

NOTICES OF EMERGENCY RULEMAKING

Under the Administrative Procedure Act, an agency may determine that adoption, amendment, or repeal of a rule is necessary for immediate preservation of the public health, safety or welfare and the notice and public participation requirements are impracticable. Under this determination, the agency may adopt the rule as an emergency and submit it to the Attorney General for review. The Attorney General approves the rule and then files it with the Secretary of State. The rule takes effect upon filing with the Secretary of State and remains in effect for 180 days. An emergency rule may be renewed for one 180-day periods if the requirements of A.R.S. § 41-1026 are met. If the emergency rule is not renewed or the rule is not permanently adopted by the end of the 180-day period, the emergency rule expires and the text of the rule returns to its former language, if any.

NOTICE OF EMERGENCY RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R7-2-606 | Amend |
| R7-2-608 | Amend |
| R7-2-609 | Amend |
| R7-2-610 | Amend |
| R7-2-612 | Amend |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 15-203(A)
Implementing statute: A.R.S. § 15-203(A)(14)
- 3. Effective date of the rule:**
May 23, 2002
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Not applicable. Rulemaking is not a renewal of a previous emergency rulemaking.
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Corinne L. Velasquez, Executive Director
Address: 1535 W. Jefferson, Room 418
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**
The amendments referenced above will address two critical issues that must be resolved immediately. The first issue is the conversion of Provisional Certificates to Standard Certificates, absent a performance assessment, which is currently a requirement to convert the Provisional Certificate. The second issue is that of Emergency Teaching Certificates, and the concurrence of the county school superintendent in determining whether or not an emergency employment situation exists at a school district.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable

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8. The summary of the economic, small business, and consumer impact:

The amendments will have no negative economic, small business, or consumer impact. The economic and consumer impact is expected to be positive with teacher candidates being able to convert their Provisional Certificates to Standard Certificates and for applicants to obtain Emergency Teaching Certificates.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

10. Incorporations by reference and their location in the rules:

None

11. An explanation of the situation justifying the rule's adoption as an emergency rule:

The State Board of Education has determined that the amendments to R7-2-606, R7-2-608, R7-2-609, R7-2-610, and R7-2-612 are necessary for the immediate preservation of the public health, safety, or welfare of the students enrolled in the public schools in Arizona, and to avoid serious prejudice to the public interest and the interest of the parties concerned, namely the students, teachers, schools, school districts and school communities, and pursuant to A.R.S. § 41-1026.

In 1999, the State Board of Education adopted a large number of amendments to most of the rules related to teacher certification. In April 2002, the Attorney General rejected the amendments submitted and returned the package to the State Board of Education. Although the amendments addressed many issues, two of the issues were critical to the issuance of certificates to potential teacher candidates and the employment of teachers in Arizona classrooms. First, the rules required a passing score on a performance assessment to convert a two-year Provisional Certificate to a six-year Standard Certificate. Since the Board had policy concerns and questions regarding the validity and practicality of a performance assessment, and the first two-year Provisional Certificates were approaching expiration, the Board amended the rule to allow an alternative method (teaching experience) to substitute for the performance assessment until such time as the Board could resolve its concerns and adopt an appropriate assessment. Thus, with the rejection of the adopted amendments, completion of a performance assessment to convert a Provisional Certificate to a Standard Certificate is a requirement, but a performance assessment has not been adopted by the Board. There are approximately 15,000 individuals holding Provisional Certificates that are effected by this rule, a large number of whom will be unavailable to sign contracts or teach in the upcoming school year because they will not hold valid certificates.

The second issue that is critical involves emergency certificates (valid only for one school year). Emergency certificates are issued upon request of the school district, after making a determination that an emergency employment situation exists. In the State Board's rule related to Emergency Substitute Certificates and Emergency Teaching Certificates (R7-2-612), there is a requirement that the county school superintendent concur that an emergency employment situation exists. This requirement was abused and it became burdensome and difficult for school districts to employ individuals under emergency conditions. Additionally, there is no statutory authority requiring or allowing the county school superintendent to concur or approve a determination made by a school district. Therefore, the State Board adopted an amendment, which was part of the rejected package, that deleted the requirement that the county school superintendent concur with an emergency employment situation. The State Board of Education issues approximately 5,000 Emergency Substitute and Emergency Teaching Certificates each year. It is anticipated that this pool of candidates will also not be available to teach in the upcoming school year.

Arizona is currently experiencing a severe teacher shortage and the two issues outlined above critically enhance an already desperate situation. It is estimated that the rule in its current state would remove approximately 5,000 individuals from an already shallow pool of teacher candidates and would cause serious prejudice to the public interest and the interest of the parties concerned. Eliminating these 5,000 individuals from eligibility to teach in our K-12 public school system will not protect the welfare of the public and will affect all school districts in the state and approximately 150,000 students. Finally, excluding 5,000 individuals from the workforce will have a negative economic impact on school districts as well as the state of Arizona as a whole.

This emergency situation has not been created due to delay or inaction by the State Board of Education. The Board recognized the circumstances well before there was any affect on an individual's certification, and the Board adopted remedies to the two issues outlined herein in an effort to avoid a critical situation.

12. The date of the Attorney General's approval of the rules:

May 23, 2002

13. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-606.	Proficiency Assessments
R7-2-608.	Elementary Teaching Certificates
R7-2-609.	Secondary Teaching Certificates
R7-2-610.	Special Education Teaching Certificates
R7-2-612.	Other Teaching Certificates

ARTICLE 6. CERTIFICATION

R7-2-606. Proficiency Assessments

- A. No Change
- B. No Change
- C. No Change
- D. The performance portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(B), R7-2-602(C), R7-2-602(D), R7-2-602(E), R7-2-602(F), and R7-2-602(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 R7-2-606(H) if the Board has not adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment.
- E. No Change
- F. No Change
- G. No Change
- H. The provisional elementary, secondary, or special education certificate allows the beginning teacher up to 4 semesters or 2 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 has not been employed in a teaching position for 4 semesters or 2 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 4 semesters or 2 school years but has not successfully completed and has taken but not passed the performance assessment, the certificate shall be extended once, for 1 year, upon the written request of the holder.
 - 3. If the teacher has been employed full-time for 4 semesters or 2 school years in a private school, public school, charter school, or parochial school in the United States 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 he or she has had 4 semesters or 2 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-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 4 semesters or 2 school years in a private school, public school, charter school, or parochial school in the United States 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 2 years, upon written request of the holder to the Department. "Closely related education field" means employment involving the presentation of instruction to K-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 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.

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- I. If the provisionally certified teacher has ~~not successfully completed~~ taken but not passed the performance assessment by the expiration date on the extended certificate pursuant to (H)(1) or (H)(2) of this Section, the individual may reapply for a provisional certificate after 1 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 taken in the past year; and
 3. Completion of the requirements for the provisional certificate which are in effect at the time of reapplication.

R7-2-608. Elementary Teaching Certificates

- A. No Change
- B. Provisional Elementary Certificate -- grades K-8
1. The certificate is valid for 2 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 8 semester hours of practicum in grades K-8. Two years of verified teaching experience in grades Prekindergarten-8 may be substituted for the 8 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 Class 1 or Class 2 fingerprint card.
- C. No Change

R7-2-609. Secondary Teaching Certificates

- A. No Change
- B. Provisional Secondary Certificate -- grades 7-12
1. The certificate is valid for 2 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 8 semester hours of practicum in grades 7-12. Two years of verified teaching experience in grades 7-postsecondary may substitute for the 8 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 Class 1 or Class 2 fingerprint clearance card.
- C. No Change

R7-2-610. Special Education Teaching Certificates

- A. No Change
- B. No Change
- C. Provisional Cross-Categorical Special Education Certificate -- grades K-12
1. The certificate is valid for 2 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 mental retardation, emotional disability, specific learning disability, orthopedic impairments and 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 mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments; or
 - ii. 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 8 semester hours of practicum with students representing

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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, 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-12 may substitute for the 8 semester hours of practicum; or

iii. A valid cross-categorical 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 cross-categorical special education portion of the Arizona Teacher Proficiency Assessment; and
- e. A valid Class 1 or Class 2 fingerprint clearance card.

D. No Change

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

- 1. The certificate is valid for 2 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 mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
- 3. 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 8 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-12 may be substituted for the 8 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 Class 1 or Class 2 fingerprint clearance card.

F. No Change

G. Provisional Severely and Profoundly Disabled Certificate -- grades K-12

- 1. The certificate is valid for 2 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 severely and profoundly disabled 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 8 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 Prekindergarten-12 who are severely and profoundly disabled may be substituted for the 8 semester hours of practicum; or
 - iii. A valid Severely and Profoundly Disabled 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 severely and profoundly disabled special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint card.

H. No Change

I. Provisional Hearing Impaired Certificate -- grades K-12

- 1. The certificate is valid for 2 years and is not renewable but may be extended as set forth in R7-2-606 (H) or (I).

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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 8 semester hours of practicum. 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 Prekindergarten-12 may be substituted for the 8 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 Class 1 or Class 2 fingerprint clearance card.

J. No Change

K. Provisional Visually Impaired Certificate -- grades K-12

1. The certificate is valid for 2 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 8 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 Prekindergarten-12 may be substituted for the 8 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. A valid Class 1 or Class 2 fingerprint clearance card.

L. No Change

M. Provisional Speech and Language Impaired Certificate -- grades K-12

1. This certificate is valid for 2 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 speech and language 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 30 semester hours of special education courses for the speech impaired. Special education courses shall include survey of exceptional students, teaching methodologies for students with speech impairment, foundations of instruction of students with speech impairment, diagnostic and assessment procedures for the speech impaired, and a minimum of 200-clock hours of supervised clinical practice in providing speech and language impairment services. All clinical practice clock hours shall be supervised by an American Speech and Language Association-certified pathologist or by a state-certified speech and language therapist; or
 - iii. A valid Speech and Language 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 speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.

N. No Change

O. Provisional Early Childhood Special Education Certificate -- Birth to five years

1. The certificate is valid for 2 years and is not renewable but may be extended as set forth in R7-2-606 (H) or (I).

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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. 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 8 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 8 semester hours of practicum; or
 - iii. A valid early childhood 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 early childhood special education portion of the Arizona Teacher Proficiency Assessment; and
 - e. A valid Class 1 or Class 2 fingerprint clearance card.

P. No Change

R7-2-612. Other Teaching Certificates

A. No Change

B. No Change

C. Emergency Substitute Certificate -- grades K-12

1. The certificate is valid for 1 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 ~~specified county and in districts the county school superintendent approves.~~ 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, ~~and shall not serve in any 1 classroom for more than 20 working days.~~
5. The requirements for initial issuance are:
 - a. High school diploma;
 - b. Verification from the school district superintendent that an emergency employment situation exists; and
 - ~~e. Concurrence by the county school superintendent that an emergency employment situation exists; and~~
 - ~~d.c.~~ A valid Class 1 or Class 2 fingerprint clearance card.
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 1 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
 - ~~e. Concurrence by the county school superintendent that an emergency employment situation exists; and~~
 - ~~d.c.~~ A valid Class 1 or Class 2 fingerprint clearance card.
7. ~~When the requesting school is a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, a tribally controlled or contract school, concurrence by the county school superintendent shall not be required.~~

D. Emergency Teaching Certificate -- grades K-12

1. The certificate is valid 1 school year or part thereof. The expiration date shall be the following July 1.
2. The certificate entitles the holder to enter into a teaching contract.
3. Emergency teaching certificates shall be issued only for elementary and secondary certificates required by A.R.S. § 15-502(B), special education certificates, and required endorsements.
4. The certificate entitles the holder to teach only in the district that verifies that an emergency employment situation exists.
- ~~4.5.~~ The requirements for initial issuance are:
 - a. A Bachelor's degree;
 - b. Verification from the school district superintendent that an emergency employment situation exists; and
 - ~~e. Concurrence by the county school superintendent that an emergency employment situation exists; and~~
 - ~~d.c.~~ A valid Class 1 or Class 2 fingerprint clearance card.
- ~~5.6.~~ The requirements for reissuance are:
 - a. Verification from the school district superintendent that an emergency employment situation exists;
 - ~~b. Concurrence by the county school superintendent that an emergency employment situation exists;~~

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e.b. Six semester hours of courses toward meeting the requirements for the specified certificate or endorsement, completed since the last issuance of the emergency teaching certificate; ~~If an applicant is enrolled in a Board-approved teacher preparation program, 90 clock hours toward completion of the program may substitute for the 6 semester hours;~~ and

d.c. A valid Class 1 or Class 2 fingerprint clearance card.

6. ~~When the requesting school is a charter school, a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, tribally controlled or contract school, concurrence by the county school superintendent shall not be required.~~

- E.** No Change
- F.** No Change
- G.** No Change
- H.** No Change