

## 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 period 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

- 1. Sections Affected**

R7-2-606	<b><u>Rulemaking Action</u></b>
R7-2-614	Amend
	Amend
- 2. The statutory 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. The effective date of the rules:**

January 31, 2003, upon filing with the Secretary of State. An immediate effective date is necessary pursuant to A.R.S. § 41-1032(A)(4) to provide a benefit to the public. No penalty is associated with a violation of the amended rule.
- 4. Is this rulemaking a renewal of a previous emergency rulemaking?**

Yes. Pursuant to A.R.S. § 41-1026(D), the agency has opened an alternative rule docket, and also filed a Notice of Proposed Rulemaking regarding these Sections with the Secretary of State.

**If yes, the Register citation to previous notices of emergency rulemaking:**  
Notice of Emergency Rulemaking: 8 A.A.R. 3739, August 30, 2002
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**

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Phoenix, AZ 85007  
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- 6. An explanation of the rule including the agency's reasons for initiating the rule:**

The amendments referenced above will address three critical issues for administrator certification which must be resolved immediately.

The first issue is relief from the requirement to take and receive a passing score on the performance portion of the Arizona Administrator Proficiency Assessment. This amendment is necessary because the State Board of Education ("Board") has not yet adopted an Arizona Administrator Proficiency Assessment. The second issue addresses the option of substituting administrative experience as for a required practicum. The second amendment is necessary because experience does not adequately replace the practicum. The third issue addresses the requirement that superintendent certificates are required for all superintendents, even those in school districts with fewer than 600 students. This amendment is necessary to assist school districts with fewer than 600 students in employing qualified superintendents to work in their districts.

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**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:**

The rule will not diminish a previous grant of authority of a political subdivision of this state.

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

The Board is requesting a six-month extension of the following emergency rules: R7-2-606 - Proficiency Assessments, and R7-2-614 - Administrative Certificates.

Administrators seeking initial certification, or extensions to or conversions of existing certifications will benefit by having rules in place enabling them to do so. Statewide, students, schools, and school districts will benefit by having a continuing stream of qualified administrators available. Neither the State Board of Education, the Department of Education, nor any school districts or other political subdivisions will be subject to additional costs by extension of the emergency rules. There will be no effect on small business or on state revenues, and there is not a less-intrusive method for accomplishing the goals achieved by the emergency rules.

**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 and R7-2-614 are necessary for the immediate preservation of the public health, safety, or welfare of the students enrolled in public schools in Arizona, and to avoid serious prejudice to the public interest and the interest of the parties concerned, namely the students, administrators, schools, school districts, and school communities, all pursuant to A.R.S. § 41-1026.

In 1999, the Board adopted a large number of amendments to most of the rules related to teacher and administrator certification. In April 2002, the Attorney General rejected the amendments submitted, and returned the package to the Board. Although the amendments addressed many issues, three of the issues were critical to administrator certificates and the ability of smaller districts to employ qualified administrators.

Regarding the first issue, the existing rules contain a requirement that those applying for an administrative certificate successfully complete a performance assessment. Since the Board had policy concerns and questions regarding the validity and practicality of a performance assessment, one was never developed, although language referring to the need to complete the assessment remained in the rules. The rejected rules, approved by the Board in November 2000, omitted reference to a *performance* assessment and in its place made reference to the Administrator *Proficiency* Assessment.

The rejection of the proposed rules resulted in candidates for administrative certificates being required to pass a performance assessment that does not exist in order to qualify for an administrative certificate. The extension of this emergency rule will resolve the issue by extending language that specifically addresses the requirements that must be met if the Board has not adopted the performance assessment. There has been an average of 1,614 administrative certificates issued each year for the past three years, a significant number in light of the impact on public education that administrators with broad responsibilities will have. The extension of these emergency rules is necessary to ensure that applicants for administrator certificates can be evaluated under rules that are functional, and will also permit the certification of hundreds of administrators during the course of the current and next school year.

The second issue pertains to selected requirements that must be met before an administrator certificate can be issued. The rejected rules eliminated the requirement for completion of the performance portion of the Arizona Administrator Proficiency Assessment, a portion that does not exist. The rejected rules also eliminated the option to substitute two years administrative experience for a practicum in educational administration in order to qualify for issuance of supervisor, principal, and superintendent certificates.

The emergency rules delete the option of substituting two years of administrative experience for the practicum. Use of experience, with its undefined parameters, in lieu of a structured academic practicum involving the dual supervision of a university and district, created the possibility of abuse, and established a tacit means for individuals to obtain administrative experience without the regimen of an academic program, or without having first acquired the necessary certification. Additionally, the emergency rules address the need for a passing score on the performance portion of the Arizona Administrator Proficiency Assessment by including a qualifier that makes the requirement applicable only if the Board has adopted the performance portion of the Assessment.

The third issue is the inability of smaller districts to employ qualified administrators. The rejected rules required a superintendent certificate only for individuals serving in districts with a student population of more than 600, thus giving smaller districts an increased ability to employ qualified superintendents.

Because there are a significant number of individuals in smaller districts (600 students or less) now serving without a certificate in the capacity of superintendents, the emergency rules remain consistent with the intent of the Board, and continue to exempt these superintendents from the need for a superintendent certificate. Those individuals, most often

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employed in remote, hard-to-recruit areas, are essential to the administration of educational programs for students. Implementing a certification requirement for those administrators, the vast majority of whom are not currently certified, would generate significant vacancies, and create an unacceptable burden on districts that have, at best, only a shallow pool of administrator candidates to begin with.

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 issues outlined herein in an effort to avoid a critical situation.

**12. The date of the Attorney General's approval of the emergency rule:**

August 5, 2002 for original emergency notice  
January 30, 2003 for this renewal

**13. The full text of the rules follows:**

**TITLE 7. EDUCATION**

**CHAPTER 2. STATE BOARD OF EDUCATION**

**ARTICLE 6. CERTIFICATION**

Section

R7-2-606. Proficiency Assessments  
R7-2-614. Administrative Certificates

**ARTICLE 6. CERTIFICATION**

**R7-2-606. Proficiency Assessments**

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- E. The Arizona Administrator Proficiency Assessment shall assess professional knowledge and performance as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents. If the Board has not adopted the performance assessment portion of the Arizona Administrator Proficiency Assessment, an applicant for an administrative certificate shall not be required to take and receive a passing score on the performance portion of the assessment, but shall be certified as an administrator, supervisor, principal or superintendent upon meeting the remaining requirements of R7-2-614.
- F. No Change
- G. No Change
- H. No Change
- I. No Change

**R7-2-614. Administrative Certificates**

- A. No Change
- B. Supervisor Certificate -- grades Prekindergarten-12
  1. 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 may be renewed with a concurrently held teaching certificate. The expiration date shall be the same as the expiration date of the teaching certificate.
  3. The requirements are:
    - a. A standard elementary, secondary, or special education certificate;
    - b. A Master's or more advanced degree;
    - c. Three years of verified teaching experience in grades Prekindergarten-12;
    - 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;
    - e. A practicum in educational administration ~~or 2 years of verified educational administrative experience in grades Prekindergarten-12;~~
    - f. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment;
    - g. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has adopted a performance portion of the assessment; and
    - h. A valid Class 1 or Class 2 fingerprint clearance card.

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4. A valid supervisor certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in subsection (B)(3)(c), (d), and (e).
- C. Principal Certificate -- grades Prekindergarten-12**
1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or others with similar administrative duties.
  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 Prekindergarten-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;
    - d. A practicum as a principal ~~or 2 years of verified experience as a principal or assistant principal in grades Prekindergarten-12;~~
    - e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment;
    - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has adopted a performance portion of the assessment; and
    - g. A valid Class 1 or Class 2 fingerprint clearance card.
  4. A valid principal certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in subsection (C)(3)(b), (c), and (d).
- D. Superintendent Certificate -- grades Prekindergarten-12**
1. The superintendent certificate is required for superintendents, assistant or associate superintendents, district chief executive officers regardless of title, and others with similar district-level administrative duties in school districts with a student population of more than 600.
  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;
    - c. Three years of verified teaching experience in grades Prekindergarten-12;
    - d. A practicum as a superintendent ~~or 2 years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades Prekindergarten-12;~~
    - e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment;
    - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment if the Board has adopted a performance portion of the assessment; and
    - g. A valid Class 1 or Class 2 fingerprint clearance card.
  4. A valid superintendent certificate from another state may be substituted for the program in educational administration, teaching experience, and practicum described in subsection (D)(3)(b), (c), and (d).
  5. Individuals who hold an Alternative Superintendent Certificate before the effective date of this rule shall be issued a Superintendent Certificate at the time of renewal. Individuals who were evaluated for an Alternative Superintendent Certificate before the effective date of this rule and who meet the qualifications in effect at the time of evaluation within two years of the evaluation shall be issued a Superintendent Certificate.