

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R06-76]

PREAMBLE

- 1. Sections Affected**

R7-2-302.05	<u>Rulemaking Action</u>
R7-2-302.06	New Section
	New Section
- 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)(1) and A.R.S. § 15-701.02
Implementing statute: A.R.S. § 15-701.02
- 3. The effective date of the rules:**

August 22, 2005
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rule:**

N/A
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

Pursuant to A.R.S. § 15-701.02, the State Board of Education is required to adopt rules, by September 1, 2005, that allow high school students to augment their Arizona Instrument to Measure Standards (AIMS) test scores with additional credit derived from classroom grades of As, Bs and/or Cs. This option will be available only for students in the 2006 and 2007 graduating classes.

Statute or Session Law Authorizing the Exemption: S.B. 1038, 47th Leg., 1st Reg. Sess. (2005); 2005 Ariz. Sess. Laws, ch. 304, § 4.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

N/A
- 8. 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:**

N/A

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

The rules are not expected to have significant, if any, economic impact on small businesses but may have some impact upon school districts and charter schools. School districts and charter schools will be required to allocate additional resources, including technology and personnel, to make the necessary calculations for their students that do not achieve a passing score on any section of AIMS as well as for staffing any related appeals.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

N/A

11. A summary of the comments made regarding the rule and the agency response to them:

Comment

Comments suggested that additional credit for coursework should be applied only to the portion of the AIMS test addressing related academic content.

Agency Response

The agency concluded that implementing rules that allow specific classes to augment students' AIMS scores only in related content areas would be unworkable. There are far too many variations in the types of courses offered state-wide. Additionally, any rules making course content related judgments would be extremely subjective in certain areas.

Comment

Comments expressed concern regarding the proposed requirement that all schools complete any appeals prior to the dates set for graduation.

Agency Response

The agency recognized that certain school districts/charter schools would not be able to comply with this proposed rule and the language was deleted.

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

N/A

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

N/A

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

N/A

15. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section

R7-2-302.05. Definitions

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-302.05. Definitions

In this Article, unless the context otherwise requires:

1. "AIMS" means any of the Arizona Instrument to Measure Standards assessments.
2. "Score" means the scale score achieved by a student on the reading, writing or math sections of the AIMS assessment.
3. "Remediation program" means any school district, charter school or state sanctioned tutoring program used by a student to improve AIMS assessment scores.
4. "Grade" means a course grade that is placed on a student's transcript.

R7-2-302.06. AIMS, Additional Credit

A. A pupil who fails to achieve a passing score on the AIMS assessment for high school graduation during the 2005–2006 or 2006–2007 school years may graduate if the pupil meets the alternative graduation requirements established pursuant to

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this Section.

- B.** 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 25 percent would not meet or exceed the "Meets the Standard" threshold.
- C.** A pupil is eligible for the alternative graduation 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.
- D.** If a pupil is not eligible for the AIMS augmentation due to a failure to meet the requirements in subsections (C)(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 (C)(2) and/or (3).
 3. An appeal for failing to meet the requirement in subsection (C)(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 (C)(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.
- E.** 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 alternative graduation 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 11 1/2 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. One and one-half credits in instruction in the essentials, sources and history of the constitutions of the United States and Arizona and instruction in American institutions and ideals and in the history of Arizona.
 - iii. One credit of world history/geography.
 - iv. Two credits of mathematics. Mathematics credits shall be taken consecutively beginning with the 9th grade, and the course content of the mathematics credits shall include Number Sense; Data Analysis and Probability; Patterns, Algebra and Functions; Geometry; Measurement and Discrete Mathematics; and Mathematical Structure/Logic, in preparation for proficiency, at the high school level, on the AIMS test.
 - v. Two credits of science.
 - vi. One credit of fine arts or 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 25 times the amount of credit for that class.
 - ii. A letter grade of "B," or its equivalent, shall receive additional points equal to 20 times the amount of credit

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- for that class.
- iii. A letter grade of "C," or its equivalent, shall receive additional points towards the average augmentation equal to 15 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 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 towards the average augmentation equal to 20 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 15 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 12 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 11.5.
- f. The pupil's augmentation shall be calculated by applying the following formula:

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

- 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.
- F.** 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.
- G.** All school districts and charter schools shall report to the Arizona Department of Education the number of students in their schools that met the alternative graduation 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.