeror or the bid security.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1103. Contract Performance and Payment Bonds

A. The following bonds or security is required and is binding on the parties to the contract if the value of a construction or construction services award exceeds the amount established by R7-2-1002(A):

1. A performance bond that is executed and furnished as required under Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to one hundred percent of the price specified in the contract conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract, except that:
   a. For job-order-contracting construction services, the performance bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
   b. For construction-manager-at-risk construction services and design-build construction services, the amount of the performance bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services and other related services included in the contract. This bond is solely for the protection of the school district. The conditions and provisions of the performance bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(G) or A.R.S. § 34-610(G), as applicable.
   c. For guaranteed energy cost savings contracts and guaranteed energy production contracts, the amount of the performance bond shall be one hundred percent of the project amount to the school district for its faithful performance of the equipment installment.
2. A payment bond that is executed and furnished as required by Arizona Revised Statutes Title 34, Chapter 2, Article 2 or Chapter 6, as applicable, in an amount equal to one hundred percent of the price specified in the contract for the protection of all persons supplying labor or material to the contractor or its subcontractors for the performance of the construction provided for in the contract, except that:
   a. For job-order-contracting construction services, the payment bond shall cover the full amount of construction under the job-order-contracting construction services contract, shall not include any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract, may be a single bond for the full term of the contract, a separate bond for each year of a multiyear contract or a separate bond for each job order, as determined by the school district, and, if a single bond for the full term of the contract or a separate bond for each year of a multiyear contract, shall initially be based on the school district's reasonable estimate of the amount of construction that the school district believes is likely to actually be done during the full term of the contract or during the particular year of a multiyear contract, as applicable.
   b. For construction-manager-at-risk construction services and design-build construction services, the amount of the payment bond shall be the price of construction and shall not include the cost of any design services, preconstruction services, finance services, maintenance services, operations services or other related services included in the contract. The conditions and provisions of the payment bond regarding the surety's obligations shall follow the form required under A.R.S. § 34-222(F) or A.R.S. § 34-610(F), as applicable.

B. For design-bid-build construction, the bonds prescribed in subsection (A) shall be provided on and at the same time as execution of the construction contract. For construction-manager-at-risk, design-build and job-order-contracting construction services, the bonds prescribed in subsection (A) shall be provided only on and at the same time as execution of a contract or contract modification that commits the contractor to provide construction for a fixed price, guaranteed maximum price or other fixed amount within a designated time frame.

C. If the prime contract or specifications require any persons supplying labor or materials in the prosecution of the work to furnish payment or performance bonds, these bonds shall be executed solely by a surety company or companies holding a certificate of authority to transact surety business in this state issued by the director of the Department of Insurance pursuant to Arizona Revised Statutes Title 20, Chapter 2, Article 1. Notwithstanding the provisions of any other statute, the bonds shall not be executed by an individual surety or sureties, even if the requirements of A.R.S. § 7-101 are satisfied.

D. If a contractor fails to deliver the required performance bond or payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made pursuant to Articles 10 and 11.

E. This Section shall not be construed to limit the authority of the school district to require a performance bond or other security in addition to those bonds or in circumstances other than specified in subsection (A).

F. Any person who furnishes labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this Section, and who has not been paid in full within 90 days from the date on which the last of the labor was performed or material

was supplied by the person for whom the claim is made has the right to sue on the payment bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the amount due the person. However, any person who has a contract with a subcontractor of the contractor, but no express or implied contract with the contractor furnishing the payment bond, has a right of action on the payment bond on giving the contractor, only, a written preliminary 20-day notice as provided for in A.R.S. § 33-992.01, subsection (C)(1), (2), (3), and (4) and subsections (D), (E), and (H), and upon giving written notice to the contractor within 90 days from the date on which the last of the labor was performed or material was supplied by the person for whom the claim is made. The person shall state in the notice the amount claimed and the name of the party for whom the labor was performed or to whom the material was supplied. The notice shall be personally served or sent by registered mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1104. Contract Payment Retention and Substitute Security

A. Ten percent of all construction contract payments shall be retained by the school district as insurance of proper performance of the contract or, at the option of the contractor, a substitute security may be provided by the contractor pursuant to this Section. The contractor is entitled to all interest from any such substitute security. When the contract is fifty percent completed, one-half of the amount retained or securities substituted pursuant to this Section shall be paid to the contractor upon the contractor's request provided the contractor is making satisfactory progress on the contract and there is no specific cause or claim requiring a greater amount to be retained. After the contract is fifty percent completed, no more than five percent of the amount of any subsequent progress payments made under the contract shall be retained providing the contractor is making satisfactory progress on the project, except if at any time the governing board determines satisfactory progress is not being made, ten percent retention shall be reinstated for all progress payments made under the contract subsequent to the determination.

B. Notwithstanding subsection (A), there shall be no retention for job-order-contracting construction services contracts. The school district may elect to have no retention for construction-manager-at-risk and design-build construction services contracts. If the school district elects to have retention, then payment retention for construction-manager-at-risk and design-build contracts shall be in accordance with this Section.

C. Retention applies only to amounts payable for construction and does not apply to amounts payable for design services, preconstruction services, finance services, maintenance services, operations services, or any other related services included in the contract.

D. The form of substitute security is limited to the following:
1. An assignment of time certificates of deposit by financial institutions licensed by this state;
2. Share certificate of a financial institution or credit union authorized to transact business in this state; or
3. Security issued or guaranteed as to principal and interest by:
   a. The United States;
   b. The state;
   c. Counties, municipalities and school districts within this state.

E. Conditions for use of substitute security.
1. A contractor may submit substitute security to replace contract payment retention if:
   a. The use of substitute security is requested of the school district or designee for work performed under the contract. The contractor shall have the option of submitting the substitute security:
      i. Prior to each progress payment in an amount of no less than five percent of each progress payment; or
      ii. Once, prior to the first progress payment in an amount no less than five percent of the total contract amount.
   b. The interest earned on such security shall accrue to the benefit of the contractor, but shall be retained until the school district has approved completion and acceptance of all work to be performed under the contract;
   c. The term of such security shall not mature until after the estimated contract completion date; and
   d. The security shall mature no later than one year after the estimated contract completion date.
2. The substitute security shall not be released without written approval by the school district.
3. A contractor may submit a single substitute security for more than one project provided that:
   a. The amount of such security is sufficient to cover the aggregate retention amount;
   b. The school district determines that such single substitute security is advantageous to the school district; and
   c. Such security complies with the requirements of subsection (E)(1).

F. Any retention shall be paid or substitute security shall be returned to the contractor within 60 days after final completion and acceptance of work under the contract. Retention of payments by a school district longer than 60 days after final completion and acceptance requires a specific written finding by the governing board of the reasons justifying the delay in payment. No school district may retain any monies after 60 days which are in excess of the amount necessary to pay the expenses the governing board reasonably expects to incur in order to pay or discharge the expenses determined in the finding justifying the retention of monies.

G. The school district shall not accept any substitute security unless accompanied by a signed and acknowledged waiver of any right or power of the obligor to set off any claim against either the school district or the contractor in relationship to the security assigned. In any instance in which the school district accepts substitute security as provided in this Section, any subcontractor undertaking to perform any part of the contract is entitled to provide such security to the contractor.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1105. Progress Payments

A. Progress payments may be made by the school district to the contractor on the basis of a duly certified and approved estimate of the work performed during the preceding month if the contractor agrees to adhere to the provisions of A.R.S. § 41-

2577(B), (D), and (F). Payment shall be made within 14 days after the estimate of the work is certified and approved, except that a percentage of all estimates shall be retained as provided in R7-2-1104. The estimate of the work shall be deemed received by the school district on submission of the estimate of the work to the school district or a person designated by the school district for the submission, review or approval of the estimate of the work. An estimate of the work submitted under this Section shall be considered approved and certified after seven days from the date of submission unless before that time the school district or designee prepares and issues a specific written finding detailing those items in the estimate of the work that are not approved and certified under the contract. The school district may withhold an amount from the progress payment sufficient to pay the expenses the school district reasonably expects to incur in correcting the deficiency set forth in the written finding. No contract for construction may materially alter the rights of any contractor, subcontractor or material supplier to receive prompt and timely payment as provided under this Section. On completion and acceptance of separate divisions of the contract on which the price is stated separately in the contract, payment may be made in full including retained percentages, less deductions, unless a substitute security has been provided pursuant to R7-2-1104.

B. Progress payments pursuant to subsection (A) are authorized for construction services contracts. The requirements of subsection (A) apply only to amounts payable in a construction services contract for construction and do not apply to amounts payable in a construction services contract for design services, preconstruction services, finance services, maintenance services, operations services or any other related services included in the contract.

C. A subcontractor may notify the school district, in writing, requesting that the subcontractor be notified by the school district in writing within five days from payment of each progress payment made to the contractor. The subcontractor's request remains in effect for the duration of the subcontractor's work on the project.

D. If any payment to a contractor is delayed after the date due, interest shall be paid at the rate of one percent per month, or a fraction of a month, on such unpaid balance as may be due.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1106. Procurement of Construction Using Alternative Project Delivery Methods

A. A school district may use an alternative project delivery method if it determines in writing that such alternative project delivery method is advantageous to the school district. The following factors may be used for such determination:

1. Cost and cost control method;
2. Value engineering;
3. Market conditions;
4. Schedule;
5. Required specialized expertise;
6. Technical complexity of the project; or
7. Project management.

B. Use of alternative project delivery methods

1. Alternative project delivery methods for construction services shall be procured as provided in R7-2-1100.
2. For design-build construction services and construction-manager-at-risk construction services, the school district is limited to one contract per procurement.
   a. Alternatively, for construction-manager-at-risk construction services, a school district may elect separate contracts for preconstruction services during the design phase, for construction during the construction phase and for any other construction services.
   b. Alternatively, for design-build construction services, a school district may elect separate contracts for preconstruction services and design services during the design phase, for construction and design services during the construction phase and for any other construction services.
   c. If the school district enters into the first contract for preconstruction services or construction services the procurement ends. After execution of that first contract the school district may not use the procurement or the existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
3. For job-order-contracting construction services, the school district may award a single contract, or multiple contracts for similar job-order-contracting construction services to be awarded to separate persons. If the school district enters into the number of contracts specified under the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any existing final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
4. All construction-manager-at-risk construction services or design-build construction services included in a procurement shall be limited to construction services to be performed at a single location, a common location or, if the construction services are all for a similar purpose, multiple locations. For construction-manager-at-risk construction services and design-build construction services to be performed at multiple locations:
   a. At the time the request for qualifications is issued, the school district shall intend to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
   b. The request for qualifications shall include the information described in R7-2-1108(B)(2).
5. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1107, R7-2-1108, R7-2-1110, and R7-2-1111, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on the final list or for any other purpose in the selection process, except as provided in R7-2-1110(D) and R7-2-1111.
6. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
7. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in R7-2-1106 through R7-2-1115:

a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
b. As to a request for qualifications to be negotiated pursuant to R7-2-1110(D), if only one responsive and responsible person responds to the request for qualifications or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1107. Selection Committee

A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.
B. Each selection committee shall include at least one school district representative appointed by the school district.
C. The selection committee shall not have more than seven members and shall include at least one person who is a senior management employee of a licensed contractor and one person who is an architect or an engineer who is registered pursuant to A.R.S. § 32-121.
D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.
E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services, construction, construction services, materials or other services under the contract.
F. For the procurement of multiple contracts for job-order-contracting, the same selection committee shall be used for all contracts in the procurement.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1108. Request for Qualifications

A. Notice of the need for construction services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received. The notice shall:
1. Contain a statement of the construction services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained;
2. Specify whether the procurement is for a single contract or, for job-order-contracting construction services only, for multiple contracts; and
3. If the procurement is for multiple job-order-contracting construction services contracts:
   a. Specify that multiple contracts may or will be awarded;
   b. Specify the number of contracts that may or will be awarded; and
   c. Describe the construction services to be performed under each contract.

B. The request for qualifications shall include the following:
1. Instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
2. In a procurement of construction-manager-at-risk construction services or design-build construction services to be performed at multiple locations, include:
   a. A brief description of the construction services to be performed at each location;
   b. The estimated budget for the construction services to be performed at each location; and
   c. A schedule for the construction services to be performed at each location that shows the school district's intent to commence all construction at each location within thirty months after execution of the first contract for preconstruction services or other construction services at any of the locations.
3. General information on the project site, scope of work, schedule, selection criteria, project design and construction budget, or life cycle budget for a procurement that includes maintenance, operations, and finance services.
4. The criteria and the weight prescribed by the school district for each of the criteria to be used in making the evaluation.
   a. All selection criteria shall be factors that demonstrate competence and qualifications for the type of construction services included in the procurement.
   b. One of the criteria shall be the person's subcontractor selection plan or procedures to implement the school district's subcontractor selection plan.
   c. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in

response to the school district's request for qualifications.
d. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
5. Whether one contract or multiple contracts may or will be awarded.
a. For design-build construction services, construction-manager-at-risk construction services, and a single contract for job-order-contracting construction services, state that one person may or will be awarded the contract.
b. For multiple contracts for similar job-order-contracting construction services, state the number of contracts that may or will be awarded, the job-order-contracting construction services to be performed under each of the contracts, and that each of the multiple contracts will be awarded to a separate person.
6. In a procurement where the contract is to be negotiated under R7-2-1110(D):
a. State that there will be a single final list of at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services award.
b. State that there will be a single final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five for a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons.
7. In a procurement in which the contract will be awarded under R7-2-1111:
a. State that there will be a single final list and that the number of persons on the final list will be three for a design-build or single job-order-contracting construction services award.
b. State that there will be a single final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five for a procurement for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons.
8. The type of contract to be used.
9. The name of the district representative or district representatives and the publicly available location of the school district's protest policy and procedures.
10. If the school district will hold interviews as part of the selection process:
a. State that interviews will be held and that the interviews will be with at least three and not more than five persons for a design-build, construction-manager-at-risk, or single job-order-contracting construction services procurement.
b. State that interviews will be held and that the interviews will be with a specified number of persons in a procurement of multiple contracts for similar job-order-contracting construction services to be awarded to separate persons. The specified number shall be the sum of the number of contracts that may or will be awarded and a number that is determined by the school district and that is not more than five.
11. The manner in which subcontractors shall be selected, either:
a. A requirement that each person submit a proposed subcontractor selection plan and a requirement that the proposed subcontractor selection plan shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone; or
b. A subcontractor selection plan adopted by the school district that applies to the person that is selected to perform the construction services and that requires subcontractors to be selected based on qualifications alone or on a combination of qualifications and price and not based on price alone and a requirement that each person shall submit a description of the procedures it proposes to use to implement the school district's subcontractor selection plan.
12. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.

C. A copy of the request for qualifications shall be made available for public inspection at the school district office.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1109. Receipt and Opening of Statements of Qualifications, Technical Proposals and Price Proposals for Design-build and Job-order-contracting

A. Statements of qualifications, technical proposals and price proposals shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, proposals, modifications, or withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.

B. A school district may cancel a request for qualifications or a request for proposals, reject in whole or in part any or all statements of qualifications or proposals or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

Historical Note

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1110. Committee Evaluation and Contract Award

A. If interviews are specified in the request for qualifications:
1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list and to determine their order on the final list are not included in the request for qualifications:
a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
b. These selection criteria and relative weights may be different than the selection criteria and relative weight used to determine the persons to be interviewed.

3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.

B. Based solely on the selection criteria and relative weights for selection of the persons on the final list and their order on the final list, the selection committee shall select the persons for the final list and, in the case of a final list for a contract that will be negotiated under subsection (D), rank the persons in order of preference.

C. The school district shall make the following notifications regarding the final lists:

1. If the contract will be negotiated under subsection (D) before or at the same time as the school district notifies the highest ranking person on the final list that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:
   a. If interviews were held, the other persons interviewed.
   b. If interviews were not held, the other persons that made submittals.
2. If the contract will be awarded under R7-2-1111, before or at the same time as the school district notifies the persons on the final list that they are on the final list, the school district shall send actual notice to each of the following persons that they are not on the final list or that other persons are on the final list:
   a. If interviews were held, the other persons interviewed.
   b. If interviews were not held, the other persons that made submittals.

D. The school district shall conduct negotiations with persons on the final list as follows:

1. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the construction services to be rendered.
2. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
3. If the procurement is for multiple contracts for similar job-order-contracting construction services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
4. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the construction services covered by the final list with any person with whom the school district terminated negotiations.

Historical Note

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1111. Alternative Procedure for Design-build or Job-order-contracting Construction Services

A. As an alternative to R7-2-1110(D), the school district may award a single contract for design-build construction services or a single or multiple contracts for similar job-order-contracting construction services pursuant to this Section.

B. The school district shall use the selection committee appointed for the request for qualifications pursuant to R7-2-1107.

C. The school district shall issue a request for proposals to the persons on the final list developed pursuant to R7-2-1110(A) through (C). The request for proposals shall be issued at least 14 days before the due date and time for receipt of proposals unless a shorter time is determined necessary by the school district.

D. The request for proposals shall include the following:

1. A statement that the procurement is for a single contract or, for similar job-order-contracting construction services only, for multiple contracts.
2. If the procurement is for multiple contracts for similar job-order-contracting construction services, the notice shall specify that multiple contracts will be awarded, shall specify the number of contracts that will be awarded, shall specify the number of offerors to whom contracts will be awarded which shall be the number of contacts in the procurement, and shall describe the job-order-contracting services to be performed under each contract.
3. Instructions and information to persons concerning the proposal submission requirements, including the due date and time for receipt of proposals, the address of the office at which proposals are to be received, the proposal acceptance period, and any other special information.
4. The school district's project schedule and project final budget for design and construction or life cycle budget for a procurement that includes maintenance services or operations services.
5. If a single contract will be awarded, a statement that the contract will be awarded to the person whose proposal receives the highest number of points under a scoring method. If multiple contracts for similar job-order-contracting services will be awarded, a statement that the multiple contracts will be awarded to a specified number of offerors whose proposals receive the highest number of points under a scoring method. The specified number of offerors will be the number of contracts included in the procurement.
6. A description of the scoring method, including a list of the factors in the scoring method and the number of points allocated to each factor.

7. For design-build constructions services only, the design requirements, including the required features, functions, characteristics, qualities and properties, the anticipated schedule, including start, duration and completion, and the estimated budgets applicable to the specific procurement for design and construction and, if applicable, for operation and maintenance. Drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project, which shall all be prepared by an architect or engineer, as appropriate, and additional design information or documents specified by the school district, may also be included.
8. A requirement that each offeror submit separately a technical proposal and a price proposal and that the offeror's entire proposal is responsive to the requirements in the request for proposals. For design-build construction services, the price in the price proposal shall be a fixed price or a guaranteed maximum price.
9. A statement that in applying the scoring method, the selection committee will separately evaluate and score the technical proposal before opening, evaluating, and scoring the price proposal.
10. If the school district desires to conduct discussions with offerors, a statement that discussions may be held and a requirement that each offeror submit a preliminary technical proposal before the discussions are held.
11. Type of contract to be used.
12. That offerors may designate as proprietary portions of the proposal.
13. Notice that all information and proposals submitted by offerors, except as stated in subsection (D)(12), will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.
14. The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
15. The name of the district representative or district representatives.
16. If the request for proposals incorporates documents by reference, the request for proposals shall specify where such documents may be obtained.

E. The factors in the scoring method described in the request for proposals may include:
1. For design-build construction services only, demonstrated compliance with the design requirements.
2. Offeror qualifications.
3. Offeror financial capacity.
4. Compliance with the school district's project schedule.
5. For design-build construction services only, if the request for proposals specifies that the school district will spend its project budget and not more than its project budget and is seeking the best proposal for the project budget, compliance of the offeror's price or life cycle price for procurements that include maintenance services, operations services or finance services with the school district's budget as prescribed in the request for proposals.
6. For design-build construction services if the request for proposals does not contain the specifications prescribed in subsection (E)(5) and for job-order-contracting construction services, the price or life cycle price for procurements that include maintenance services, operations services or finance services.
7. An offeror quality management plan.
8. Other evaluation factors that demonstrate competence and qualifications for the type of construction services in the request for proposals as determined by the school district, if any.

F. If determined by the school district and included in the request for proposals, the selection committee shall conduct discussions with all offerors that submit preliminary technical proposals. Discussions shall be for the purpose of clarification to ensure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and for clarification by the school district. Revision of preliminary technical proposals shall be permitted after submission of preliminary technical proposals and before award for the purpose of obtaining best and final proposals. In conducting any discussions, information derived from proposals submitted by competing offerors shall not be disclosed to other competing offerors.

G. After completion of any discussions pursuant to subsection (F) or if no discussions are held, each offeror shall submit separately its final technical proposal and its price proposal.

H. Before opening any price proposal, the selection committee shall open and evaluate the final technical proposals and score the final technical proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.

I. After completion of the evaluation and scoring of all final technical proposals, the selection committee shall open, evaluate and score the price proposals, and complete scoring of the entire proposals using the scoring method in the request for proposals. No other factors or criteria may be used in evaluation and scoring.

J. The school district shall award the contract to the responsive and responsible offeror whose proposal receives the highest score under the method of scoring in the request for proposals. No other factors or criteria may be used in evaluation and award.

K. For procurements of multiple contracts for similar job-order-contracting construction services, the school district may award up to the number of contracts specified in the request for proposals.

L. Before or at the same time as the school district notifies the selected offeror of contract award, the school district shall notify all other offerors of the award.

M. For design-build construction services only, the school district shall award a stipulated fee equal to a percentage of the school district's project final budget for design and construction, as prescribed in the request for proposals, but not less than two-tenths of one percent of the project final budget for design and construction to each final list offeror who provides a responsive, but unsuccessful, proposal. If the school district does not award a contract, all responsive final list offerors shall receive the stipulated fee based on the school district's project final budget for design and construction as included in the request for proposals. The school district shall pay the stipulated fee to each offeror within 90 days after the award of the initial contract or the decision not to award a contract. In consideration for paying the stipulated fee, the school district may use any ideas or information contained in the proposals in connection with any contract awarded for the project, or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the offerors. Notwithstanding the other provisions of this subsection, an offeror may elect to waive the stipulated fee. If an offeror elects to waive the stipulated fee, the school district may not use ideas and information contained in the offeror's proposal, except that this restriction does not prevent the school district from using any idea or

information if the idea or information is also included in a proposal of an offeror that accepts the stipulated fee.

N. The procurement file shall contain the basis on which the award is made, including at a minimum the information and documents required under R7-2-1115.

O. A copy of the request for proposals shall be made available for public inspection at the school district office.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1112. Contractor Licenses, Contract and Performance Requirements

A. Notwithstanding any other rule:

1. The contractor for design-build or job-order-contracting construction services is not required to be registered to perform design services pursuant to A.R.S. Title 32, Chapter 1 if the person actually performing the design services on behalf of the contractor is appropriately registered.
2. The contractor for construction-manager-at-risk, design-build or job-order-contracting construction services shall be licensed to perform construction pursuant to A.R.S. Title 32, Chapter 10.

B. In a procurement for construction-manager-at-risk construction services or design-build construction services, except for design-build contracts awarded pursuant to R7-2-1111, the school district shall enter into a written contract with the contractor for preconstruction services under which the school district shall pay the contractor a fee for preconstruction services in an amount agreed by the school district and the contractor, and the school district shall not request or obtain a fixed price or a guaranteed maximum price for the construction from the contractor or enter into a construction contract with the contractor until after the school district has entered into the written contract for preconstruction services and a preconstruction services fee.

C. Construction shall not commence under a construction services contract until the school district and contractor agree in writing on either a fixed price that the school district will pay or a guaranteed maximum price for the construction to be commenced. The construction to be commenced may be the entire project or may be one or more phased parts of the project.

D. For negotiated construction-manager-at-risk and design-build contracts, preconstruction services, general conditions, schedules, construction contingency, and construction fees shall be part of the contract. For design-build contracts awarded pursuant to a request for proposals, the fees shall be included in the vendor's proposal and shall become part of the awarded contract.

E. For job-order-contracting construction services only:

1. The maximum dollar amount of an individual job order for job-order-contracting construction services shall be one million dollars or a higher or lower amount prescribed by the governing board in a policy adopted in a public meeting held pursuant to A.R.S. Title 38, Chapter 3, Article 3.1. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies the requirements of this subsection.
2. If the contractor subcontracts or intends to subcontract part or all of the work under a job order and if the job-order-contracting construction services contract includes descriptions of standard individual tasks, standard unit prices for standard individual tasks and pricing of job orders based on the number of units of standard individual tasks in the job order:
   a. The contractor has a duty to deliver promptly to each subcontractor invited to bid a coefficient to the contractor to do all or part of the work under one or more job orders a copy of the descriptions of all standard individual tasks on which the subcontractor is invited to bid and a copy of the standard unit prices for the individual tasks on which the subcontractor is invited to bid.
   b. If not previously delivered to the subcontractor, the contractor has a duty to promptly deliver to each subcontractor invited to or that has agreed to do any of the work included in any job order a copy of the description of each standard individual task that is included in the job order and that the subcontractor is invited to perform, the number of units of each standard individual task that is included in the job order and that the subcontractor is invited to perform, and the standard unit price for each standard individual task that is included in the job order and that the subcontractor is invited to perform.

F. For all construction services contracts, the contractor performing the construction services is permitted to self-perform part of the construction work, if and to the extent agreed in writing by the school district and the contractor. The school district may use methods other than competitive bidding to assure itself that the price the school district pays to the contractor for self-performed work is fair and reasonable. Permitted methods to evaluate fairness and reasonableness of the price of self-performed work include evaluation of the contractor's proposed scope of work and price for self-performed work by an estimator who is hired and paid by the school district, who is independent of the contractor and who may be an employee of the school district. Although the school district may elect to so require, nothing in Articles 10 and 11 shall be construed or interpreted to require the school district to require a contractor desiring to self-perform part of the construction work to competitively bid that part of the construction work against other contractors in a bid competition.

G. For all construction services contracts, the following requirements apply to the construction work to be performed by subcontractors and do not apply to construction work that the school district and the contractor agree in writing will be self-performed by the contractor:

1. The person selected to perform the construction services shall select subcontractors based on qualifications alone or on a combination of qualifications and price and shall not select subcontractors based on price alone. A qualifications and price selection may be a single-step selection based on a combination of qualifications and price or a two-step selection. In a two-step selection, the first step shall be based on qualifications alone and the second step may be based on a combination of qualifications and price or on price alone.
2. The school district shall include in each contract:
   a. If the school district included its subcontractor selection plan in the request for qualifications, the school district's subcontractor selection plan and the procedures to implement the school district's subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications to the procedures as the school district and the contractor agree.

b. If the school district did not include its subcontractor selection plan in the request for qualifications, the subcontractor selection plan proposed by the awarded contractor in submitting its qualifications with those modifications as the school district and the contractor agree.

3. In making the selection of subcontractors, the contractor shall use the subcontractor selection plan and any procedures included in its contract.

H. The school district shall include in each contract for construction services the full street or physical address of each separate location at which the construction will be performed and a requirement that the contractor and each subcontractor at any level include in each of its subcontracts the same address information. The contractor and each subcontractor at any level shall include in each subcontract the full street or physical address of each separate location at which construction work will be performed.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1113. Prohibitions

A. Notwithstanding any contrary provision of Articles 10 and 11, a school district shall not enter into a contract to provide construction-manager-at-risk construction services, design-build construction services or job-order-contracting construction services.

B. The prohibitions prescribed in subsection (A) do not prohibit a school district from providing construction for itself as provided by law.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1114. Bid Security, Contract Performance and Payment Bonds, and Payment and Retention

A. Bid security shall be provided pursuant to R7-2-1102.

B. Contract performance and payment bonds shall be provided pursuant to R7-2-1103.

C. Contract payment retention and substitute security shall be in accordance with R7-2-1104.

D. Progress payments shall be in accordance with R7-2-1105.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1115. Procurement File Contents and Review

A. At a minimum, the school district shall retain the following for each procurement under R7-2-1106 through R7-2-1114:

1. For each request for qualifications procurement process:
   a. If interviews were not held:
      i. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      ii. The final list.
      iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      iv. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
      v. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
   b. If interviews were held:
      i. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract.
      ii. The final list.
      iii. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list and to determine their order on the final list.
      iv. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
      v. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
      vi. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list to be interviewed.
      vii. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list to be interviewed.
      viii. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
2. For each request for proposals procurement process under R7-2-1111:
   a. The entire proposal submitted by the person that received the highest score in the scoring method in the request for proposals and the entire proposal submitted by each person with whom the school district enters into a contract.
   b. The description of the scoring method, the list of factors in the scoring method and the number of points allocated to each factor, all as included in the request for proposals.
   c. A list that contains the name of each offeror that submitted a proposal and that shows the offeror's final overall score.
   d. Documents that show the final score or rank on each factor in the scoring method in the request for proposals of each offeror that submitted a proposal and that support the final overall scores of the offerors that submitted proposals. The school district shall

retain the individual scoring sheets for individual selection committee members.

B. Information relating to each procurement under R7-2-1106 through R7-2-1114 shall be made available to the public as follows:

1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the proposals and statements of qualifications submitted in response to a solicitation and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d), available to the public.
3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the proposals and statements of qualifications and the documents described in subsections (A)(1)(a)(v), (A)(1)(b)(v), (A)(1)(b)(viii), and (A)(2)(d) available to the public.
4. To the extent that an offeror designates and the school district concurs, trade secrets and other proprietary data contained in a proposal or statement of qualifications shall remain confidential.
5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

C. The school district shall retain the records of a procurement under R7-2-1106 through R7-2-1114 in accordance with R7-2-1085.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Amended effective March 21, 1991 (Supp. 91-1). Amended effective October 22, 1992 (Supp. 92-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1116. Repealed

Historical Note

New Section made by exempt rulemaking at 13 A.A.R. 1266, effective February 26, 2007 (Supp. 07-1). Section repealed by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

PROCUREMENT OF SPECIFIED PROFESSIONAL SERVICES

R7-2-1117. Procurement of Specified Professional Services

A. Specified professional services, which is defined in R7-2-1001(117), as services of an architect, engineer, land surveyor, assayer, geologist and landscape architect, shall be procured as provided in R7-2-1117 through R7-2-1123, except as authorized in R7-2-1033, R7-2-1053, R7-2-1055, and R7-2-1122.

B. Prior to public notice of the need for specified professional services, the school district shall determine that the services to be acquired are specified professional services.

C. In the procurement of specified professional services:

1. The school district shall specify whether the procurement is for a single contract or for multiple contracts. Multiple contracts may be awarded to separate persons or may be awarded to a single person as specified in the request for qualifications.
2. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section and R7-2-1120 or R7-2-1121, including the selection of persons to be interviewed, the selection of persons to be on the final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process except as provided in R7-2-1121.
3. In determining the persons to participate in any interviews, in determining the persons to be on the final list, and in determining the order on the final list, the selection committee shall use and consider only the criteria and weighting of criteria in the request for qualifications. No other factors or criteria may be used in the evaluation, determinations and other actions.
4. If the school district enters into the number of contracts specified in the request for qualifications, the procurement ends. After that time the school district may not use the procurement or any final list in the procurement as the basis for entering into a contract with any other person that participated in the procurement.
5. Notwithstanding any other provision specifying the number of persons to be interviewed, the number of persons to be on a final list, or any other numerical specification in this Section or R7-2-1121:
   a. If a smaller number of persons respond to the request for qualifications or if one or more persons drop out of the procurement so that there is a smaller number of persons participating in the procurement, the school district, as the school district determines necessary and appropriate, may elect to proceed with the participating persons if there are at least two participating responsive and responsible persons. Alternatively, the school district may elect to terminate the procurement.
   b. As to a request for qualifications to be negotiated pursuant to R7-2-1121(D), if only one responsive and responsible person responds to the request for qualifications, or if one or more persons drop out of the procurement so that only one responsive and responsible person remains in the procurement, the school district may elect to proceed with the procurement with only one person if the governing board determines in writing that the negotiated fee is fair and reasonable and that either other prospective persons had reasonable opportunity to respond or there is not adequate time for a resolicitation.
   c. If a person on the final list withdraws or is removed from the procurement and the selection committee determines that it is advantageous to the school district, the selection committee may replace that person on the final list with another person that submitted qualifications in the procurement and that is selected as the next most qualified.

D. The request for qualifications shall:

1. Provide instructions and information to persons concerning the statement of qualifications submission requirements, including the due date and time for receipt of statements of qualifications, the address of the office at which the statements of qualifications are to be received, and any other special information.
2. State whether one contract or multiple contracts may or will be awarded.
   a. If one contract will be awarded, state that one contract may or will be awarded, describe the services to be performed under the contract and state that one person may or will be awarded the contract.
   b. If multiple contracts may or will be awarded, state the number of contracts that may or will be awarded, the services to be performed under each of the multiple contracts, and either that each contract will be awarded to a separate person or that all of the contracts will be awarded to the same person.
3. State the number of persons to be included on the final list.
   a. If a single contract will be awarded, state that there will be a single final list of at least three and not more than five persons.
   b. If multiple contracts will be awarded to a single person, state that there will be a single final list of at least three and not more than five persons.
   c. If multiple contracts for similar specified professional services will be awarded to separate persons, state that there will be a single final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five.
   d. If multiple contracts for different specified professional services will be awarded to separate persons, state that there will be a separate final list for each type of specified professional services and that the number of persons on each final list will be equal to the number of contracts that may or will be awarded for each type of specified professional services and a number determined by the school district not to exceed five.
4. State the selection criteria and relative weight to be used. All selection criteria shall be factors that demonstrate competence and qualifications for the type of specified professional services included in the procurement.
   a. If interviews will be held, state the selection criteria and relative weights to be used in selecting the persons to be interviewed. The request for qualifications may state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list. The final list selection criteria and relative weights may be different than the selection criteria and relative weights used to determine the persons to be interviewed. The request for qualifications also shall state whether the school district will select the persons on the final list and their order on the final list solely through the results of the interview process or through the combined results of both the interview process and the evaluation of statements of qualifications and performance data submitted in response to the request for qualifications.
   b. If interviews will not be held, state the selection criteria and relative weights to be used in selecting the persons on the final list and in determining their order on the final list.
5. State whether interviews will be held.
   a. If a single contract will be awarded, state that there will be interviews with at least three and not more than five persons.
   b. If multiple contracts will be awarded to a single person, state that there will be interviews with at least three and not more than five persons.
   c. If multiple contracts for similar specified professional services will be awarded to separate persons, state that there will be interviews with a number of persons equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five.
   d. If multiple contracts for different specified professional services will be awarded to separate persons, state that interviews will be held and that the interviews will be with a specified number of persons. The specified number shall be stated in the request for qualifications, shall be determined by the school district, shall be at least three times the number of contracts that may or will be awarded and shall not be more than five times the number of contracts that may or will be awarded.
6. The name of the district representative or district representatives and the publicly available location of the school district's protest policy or procedure.
7. Notice that all information and statements of qualifications submitted by persons will be made available for public inspection after the school district has entered into a single contract or all of the multiple contracts.

E. Statements of qualifications shall be received and opened in accordance with R7-2-1045. Late statements of qualifications, late modifications, or late withdrawals shall be considered in accordance with R7-2-1044 and R7-2-1049.

F. A copy of the request for qualifications shall be made available for public inspection at the school district office.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1118. Public Notice of Specified Professional Services

A. Notice of the need for specified professional services shall be given by the school district pursuant to R7-2-1022 and R7-2-1024(C). Such notice shall be issued not less than 14 days in advance of when responses shall be received.

B. The notice shall:
1. Contain a statement of the services required that adequately describes the procurement and specifies how a request for qualifications containing specific information on the procurement may be obtained.
2. Specify whether the procurement is for a single contract or for multiple contracts; and
3. If the procurement is for multiple contracts:
   a. Specify that multiple contracts may or will be awarded;
   b. Specify the number of contracts that may or will be awarded; and
   c. Describe the specified professional services to be performed under each contract.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1119. Cancellation or Rejection of the Solicitation

A school district may cancel a request for qualifications, reject in whole or in part any or all statements of qualifications or determine not to enter into a contract as specified in the solicitation if it is advantageous to the school district. The school district shall make the reasons for cancellation, rejection or determination not to enter into a contract part of the procurement file.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1120. Specified Professional Services Selection Committee

A. The school district shall initiate an appropriately qualified selection committee for each request for qualifications. The school district shall ensure that selection committee members are competent to serve on the selection committee.

B. Each selection committee shall include at least one school district representative appointed by the school district.

C. The school district shall determine the number and qualifications of the selection committee members. These members may be employees of the school district or non-school district appointees.

D. Non-school district employees serving on a selection committee shall not receive compensation from the school district for performing this service, but the school district may elect to reimburse non-school district members for travel, lodging and other expenses incurred in connection with service on a selection committee.

E. A person who is a member of a selection committee shall not be a contractor or subcontractor under a contract awarded under the procurement or provide any specified professional services or other services under the contract.

F. For the procurement of multiple contracts for specified professional services, the same selection committee shall be used for all contracts in the procurement.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1121. Committee Evaluation and Selection

A. If interviews are specified in the request for qualifications:

1. The selection committee shall determine the persons to be interviewed by evaluating the statements of qualifications and performance data submitted based solely on the selection criteria and relative weights in the request for qualifications to be used to determine the persons to be interviewed.
2. If the selection criteria and relative weights to be used by the selection committee to select the persons on the final list or final lists and to determine their order on the final list or final lists are not included in the request for qualifications:
   a. Before the interviews are held the school district shall distribute to the persons to be interviewed the selection criteria and relative weights to be used to select the persons on the final list and to determine their order on the final list.
   b. These selection criteria and relative weight may be different than the selection criteria and relative weight used to determine the persons to be interviewed.
3. The selection committee shall conduct interviews with the number of persons specified in the request for qualifications.

B. Based solely on the selection criteria and relative weights for selection of the persons on the final list or final lists and their order on the final list or final lists, the selection committee shall select the persons for the final list or final lists and rank the persons on the final list or final lists in order of preference. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, and if a person submitted qualifications for more than one type of specified professional services, the person may be on more than one final list.

C. Before or at the same time as the school district notifies the highest ranking person on the final list or final lists that it is the highest ranking person, the school district shall send actual notice to each of the following that it is not the highest ranking person or that another person is the highest ranking person:

1. If interviews were held, the other persons interviewed.
2. If interviews were not held, the other persons that made submittals.

D. The school district shall conduct negotiations with persons on the final list or final lists as follows:

1. The school district shall negotiate a contract with the highest qualified person for the required specified professional services at compensation determined in writing to be fair and reasonable to the school district. Contract negotiations shall be directed toward:
   a. Making certain that the person has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
   b. Determining that the person will make available the necessary personnel and facilities to perform the services within the required time; and
   c. Agreeing upon compensation that is fair and reasonable.
2. The negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this decision, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
3. If the procurement is for a single contract, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
4. If the procurement is for multiple contracts for specified professional services to be awarded to a single person on the final list, there is one final list and the school district shall enter into negotiations with the highest qualified person on the final list. If the school district is not able to negotiate a satisfactory contract with the highest qualified person on the final list, at compensation and on other contract terms the school district determines to be fair and reasonable, the school district shall formally terminate negotiations with that person. The school district shall

then undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.

5. If the procurement is for multiple contracts for similar specified professional services to be awarded to separate persons, there is one final list and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on the final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
6. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there is a separate final list for each type of specified professional services and the school district shall enter into separate negotiations for contracts with the number of the highest qualified persons on each final list equal to the number of contracts to be awarded. If the school district is not able to negotiate a satisfactory contract with a person with whom the school district has commenced negotiations, the school district shall formally terminate negotiations with that person. The school district shall then undertake negotiations for a contract with the next most qualified person on the applicable final list with whom the school district is not then negotiating and with whom the school district has not previously negotiated in sequence until an agreement is reached for some or all of the multiple contracts included in the request for qualifications or a determination is made to reject all persons on the final list.
7. If the school district terminates negotiations with a person and commences negotiations with another person on the final list, the school district shall not recommence negotiations or enter into a contract for the specified professional services covered by the final list with any person with whom the school district terminated negotiations.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1122. Specified Professional Services Contracts Not Exceeding Certain Amounts

A. A school district may procure a single contract or multiple contracts for specified professional services under this Section if the contract is for specified professional services by an architect or architect firm and the contract amount is $250,000 or less or if the contract is for specified professional services by a person other than an architect and the contract amount is $500,000 or less. For such procurements, the school district shall encourage persons engaged in the lawful practice of the profession to submit annually a statement of qualifications and experience.

B. For each procurement of specified professional services under this Section, the school district shall establish a selection committee pursuant to R7-2-1120.

C. The selection committee shall evaluate current statements of qualifications and experience on file with the school district, together with those that may be submitted by other persons regarding the procurement.

D. The school district and the selection committee shall not request or consider fees, price, man-hours or any other cost information at any point in the selection process under this Section, including the selection of the persons to be interviewed, the selection of persons to be on a final list, in determining the order of preference of persons on a final list or for any other purpose in the selection process, except as provided in subsection (F).

E. If possible and practicable, the selection committee shall conduct interviews regarding the procurement and the relative methods of furnishing the required specified professional services and, if possible, shall select, in order of preference and based on criteria established and published by the selection committee, one or more final lists of the persons deemed to be the most qualified to provide the specified professional services required. The selection committee shall base the selection of each final list and the order of preference on demonstrated competence and qualifications only.

1. If the procurement is for a single contract or if the procurement is for multiple contracts to be awarded to a single person, there shall be one final list of three persons.
2. If the procurement is for multiple contracts for different specified professional services to be awarded to separate persons, there shall be a separate final list of three persons for each contract.
3. If the procurement is for multiple contracts for the same specified professional services to be awarded to separate persons, there shall be one final list equal to the number of contracts that may or will be awarded and a number determined by the school district not to exceed five.

F. The school district shall enter into negotiations with the highest qualified person on each final list or, in the case of a single final list for multiple contracts for the same specified professional services to be awarded to separate persons, the school district shall enter into negotiations with a number of the highest qualified persons on the final list equal to the number of contracts that may or will be awarded.

1. Negotiations shall include consideration of compensation and other contract terms that the school district determines to be fair and reasonable to the school district. In making this determination, the school district shall take into account the estimated value, the scope, the complexity and the nature of the specified professional services to be rendered.
2. If the school district is unable to negotiate a satisfactory contract with a person with whom the school district is negotiating at a price and on other contract terms the school district determines to be fair and reasonable to the school district, the school district shall formally terminate negotiations with that person.
3. The school district may undertake negotiations with the next most qualified person on the final list in sequence until an agreement is reached or a determination is made to reject all persons on the final list.
4. If the school district terminates negotiations with a person on a final list and commences negotiations with another person on the final list, the school district shall not in that procurement recommence negotiations or enter into a

contract or contracts with any person with whom the school district has terminated negotiations.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1123. Procurement File Contents and Review for Procurements Conducted under R7-2-1117 through R7-2-1121

A. At a minimum, the school district shall retain the following for each procurement under R7-2-1117 through R7-2-1121:
1. If interviews were not held:
   a. The submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
   b. The final list or final lists.
   c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.
   d. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score.
   e. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.
2. If interviews were held:
   a. All submittals of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract. If the procurement has multiple final lists, the school district shall retain the submittal of the person listed first on the final list and the submittal of each person with whom the school district enters into a contract, for each final list.
   b. The final list or final lists.
   c. A list of the selection criteria and relative weight of selection criteria used to select the persons for the final list or final lists and to determine their order on the final list or final lists.
   d. A list that contains the name of each person that was interviewed and that shows the person's final overall rank or score.
   e. Documents that show the final score or rank on each selection criteria of each person that was interviewed and that support the final overall rankings and scores of the persons that were interviewed. The school district shall retain the individual scoring sheets for individual selection committee members.
   f. A list of the selection criteria and relative weight of the selection criteria used to select the persons for the short list or short lists to be interviewed.
   g. A list that contains the name of each person that submitted qualifications and that shows the person's final overall rank or score in the selection of the persons to be on the short list or short lists to be interviewed.
   h. Documents that show the final score or rank on each selection criteria of each person that submitted qualifications and that support the final overall rankings and scores of the persons that submitted qualifications. The school district shall retain the individual scoring sheets for individual selection committee members.

B. Information relating to each procurement under R7-2-1117 through R7-2-1121 shall be made available to the public as follows:
1. Until the school district awards a single contract or all of the multiple contracts or terminates the procurement, only the name of each person on the final list may be made available to the public. All other information received by the school district in response to the request for qualifications shall be confidential in order to avoid disclosure of the contents that may be prejudicial to competing respondents during the selection process.
2. After the school district awards a single contract or all of the multiple contracts or terminates the procurement, the school district shall make the contents of the procurement file, except the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h), available to the public.
3. After the school district has entered into a single contract or all of the multiple contracts or has terminated the procurement, the school district shall make the statements of qualifications and the documents described in subsections (A)(1)(e), (A)(2)(e), and (A)(2)(h) available to the public.
4. To the extent that a person designates and the school district concurs, trade secrets and other proprietary data contained in a statement of qualifications shall remain confidential.
5. If the procurement file contains information that is confidential under R7-2-1006, a copy of the applicable documents with the confidential information redacted shall be placed in the procurement file for the purpose of public inspection. The unredacted original copy of the confidential information shall be placed in a sealed envelope or other appropriate container, identified as confidential information, and maintained in the procurement file.

C. The school district shall retain the records of a procurement under R7-2-1117 through R7-2-1121 in accordance with R7-2-1085.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section repealed; new Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1124. Reserved

COST PRINCIPLES

R7-2-1125. Cost Principles

The cost principles adopted by the director of the Department of Administration pursuant to A.R.S. § 41-2591 shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions that provide for the reimbursement of costs.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R.

1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1126. Reserved

R7-2-1127. Reserved

R7-2-1128. Reserved

R7-2-1129. Reserved

R7-2-1130. Reserved

MATERIALS MANAGEMENT

R7-2-1131. Material Management and Disposition

A. The school district shall ascertain or verify that materials, services, or construction items procured by the school district conform to specifications as set forth in the solicitation.

B. The school district shall determine the fair market value of excess and surplus material.

C. Disposition of surplus materials.

1. Except as provided in A.R.S. § 15-342(7) related to sales or leases to the state, a county, a city, another school district, or a tribal government agency, and A.R.S. § 15-342(18) related to the disposition of surplus or outdated learning materials, educational equipment and furnishings, surplus materials, regardless of value, shall be offered through competitive sealed bids, public auction, on-line sales, established markets, trade in, posted prices or state surplus property. If unusual circumstances render the above methods impractical, the school district may employ other disposition methods, including appraisal or barter, provided the school district makes a written determination that such procedure is advantageous to the school district. Only United States Postal Money Orders, certified checks, cashiers' checks or cash shall be accepted for sales of surplus material unless otherwise approved by the school district.
2. Competitive sealed bidding.
   a. Notice for sale bids shall be publicly available from the school district at least 10 days before the due date set for bids. Notice of the sale bids shall be provided to prospective bidders, including those bidders on lists maintained by the school district pursuant to R7-2-1023. The notice for sale bids shall list the materials offered for sale, their location, availability for inspection, the terms and conditions of sale and instructions to bidders including the bid due date and time. Bids shall be opened publicly pursuant to the requirements of R7-2-1029.
   b. The award shall be made in accordance with the provisions of the notice for sale bids to the highest responsive and responsible bidder, provided that the price offered by such bidder is acceptable to the school district. If the school district determines that the bid is not advantageous to the school district, the school district may reject the bids in whole or in part and may resolicit bids or the school district may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.
3. Auctions shall be advertised at least two times prior to the auction date in a newspaper of the county as defined in A.R.S. § 11-255. Advertisements shall be at least seven days apart. The second publication shall not be less than seven days before the auction date. All the terms and conditions of any sale shall be available to the public at least 24 hours prior to the auction date. The school district or any agent acting on the school district's behalf may also advertise the auction in any other manner determined advantageous to the school district.
4. Internet-based on-line sales shall not be subject to the advertisement requirements in subsection (C)(3). For such disposal services, the school district shall post and maintain a notice explaining the use of Internet-based on-line sales on a designated site on the Internet. The notice shall include:
   a. The name of the on-line sales provider and the designated site on the Internet where potential buyers may obtain information or participate in the on-line auctions;
   b. A link to the Internet-based on-line sales service;
   c. A link to the terms and conditions of sale;
   d. Instructions for bidding on the Internet-based on-line sales site; and
   e. A period of not less than 14 days for each Internet-based on-line sale during which persons may submit offers to purchase the specified materials.
5. Before surplus materials are disposed of by trade-in to a vendor for credit on an acquisition, the school district shall approve such disposal. The school district shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials.
6. An employee of the school district or a governing board member, or an employee of a school district's agent conducting an auction on behalf of the school district, shall not directly or indirectly purchase or agree with another person to purchase surplus property if said employee or board member is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.
7. State surplus property manager. The school district may enter into an agreement with the State Surplus Property Manager for the disposition of materials pursuant to Article 8 of the Arizona Procurement Code (A.R.S. § 41-2601 et seq.) and the rules adopted thereunder.
8. Pursuant to A.R.S. § 15-342(35), a school district may offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the items to pupils who are currently enrolled in that school district before those materials are offered for public sale.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1).
Amended effective October 22, 1992 (Supp. 92-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1132. State and Federal Surplus Materials Program

A. The governing board may acquire surplus materials from the state and the United States government.

B. The governing board may enter into an agreement with the State Surplus Property Manager for the purpose of acquiring surplus materials from the United States government pursuant to A.R.S. § 41-2603 and the rules adopted thereunder.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).
Amended effective March 21, 1991 (Supp. 91-1).

R7-2-1133. Authority for Transfer of Material

Notwithstanding any provision of law to the contrary, the governing board may secure the transfer of surplus materials and obligate its

monies to the extent necessary to comply with the laws and conditions of such transfers.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1134. Reserved

R7-2-1135. Reserved

R7-2-1136. Reserved

R7-2-1137. Reserved

R7-2-1138. Reserved

R7-2-1139. Reserved

R7-2-1140. Reserved

BID PROTESTS

R7-2-1141. Resolution of Bid Protests

A. Informal resolution of bid protests. Nothing in Articles 10 and 11 are intended to eliminate the informal resolution of problems by school district personnel.

B. Formal resolution of bid protests. The governing board pursuant to R7-2- 1007 shall designate a district representative, as defined in R7-2-1001(39), to resolve bid protests. All solicitations issued by the school district shall include the name of the district representative and shall indicate that any bid protest shall be filed with the district representative. Appeal from the decision of the district representative may be made to the hearing officer pursuant to R7-2-1147 and R7-2-1181.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1142. Filing of a Protest

A. Any interested party may protest a solicitation issued by the school district, a determination that a proposal is unacceptable, or the proposed award or the award of a school district contract. Protests shall be filed with the district representative.

B. Content of protest. The protest shall be in writing and shall include the following information:
1. The name, address and telephone number of the interested party;
2. The signature of the interested party or the interested party's representative;
3. Identification of the solicitation or contract number;
4. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
5. The form of relief requested.

C. The interested party shall supply promptly any other information requested by the district representative.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1143. Time for Filing Protests

A. Protests based upon alleged improprieties in a solicitation that are apparent before the due date and time for responses to the solicitation, shall be filed before the due date and time for responses to the solicitation.

B. In cases other than those covered in subsection (A), the interested party shall file the protest within 10 days after the school district makes the procurement file available for public inspection.

C. The interested party may file a written request with the district representative for an extension of the time limit for protest filing set forth in subsection (B). The written request shall be filed before the expiration of the time limit set forth in subsection (B) and shall set forth good cause as to the specific action or inaction of the school district that resulted in the interested party being unable to file the protest within the 10 days. The district representative shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for submission of the filing.

D. If the interested party shows good cause and it is advantageous to the school district, the district representative may consider any protest that is not filed timely.

E. The district representative shall immediately give notice of the protest to the successful contractor if award has been made or, if no award has been made, to all interested parties.

F. At any time the district representative or hearing officer may refer the protest to the governing board for resolution in accordance with R7-2-1152.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1144. Stay of Procurements During the Protest

The district representative may stay all or part of the procurement or contract if it is determined that there is a reasonable probability the protest will be upheld or that a stay is advantageous to the school district. The district representative shall notify the successful contractor if award has been made or, if no award has been made, all interested parties of the stay in writing.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1145. Decision by the District Representative

A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve a protest.

B. The district representative shall issue a written decision within 42 days after a protest has been filed pursuant to R7-2-1142. The decision shall include:
1. A statement of the decision of the district representative with supporting rationale; and
2. A paragraph substantially as follows: "This is the decision of the district representative of the _____ School District. The decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 14 days from the date of the decision."

C. The district representative shall furnish a copy of the decision to the interested party by any method that provides evidence of receipt.

D. On agreement of all interested parties, the time limit for decisions set forth in subsection (B) may be extended by the district representative for good cause for a reasonable time not to exceed 14 days. The district representative shall notify the interested party in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

E. If the district representative fails to issue a decision within the time limits set forth in subsections (B) or (D), the interested party may proceed as if the district representative had issued an adverse decision.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1146. Remedies

A. If the district representative sustains the protest in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed contract award, or contract award does not comply with Articles 10 and 11, the school district shall implement an appropriate remedy.

B. In determining an appropriate remedy, the district representative shall consider all the circumstances surrounding the procurement or proposed procurement including, but not limited to, the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, costs to the school district, the urgency of the procurement, the impact of the relief on the mission of the school district, and other relevant issues.

C. An appropriate remedy may include one or more of the following:
1. Decline to exercise an option to renew under the contract;
2. Terminate the contract;
3. Amend the solicitation;
4. Issue a new solicitation;
5. Award a contract consistent with procurement statutes and regulations; or
6. Such other relief as is determined necessary to ensure compliance with Articles 10 and 11.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1147. Appeals to a Hearing Officer

A. An appeal to a hearing officer from a decision entered or deemed to be entered by the district representative shall be filed with the district representative within 14 days from the date of decision.

B. Content of appeal. The appeal shall contain:
1. The information set forth in R7-2-1142(B); and
2. The precise factual or legal error in the decision of the district representative from which an appeal is taken.

C. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district. If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing.

D. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.

E. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1148. Notice of Appeal

The district representative shall within three working days give notice of the filing of the appeal to the governing board and the successful contractor if award has been made.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1149. Stay of Procurement During Appeal

If an appeal is filed and the procurement or contract was stayed by the district representative pursuant to R7-2-1144, the filing of an appeal shall automatically continue the stay unless the hearing officer makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the school district.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1150. District Representative's Response

A. The district representative shall prepare a complete response to the appeal within 14 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. The district representative's response shall be filed with the hearing officer within five days after the hearing officer is selected. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.

B. The interested party shall file comments on the district representative's response with the hearing officer within 10 days after receipt of the response. The interested party shall provide copies of the comments to the district representative and other interested parties.

C. The interested party may submit a written request to the hearing officer for an extension of the period for submission of comments, identifying the reasons for the extension. The hearing officer shall approve or deny the request in writing, state the reasons for the determination, and, if an extension is granted, set forth a new date for the submission of filing comments. The hearing officer shall notify the district representative of any extension.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R.

1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1151. Dismissal Before Hearing

A. The hearing officer shall dismiss, upon a written determination, an appeal before scheduling a hearing if:
1. The appeal does not state a valid basis for protest;
2. The appeal is untimely pursuant to R7-2-1147(A); or
3. The appeal attempts to raise issues not raised in the protest.

B. The hearing officer shall notify the interested party and the district representative in writing of a determination to dismiss an appeal before hearing.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1152. Hearing

Hearings on appeals of bid protest decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1153. Remedies

If the hearing officer sustains the appeal in whole or part and determines that a solicitation, a determination that a proposal is unacceptable, proposed award, or award does not comply with Articles 10 and 11, remedies shall be implemented pursuant to R7-2-1146.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1154. Reserved

CONTRACT CLAIMS AND CONTROVERSIES

R7-2-1155. Resolution of Contract Claims and Controversies

A. The district representative shall have the authority granted to the district representative by the governing board to settle and resolve contract claims and controversies including claims relating to assignees of the contractor.

B. The district representative shall receive prior written approval of the governing board for the settlement or resolution of a claim of $50,000 or greater.

C. Appeals from decisions of the district representative may be made to the hearing officer pursuant to R7-2-1158.

D. A claimant shall file a contract claim with the district representative within 180 days after the claim arises. The claim shall include the following:
1. The name, address, and telephone number of the claimant;
2. The signature of the claimant or claimant's representative;
3. Identification of the solicitation or contract number;
4. A detailed statement of the legal and factual grounds of the claim including copies of the relevant documents; and
5. The form and dollar amount of the relief requested.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1156. District Representative's Decision

A. If a controversy cannot be resolved by mutual agreement, the district representative shall issue a written decision within no more than 42 days from receipt of the contractor's written request for a decision. Before issuing a written decision, the district representative shall review the facts pertinent to the claim and secure any necessary assistance from legal, fiscal, and other advisors.

B. Decision of the district representative. The district representative shall furnish a copy of the decision to the contractor by any method that provides evidence of receipt. The decision shall include:
1. A description of the claim;
2. A reference to the pertinent contract provision;
3. A statement of the factual areas of agreement or disagreement;
4. A statement of the district representative's decision, with supporting rationale; and
5. A paragraph substantially as follows:
"This is the decision of the district representative of the _____ School District. This decision may be appealed to a hearing officer. If you appeal, you must file a written notice of appeal with the district representative within 14 days from the date of decision."

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1157. Issuance of a Timely Decision

A. On agreement of all interested parties, the time limit for decisions set forth in R7-2-1156(A) may be extended for good cause for a reasonable time not to exceed 14 days. The district representative shall notify the contractor in writing that the time for the issuance of a decision has been extended and the date by which a decision shall be issued.

B. If the district representative fails to issue a decision within 42 days after the request is filed or within the time prescribed under subsection (A), the contractor may proceed as if the district representative had issued an adverse decision.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1158. Appeals to a Hearing Officer

A. An appeal from a decision entered or deemed to be entered by the district representative on a contract claim or controversy shall be filed with the district representative within 14 days from the date of decision.

B. The appeal shall contain the basis for the precise factual or legal error in the decision of the district representative from which an appeal is taken.

C. The district representative shall prepare a complete response to the appeal within 14 days from the date the appeal is filed or within five days after the hearing officer has been selected, whichever is later. The district representative's response shall be filed with the hearing officer within five days after the hearing officer is selected. At the same time, the district representative shall furnish a copy of the response to the appellant and to any interested party.

D. All costs associated with conducting a hearing, including the costs of the hearing officer, shall be paid by the school district.

If the hearing officer decides in favor of the school district, the other party shall reimburse the school district for the costs of the hearing.

E. The Executive Director of the State Board of Education ("Executive Director") shall prepare and maintain a list of individuals who meet the qualifications specified in R7-2-1185 to serve as hearing officers.

F. A hearing officer may be selected by mutual agreement of both parties. If the parties are unable to mutually agree on a hearing officer, three hearing officers shall be selected randomly by the Executive Director and shall be screened to determine availability and possible bias. Once the Executive Director has selected three hearing officers who are available and show no evidence of bias, the three names shall be provided to both parties. Both parties have the opportunity to strike one name from the list provided, but shall do so within 14 calendar days from the date on which the Executive Director provided the list to the parties. If after the time period for striking a hearing officer has passed and more than one person remains on the list, the Executive Director shall select one of the remaining individuals on the list as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. If after the time period for striking a hearing officer has passed and there is only one person remaining on the list, the remaining individual shall be named as the hearing officer unless either party objects for cause and provides such reason in writing to the Executive Director. Objections for cause shall require specific evidence that the individual does not meet the criteria specified in R7-2-1185. The Executive Director shall review the evidence submitted and determine the qualifications of the individual. If the Executive Director determines that the individual is not qualified to serve as the hearing officer, the Executive Director shall repeat the process and select three additional hearing officers to be provided to the parties.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1159. Hearing

Hearings on appeals of contract claim and controversy decisions shall be conducted pursuant to R7-2-1181 and A.R.S. § 41-1092.07 as contested cases.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1160. Reserved

DEBARMENT AND SUSPENSION

R7-2-1161. Authority to Debar or Suspend

A. Except as provided in A.R.S. § 41-1279.21(B), the governing board has the sole authority to debar or suspend a person from participating in school district procurements.

B. The causes for debarment or suspension include the following:

1. Conviction of any person or any subsidiary or affiliate of any person for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
2. Conviction of any person or any subsidiary or affiliate of any person under any statute of the federal government, this state or any other state for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a school district contractor.
3. Conviction or civil judgment finding a violation by any person or any subsidiary or affiliate of any person under state or federal antitrust statutes.
4. Violations of contract provisions of a character which are deemed to be so serious as to justify debarment action, such as either of the following:
   a. Knowingly fails without good cause to perform in accordance with the specification or within the time limit provided in the contract.
   b. Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
5. Any other cause deemed to affect responsibility as a school district contractor, including suspension or debarment of such person or any subsidiary or affiliate of such person by another governmental entity for any cause.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1162. Initiation of Debarment

Upon receipt of information concerning a possible cause for debarment, the school district shall investigate the possible cause. If the school district has a reasonable basis to believe that a cause for debarment exists, the school district may propose debarment under R7-2-1164.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1163. Period of Debarment

A. The period of time for a debarment shall not exceed three years from the date of the debarment determination.

B. If debarment is based solely upon debarment by another governmental agency including another school district, the period of debarment may run concurrently with the period established by that other debarring agency.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1164. Notice

A. If the school district proposes debarment, the school district shall notify the person and affected affiliates in writing within seven days of the proposed debarment by any means evidencing receipt, which notice shall indicate that a hearing shall be scheduled, if requested, in accordance with R7-2-1181 as contested cases.

B. The notice of debarment shall state:

1. The basis for debarment;
2. The period, including dates, of the debarment;
3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing with a

designated district representative within 10 days after receipt of the notice.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1165. Notice to Affiliates

A. If the school district proposes to debar an affiliate, the affiliate shall have a right to appear in any hearing on the proposed debarment to show mitigating circumstances.

B. The affiliate shall in writing advise the school district within 10 days of receipt of the notice under R7-2-1164 of its intention to appear under subsection (A). Failure to provide written notice of appearance within the 10-day period shall be a waiver of the right to appear in the hearing.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1166. Imputed Knowledge

A. Improper conduct may be imputed to an affiliate for purposes of debarment where the impropriety occurred in connection with the affiliate's duties for or on behalf of, or with the knowledge, approval, or acquiescence of, the contractor.

B. The improper conduct of a person or its affiliate having a contract with a contractor may be imputed to the contractor for purposes of debarment where the impropriety occurred in connection with the person's duties for or on behalf of, or with the actual or constructive knowledge, approval, or acquiescence of, the contractor.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1167. Reinstatement

A. The governing board may at any time reinstate a debarred person or rescind the debarment upon a determination that the cause upon which the debarment is based no longer exists or upon a determination that such reinstatement or rescission is advantageous to the school district. The governing board's determination shall include any limitations on the debarred person's ability to contract with the school district.

B. Any debarred person may request reinstatement by submitting a petition to the school district supported by documentary evidence showing that the cause for debarment no longer exists or has been substantially mitigated.

C. The school district may require a hearing on the request for reinstatement.

D. The school district shall make a written decision on reinstatement within 30 days after the request is filed and specify the factors on which it is based.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1168. Suspension

A. If adequate grounds for debarment exist, the governing board may suspend a person from participating in any procurement or receiving any award in accordance with the procedures in R7-2-1170.

B. The governing board shall not suspend a person pending debarment unless compelling reasons require suspension to protect school district interests.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1169. Period and Scope of Suspension

A. Unless otherwise agreed to by the parties, the period of suspension shall not exceed 35 days without satisfying the notice requirements of R7-2-1170. If the notice requirements are satisfied the period of suspension shall not exceed six months.

B. For purpose of suspension, a person's conduct may be imputed to an affiliate or another person in accordance with R7-2-1166.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1170. Notice and Hearing

A. The school district shall notify the person suspended by any means evidencing receipt.

B. The notice of suspension shall state:
1. The basis for suspension;
2. The period, including dates, of the suspension;
3. That bids or proposals shall not be solicited or accepted from the person and, if received, will not be considered; and
4. That the person is entitled to a hearing on the suspension if the person files a written request for a hearing, including the basis for the request, with a designated district representative within 10 days after receipt of the notice.

C. A hearing requested under this Section shall be conducted pursuant to R7-2-1181.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1171. List of Debarments, Suspensions and Voluntary Exclusions

The school district shall maintain a list of debarment, suspensions, and voluntary exclusions. It is recommended that the school district provide notice of any debarments, suspensions and voluntary exclusions to the state purchasing office.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1172. Reserved

R7-2-1173. Reserved

R7-2-1174. Reserved

R7-2-1175. Reserved

R7-2-1176. Reserved

R7-2-1177. Reserved

R7-2-1178. Reserved

R7-2-1179. Reserved

R7-2-1180. Reserved

HEARING PROCEDURES

R7-2-1181. Hearing Procedures

A. If a hearing is required or permitted under Articles 10 and 11, this Section shall apply. Hearing officers shall be selected pursuant to R7-2-1147(D) and (E) or R7-2-1158(E) and (F).

B. The Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) shall apply where the Act is not inconsistent with Articles 10 and 11.

C. The hearing officer shall arrange for a prompt hearing and notify the parties in writing of the time and place of the hearing.

D. The hearing officer may:
1. Hold pre-hearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
2. Require parties to state their positions concerning the various issues in the proceeding;
3. Require parties to produce for examination those relevant witnesses and documents under their control;
4. Rule on motions and other procedural items on matters pending before such officer;
5. Regulate the course of the hearing and conduct of participants;
6. Establish time limits for submission of motions or memoranda;
7. Impose appropriate sanctions against any person failing to obey an order under these procedures, which may include:
   a. Refusing to allow the person to assert or oppose designated claims or defenses, or prohibiting that person from introducing designated matters in evidence;
   b. Excluding all testimony of an unresponsive or evasive witness; and
   c. Expelling person from further participation in the hearing;
8. Take official notice of any material fact not appearing in evidence in the record, if the fact is among the traditional matters of judicial notice; and
9. Administer oaths or affirmations.

E. A transcribed record of the hearing shall be made available at cost to any requesting party.

F. Decision by the hearing officer. A decision by the hearing officer shall be sent within 30 days after the conclusion of the hearing to all parties by any means evidencing receipt. A decision shall contain:
1. A statement of facts;
2. A statement of the decision with supporting rationale; and
3. A statement that the parties may file a motion for rehearing within 15 days from the date a copy of this decision is served upon the party.

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1182. Rehearing of Decisions

A. Procedure; grounds. A decision of the hearing officer may be vacated and new hearing granted on motion of the aggrieved party for any of the following causes materially affecting the party's rights:
1. Irregularity in the proceedings of the hearing officer or prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing.
2. Misconduct of the prevailing party.
3. Accident or surprise not preventable by ordinary prudence.
4. Material evidence, newly discovered, which despite reasonable diligence was not discovered and produced at the hearing.
5. Excessive or insufficient damages or penalties.
6. Error of law occurring at the hearing or during the progress of the proceeding.
7. That the findings of fact or decision is not justified by the evidence or is contrary to law.

B. Scope. A rehearing may be granted to all or any of the parties and on all or part of the issues in the proceeding for any of the reasons for which rehearings are authorized by law or rule of court. On a motion for a rehearing, the hearing officer may open the decision, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new decision.

C. Contents of motion; amendment; rulings reviewable.
1. The motion for rehearing shall be in writing, shall specify generally the grounds upon which the motion is based, and may be amended at any time before it is ruled upon by the hearing officer.
2. Upon the general ground that the hearing officer erred in admitting or rejecting evidence, the hearing officer shall review all rulings during the hearing upon objections to evidence.
3. Upon the general ground that the findings of fact or decision are not justified by the evidence, the hearing officer shall review the sufficiency of the evidence.

D. Time for motion for rehearing. A motion for rehearing shall be filed not later than 15 days after service of the decision upon the party.

E. Time for serving affidavits. When a motion for rehearing is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the hearing officer for good cause shown or by the parties by written stipulation. The hearing officer may permit reply affidavits.

F. On initiative of hearing officer. Not later than 15 days after the date of the decision, the hearing officer may order a rehearing for any reason for which it might have granted a rehearing on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the hearing officer may grant a motion for a rehearing, timely served, for a reason not stated in the motion. In either case, the hearing officer shall specify in the order the grounds therefor.

G. Questions to be considered in rehearing. A rehearing, if granted, shall be only a rehearing of the question or questions with respect to which the decision is found erroneous, if separable. If a rehearing is ordered because the damages or penalties are excessive or inadequate and granted solely for that reason, the decision shall be set aside only in respect of the damages or penalties, and shall stand in all other respects.

H. Motion on ground of excessive or inadequate damages. When a motion for rehearing is made upon the ground that the damages or penalties awarded are either excessive or insufficient, the hearing officer may grant the rehearing conditionally upon the filing within a fixed period of time, not to exceed 15 days, of a statement by the party adversely affected by reduction or increase of damages or penalties accepting that amount of damages or penalties which the hearing officer shall designate. If such a statement is filed with the prescribed time, the motion for rehearing shall be regarded as denied as of the date of such filing. If no statement is filed, the motion for rehearing shall be

regarded as granted as of the date of the expiration of the time period within which a statement may have been filed. No further written order shall be required to make an order granting or denying the rehearing final. If the conditional order of the hearing officer requires a reduction of or increase in damages or penalties, then the rehearing will be granted in respect of the damages or penalties only and the decision shall stand in all other respects.

I. Number of motions for rehearing. Not more than two motions for rehearing shall be granted to any party in the same action.

J. Specifications of grounds of rehearing in order. An order granting a motion for rehearing shall specify with particularity the ground or grounds on which the rehearing is granted.

K. Final decision.

1. If a motion for rehearing is denied, the final decision denying the motion for rehearing shall be sent within five days after the denial to all parties by any means evidencing receipt. A final decision shall contain a paragraph substantially as follows: "This is the final decision of the hearing officer in the matter of _____."
2. If the motion for rehearing was granted, after the rehearing is completed, a final decision shall be made and shall be sent within five days after the conclusion of the rehearing to all parties as required in subsection (K)(1). A final decision shall contain:
   a. A statement of facts;
   b. A statement of the decision with supporting rationale; and
   c. A paragraph substantially as stated in subsection (K)(1).

Historical Note

Adopted effective December 17, 1987 (Supp. 87-4). Amended by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1183. Judicial Review

Any final decision made as a result of a hearing held pursuant to Articles 10 and 11 are subject to judicial review in accordance with A.R.S. Title 12, Chapter 7, Article 6.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1184. Exclusive Remedy

Articles 10 and 11 (R7-2-1001 et seq.) provide the exclusive procedure for asserting a cause against the school district and its governing board arising in relation to any procurement conducted under Articles 10 and 11.

Historical Note

Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1185. Qualifications for Hearing Officers

A. A "hearing officer" means a person assigned to preside at a hearing held pursuant to Articles 10 and 11 and whose duty it is to assure that proper procedures are followed and that the rights of the parties are protected.

B. A hearing officer shall be:

1. Unbiased - not prejudiced for or against any party in the hearing;
2. Disinterested - not having any personal or professional interest which would conflict with his/her objectivity in the hearing; and
3. Independent - may not be an officer, employee or agent of the contractor or governing board, or of any other public agency involved in the dispute to be settled. A person who otherwise qualifies to conduct a hearing is not an employee of the contractor or governing board solely because he or she is paid by the parties to serve as a hearing officer.

C. A hearing officer shall have:

1. A minimum of three years of verified experience in the practice of law; or
2. A minimum of three years of verified experience in school procurement or school facilities management and a minimum of one year of verified experience in conducting hearings. Completion of a course or program in conducting a hearing or arbitration may substitute for the one year of verified experience in conducting hearings.

Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 3750, effective September 8, 2000 (Supp. 00-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1186. Reserved

R7-2-1187. Reserved

R7-2-1188. Reserved

R7-2-1189. Reserved

R7-2-1190. Reserved

INTERGOVERNMENTAL PROCUREMENTS

R7-2-1191. Cooperative Purchasing Authorized

A. A school district may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any materials, services, specified professional services, construction, or construction services with one or more eligible procurement units in accordance with an agreement entered into between the participants. An agreement entered into as provided in R7-2-1191 through R7-2-1195 is exempt from A.R.S. § 11-952(D) and (E). Parties under a cooperative purchasing agreement may:

1. Sponsor, conduct, or administer a cooperative purchasing agreement for the procurement or disposal of any materials, services or construction.
2. Cooperatively use materials or services.
3. Commonly use or share warehousing facilities, capital equipment and other facilities.
4. Provide personnel, except that the requesting public procurement unit shall pay the public procurement unit providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement.
5. On request, make available to other public procurement units informational, technical or other services or software that may assist in improving the efficiency or economy of procurement. The public procurement unit furnishing the informational, technical, or other services or software has the right to request reimbursement for the reasonable and necessary costs of providing such services or software.

B. The activities described in subsections (A)(1) through (A)(5) do not limit what parties may do under a cooperative purchasing agreement.

C. A nonprofit corporation shall comply with Articles 10 and 11 in any cooperative purchasing agreement the nonprofit corporation administers in which a school district participates.

D. Whether administering or purchasing from the agreement, this Section does not abrogate the responsibility of each school district to perform due diligence in order to ensure compliance with Articles 10 and 11 notwithstanding the fact that the cooperative purchase is administered by another eligible procurement unit.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1192. Contract Provisions in a Cooperative Purchasing Agreement

Any contract entered pursuant to R7-2-1191 shall provide that:

1. Payment for materials and services and inspection and acceptance of materials or services ordered by an eligible procurement unit under a cooperative purchasing agreement shall be the exclusive obligation of such procurement unit;
2. The exercise of any rights or remedies by a using eligible procurement unit shall be the exclusive obligation of such procurement unit. The administering public procurement unit, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy;
3. Any school district may terminate without notice any cooperative purchasing agreement if another eligible procurement unit fails to comply with the terms of the contract;
4. Failure of an eligible procurement unit to secure performance from the contractor in accordance with the terms and conditions of its purchase order does not necessarily require any other eligible procurement unit to exercise its own rights or remedies; and
5. An eligible procurement unit shall not use a cooperative purchasing contract as a method for obtaining concessions or reduced prices for non-contract purchases of similar materials or services.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1193. Use of Payments Received by a Supplying Public Procurement Unit

All payments received by a public procurement unit supplying personnel or services shall be available to the supplying public procurement unit to defray the cost of the cooperative program.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4).

R7-2-1194. Public Procurement Units in Compliance with Article Requirements

A. If the eligible procurement unit administering a cooperative purchase complies with the requirements of Articles 10 and 11, any public procurement unit participating in such a purchase is deemed to have complied with Articles 10 and 11. Public procurement units may not enter into a cooperative purchasing agreement for the purpose of circumventing Articles 10 and 11.

B. A participating public procurement unit using a contract awarded by another eligible procurement unit shall only purchase awarded materials, services, specified professional services, construction, or construction services in compliance with the terms, conditions and prices in the contract.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1195. Contract Controversies

A. Under a cooperative purchasing agreement in which a school district is a party, controversies arising between an administering public procurement unit and its bidders, offerors or contractors shall be resolved in accordance with Articles 10 and 11.

B. Any local public procurement unit which is not subject to R7-2-1181 through R7-2-1185 may enter into an agreement with a school district to establish procedures or use such school district's existing procedures to resolve controversies with contractors, whether or not such controversy arose from a cooperative purchasing agreement.

Historical Note
Adopted effective December 17, 1987 (Supp. 87-4). Section amended by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1196. General Services Administration Contracts

A. The governing board may authorize purchases under a current General Services Administration contract for materials or services without complying with the requirements of Articles 10 and 11 if the governing board determines in writing before proceeding with a General Services Administration contract procurement that all of the following apply:

1. The price for materials or services is equal to or less than the contractor's current federal supply contract price with the General Services Administration and is fair and reasonable.
2. The contractor has indicated in writing that the contractor is willing to extend the current federal supply contract pricing, terms and conditions to the school district.
3. The purchase order adequately identifies the federal supply contract on which the order is based, including the name of the contractor, contract number and procurement description.
4. The purchase contract is cost effective based on price, quality and other relevant factors, and is advantageous to the school district.

B. The school district shall only purchase materials or services awarded under the applicable General Services Administration contract.

C. The governing board shall comply with all federal requirements applicable to state and local government use of General Services Administration contracts.

Historical Note
Section made by final exempt rulemaking at 21 A.A.R. 1525, effective July 1, 2015 (Supp. 15-3).

R7-2-1197. Reserved

R7-2-1198. Reserved

R7-2-1199. Reserved

R7-2-1200. Reserved

ARTICLE 12. REPEALED

R7-2-1201. Repealed

Historical Note
Adopted effective April 27, 1989 (Supp. 89-2). Repealed

effective February 20, 1997 (Supp. 97-1).

ARTICLE 13. CONDUCT

R7-2-1301. Definitions

In this Article, unless the context otherwise specifies:

1. "Alleging party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
2. "Applicant" means a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., or requesting renewal of a previously held certificate issued pursuant to R7-2-601 et seq.
3. "Board" means the State Board of Education.
4. "Certificated individual" means an individual who holds an Arizona certificate issued pursuant to R7-2-601 et seq.
5. "Complaint" means the filing of a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.
6. "Hearing" means an adjudicative proceeding held pursuant to Title 41, Chapter 6 and R7-2-701 et seq.
7. "PPAC" means the Professional Practices Advisory Committee established pursuant to R7-2-205.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1302. Statement of Allegations

A. Any person may file, with the Board, a statement of allegations against a certificated individual on forms provided by the Board.

B. A statement of allegations shall state the facts under which a party is alleging immoral or unprofessional conduct and shall be signed and notarized.

C. The facts in a statement of allegations shall clearly state the details of the alleged immoral or unprofessional conduct.

D. A statement of allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement. The list of individuals shall also include a brief summary of the substance and extent of each individual's knowledge regarding the allegations contained in the statement.

E. The alleging party may attach written or other evidence to a statement of allegations at the time that the statement is filed with the Board.

F. A statement of allegations filed by a school district shall be accompanied by a certified copy of a school board resolution authorizing the statement of allegations to be filed.

G. A statement of allegations may be returned to the alleging party if the statement is not complete or not legible.

H. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1303. Complaint

A. Upon completion of an investigation resulting from a statement of allegations, the Board may file a complaint against a certificated individual.

B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.

C. A hearing shall be held on a complaint before the PPAC.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1303 renumbered to R7-2-1304; new Section R7-2-1303 renumbered from R7-2-1304 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1304. Notification; Investigation

The certificated individual shall have 15 days from receipt of the complaint to file a response with the Board.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Section R7-2-1304 renumbered to R7-2-1303; new Section R7-2-1304 renumbered from R7-2-1303 and amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1305. Conviction of Criminal Offenses; Investigation

A. Applicants shall certify on forms that are provided by the Board whether they are awaiting trial on, or have ever been convicted of, or have admitted in open court or pursuant to a plea agreement committing any offense listed in A.R.S. § 15-534. Applicants for certification shall not be required to disclose information regarding misdemeanor offenses other than those listed in A.R.S. § 15-534.

B. Upon receipt of notification that an applicant or certificated individual has been convicted of or admitted in open court or pursuant to a plea agreement committing any criminal offense specified in A.R.S. § 15-534, the Board shall initiate an investigation.

C. Applicants and certificated individuals who are alleged to have been convicted of a criminal offense specified in A.R.S. § 15-534 shall provide the Board with copies of court records or reports pertaining to the conviction.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1306. Reviewable Offenses

A. Reviewable offenses are those offenses listed in A.R.S. § 15-534 which are not included in R7-2-1307.

B. Upon completion of an investigation, the Board may file a complaint against a certificated individual or may issue or deny certification to an applicant.

Historical Note

Adopted effective December 4, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 1132, effective March 10, 2000 (Supp. 00-1).

R7-2-1307. Criminal Offenses; Nonreviewable

A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:

1. Sexual abuse of a minor;
2. Incest;

3. First-degree murder;
4. Sexual assault;
5. Sexual exploitation of a minor;
6. Commercial sexual exploitation of a minor;
7. A dangerous crime against children as defined in A.R.S. § 13-604.01;
8. Armed robbery;
9. Sexual conduct with a minor;
10. Molestation of a child;
11. Exploitation of minors involving drug offenses.

B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.

Historical Note
Adopted effective December 4, 1998 (Supp. 98-4).

R7-2-1308. Unprofessional and Immoral Conduct

A. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
2. Account for all funds collected from pupils, parents, or school personnel;
3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.

B. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
2. Deliberately suppress or distort information or facts relevant to a pupil's academic progress;
3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;
11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
13. Submit fraudulent requests for reimbursement of expenses or for pay;
14. Use school equipment to access pornographic, obscene, or illegal materials; or
15. Engage in conduct which would discredit the teaching profession.

C. Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.

D. Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.

Historical Note
New Section made by final rulemaking at 9 A.A.R. 1544, effective June 28, 2003 (Supp. 03-2).

R7-2-1308. Reserved

R7-2-1309. Reserved

R7-2-1400. Reserved

ARTICLE 14. CHARTER SCHOOLS

R7-2-1401. Definitions

For the purpose of this Article the following definitions shall apply:
1. "Applicant" means a person, public body, or private organization that has applied to the State Board of Education to establish a charter school under the provisions of A.R.S. § 15-181 et seq.
2. "Background check" means a report received related to an applicant and the identified governing board members regarding the status of each person's credit and credit history, and any criminal activity identified by the law enforcement agency processing the applicant and governing board member's fingerprints.
3. "Committee" means the Charter School Committee established pursuant to this Article.
4. "Charter School" means a school chartered pursuant to A.R.S. § 15-181 et seq. and sponsored by the Board of Education.
5. "Contract" means a document outlining the terms and conditions of an agreement between the parties.
6. "Governing board" means the governing body responsible for the policy and operational decisions of the charter school formed pursuant to A.R.S. § 15-183 et seq.

Historical Note
New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1402. Charter School Committee

A. The Board of Education shall establish a Charter School Committee that shall have the responsibility of reviewing applications and preparing a recommendation for the Board of Education's consideration.

B. The Board of Education shall appoint the members of the committee. The committee shall consist of seven members as follows:
1. An individual knowledgeable in building construction or renovation;
2. An individual knowledgeable in finance and accounting and in generally accepted accounting practices;
3. An individual representing a city in this state who is knowledgeable about zoning and operating permit requirements;
4. An individual knowledgeable about elementary and high school curricula and the development and evaluation of curricula;
5. An individual knowledgeable about assessments and the administration of assessments;

6. An individual representing the Board of Education;
7. A current operator of a charter school sponsored by the Board of Education.

C. Terms of each member of the committee shall be for three years. Members may be appointed for subsequent terms upon approval by the Board of Education.

Historical Note
New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1403. Application

A. Interested parties or individuals may submit an application for approval by the Board of Education pursuant to A.R.S. § 15-181 et seq. Applications shall be on forms approved by the Board of Education.

B. Applications shall be evaluated by the committee. The committee shall prepare a recommendation for the Board of Education's consideration. The recommendation shall be based upon a review of all aspects of the application, including, for example, completeness of the application, the viability of the school including the financial viability, the projected funding sources, the number and population to be served, including school-aged students who are deemed to be unserved or underserved.
1. The committee may request additional information as needed to assist in evaluating the application and preparing a recommendation for the Board of Education's consideration.
2. Recommendations of the committee to the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification.
3. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to the application.
4. Action by the Board of Education may include approval of the application, denial of the application, or deferral of the application pending further information or clarification. The Board of Education shall state the reasons for denial or deferral of the application.
5. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied an application shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.

C. An approved application does not constitute an approved contract, and approval of an application shall not be construed to imply that a contract will be issued.

Historical Note
New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1404. Contract

A. A contract shall be on forms approved by the Board of Education.

B. At least once per year, the Board of Education shall consider issuance of a contract to approved applicants.

C. Upon review and recommendation from the committee, the Board of Education may approve the issuance of a contract, approve the issuance of a contract pending receipt of specific information or completion of requirements, defer the issuance of a contract, or deny the issuance of a contract. The Board of Education shall state the reasons for denial or deferral of issuance of a contract.

D. Applicants shall be notified in writing at least 10 days prior to the Board of Education meeting of the date, time, and place of the meeting at which the Board of Education shall consider the charter school committee's recommendation related to issuance of a charter.

E. Applicants shall be notified in writing of the decision of the Board of Education. Written notification that the Board of Education has denied issuance of a contract shall include reasons for denial. Written notification shall be provided to applicants within 15 days following a decision of the Board of Education.

Historical Note
New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1405. Execution of a Contract

A. Contracts shall be signed by the applicant, or a person with signatory authority for the applicant, within six months from the date of approval of issuance of the contract by the Board of Education, unless an extension of time is granted by the Board of Education. If issuance of a contract was approved by the Board of Education pending receipt of additional information, the contract shall be signed by the applicant or a person with signatory authority for the applicant within six months of receipt of the additional information by the Board of Education.

B. Contracts which have not been signed pursuant to this rule shall require reapplication and approval during a subsequent application cycle.

C. The following items shall be submitted to the Board of Education prior to signing of a contract:
1. Background check, including fingerprint clearance for all authorized signatories and all governing board members approved;
2. Certificate of Occupancy or a written exemption from the local municipality or county that the certificate is not required for operation of a public school. A set of architectural plans approved by the local planning and zoning office may be submitted in lieu of a certificate of occupancy for the purposes of this subsection for construction of new buildings or renovation of existing buildings. A certificate of occupancy will be required to be submitted prior to opening of the school.
3. A lease agreement or proof of building availability;
4. Executed statement of assurances;
5. Written verification that the facility meets the requirements established by the state and local fire marshal;
6. Written verification from an insurance company authorized to do business in the state of Arizona that arrangements have been finalized to provide the required amount of insurance;
7. Proof of local County Health Department approval.

Historical Note
New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1406. Amendments to a Contract

A. Any changes to the contract shall be submitted on forms approved the Board of Education.

B. All amendments to the contract shall be accompanied by a signed governing board resolution or an official copy of the minutes of a governing board meeting that the amendment was approved by the governing board.

C. No amendment shall be effective or implemented prior to being approved by the governing board, submitted to and approved by the Board of Education.

D. Amendments requesting a change in the membership of the governing board shall, in addition to the requirements specified in subsection (B), include a completed fingerprint application and a signed affidavit authorizing a background check.

E. If an extension of time was granted pursuant to R7-2-1405(A), amendments to update the application shall be submitted at the time the contract is executed.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1407. Revocation of a Contract

A. The Board of Education may issue a Notice of Intent to Revoke a Contract and Notice of Hearing to any contract holder who is alleged to be in violation of the contract and the governing board.

B. Within 10 days of receipt of a Notice of Intent to Revoke a Contract and Notice of Hearing, the governing board shall:

1. Notify the parents or guardians of the students enrolled in the charter school that a Notice of Intent to Revoke a Contract and Notice of Hearing has been received;
2. Hold a public meeting to inform the public and discuss the specific charges outlined in the Notice of Intent to Revoke a Contract;
3. Provide the Board of Education with copies of all correspondence and communications used to comply with subsection (B)(1) above and minutes of the meeting as evidence of compliance with subsection (B)(2) above;
4. Provide the Board of Education with the names and mailing addresses of parents or guardians of all students enrolled in the charter school at the time the Notice of Intent to Revoke a Contract and Notice of Hearing was received.

C. Hearings held pursuant to a Notice of Intent to Revoke a Contract and Notice of Hearing shall be held in accordance with Sections R7-2-701 through R7-2-709.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).

R7-2-1408. Renewal of Contract

When considering renewal of a contract, the following, as a minimum, shall be provided to the Board of Education:

1. Assessment results, including scores of the norm-referenced achievement test, the scores of the Arizona's Instrument to Measure Standards (AIMS), and scores of any school assessment programs;
2. Results of any audits conducted, including independent audits, Uniform System of Financial Records or Uniform System of Financial Records for Charter Schools compliance audits, or any audits conducted by the Auditor General's Office;
3. Enrollment reports that include enrollment figures, funding sources, budget updates, and financial reporting of expenditures;
4. All complaints received;
5. Copies of Board of Education minutes where consideration and action was taken on all issues related to the charter school;
6. Any other reports, information, or materials pertinent to the charter school.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 3211, effective August 24, 1999 (Supp. 99-4).