

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

[R08-20
]

PREAMBLE

- 1. Sections Affected**

| | |
|-------------|---------------------------------|
| R7-2-302.01 | <u>Rulemaking Action</u> |
| R7-2-302.02 | New Section |
| R7-2-302.03 | New Section |
- 2. The statutory authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 15-203(A)(13)
Implementing statute: A.R.S. § 15-203(A)(13)
- 3. The effective date of the rules:**

December 10, 2007
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rules:**

None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

| | |
|------------|---|
| Name: | Vince Yanez, Executive Director State Board of Education |
| Address: | 1535 W. Jefferson, Room 418 Phoenix, AZ 85007 |
| Telephone: | (602) 542-5057 |
| Fax: | (602) 542-3046 |
| E-mail: | vince.yanez@azed.gov |
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**

Pursuant to A.R.S. § 15-203(A)(13) the State Board of Education is required to prescribe the minimum course of study and competency requirements for the graduation of pupils from high school. Pursuant to A.R.S. § 41-1005(F) the State Board of Education is exempt from standard rulemaking procedures.
- 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:**

Pursuant to A.R.S. § 15-203(A)(13) the State Board of Education is required to complete a fiscal impact statement that assesses whether schools will acquire any new capital costs as a result of proposed changes to the minimum course of study. A copy of this statement may be obtained by contacting the State Board of Education office.
- 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:**

Not applicable

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

Pursuant to A.R.S. 15-203(A)(13) the State Board of Education shall not adopt any changes to the minimum course of study or competency requirements for the graduation of pupils from high school that were in effect on July 1, 1998, if those changes would have an impact on school capital costs. This statute further requires the Board to prepare a fiscal impact statement regarding any proposed modifications and to send this statement to the director of the Joint Legislative Budget Committee and the executive director of the School Facilities Board.

The State Board of Education has completed this statement and determined that no fiscal impact is expected from the changes to the minimum course of study. The fiscal impact statement was sent to all required parties on December 7, 2007.

This survey consisted of: 1) an analysis of relevant rules governing the construction of school facilities and equipment acquisition; and 2) a survey that was distributed to all traditional public and charter high schools.

A.R.S. § 15-2001(F) requires the School Facilities Board (SFB) to adopt rules establishing minimum school facility adequacy guidelines (minimum guidelines) that delineate the quality and quantity of school buildings, facilities and equipment necessary and appropriate to enable students to achieve the academic standards prescribed by the State Board of Education. In most academic areas the rules adopted by the SFB allocate facilities space on a per student basis, not based on the number of required credits in any given content area. This particular regulation applies to the increases in math and social studies. Therefore, these increases will not impact capital costs.

To assess any potential capital costs associated with the increase in the science requirement the State Board of Education conducted distributed a survey to all traditional public and charter high schools. The survey results show that although 74% of participating schools reported having laboratory classrooms and equipment, 24% reported having no laboratory classrooms and equipment. This data demonstrates that schools are able to meet the current instructional requirements for science without laboratory classrooms and equipment. Additionally, 47.7% of responding schools reported providing science instruction using alternative means (no lab), showing that even those schools that have laboratory classrooms choose alternative delivery methods for some science instruction. The survey responses further demonstrate that schools are capable of offering courses in chemistry, physics and biology through alternative means. These data support that no additional facilities or equipment is necessary.

10. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Vince Yanez, Executive Director
State Board of Education
Address: 1535 W. Jefferson St., Room 418
Phoenix, AZ 85007
Telephone: (602) 542-5057
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11. Any other matters prescribed by statutes that are applicable to the specific agency or to any specific rule or class of rules:

No

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

None

13. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section

- R7-2-302.01. ~~Repealed~~ Minimum Course of Study and Competency Requirements for Graduation from High School for the Graduation Class of 2012
- R7-2-302.02. ~~Repealed~~ Minimum Course of Study and Competency Requirements for Graduation from High School Beginning with the Graduation Class of 2013
- R7-2-302.03. ~~Repealed~~ Personal Curriculum

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-302.01. ~~Repeated~~ Minimum Course of Study and Competency Requirements for Graduation from High School for the Graduation Class of 2012

The State Board of Education ("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 2012.

1. Subject area course requirements. The Board establishes 20 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, local school district governing boards and charter schools 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 of economics.
 - c. Three credits of mathematics. The course content for at least two of the mathematics credits shall include Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic in preparation for proficiency at the high school level on the AIMS test and shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to this subsection. The third credit shall include significant mathematics content as determined by the local school district governing board or charter school. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
 - d. Two 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 20 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 rule.
 - b. Social Studies.
 - c. Mathematics, and
 - d. Science.
3. Delivery of distance education. In addition to traditional methods of course delivery, courses may also be offered through distance education. Distance education does not include correspondence courses. Distance education is defined as instructional-learning arrangements in which the distance education instructor and the student are separated geographically. Instruction is delivered by means of telecommunications technologies such as satellite, microwave, telephone, cable, fiber optics. The instruction supplements comprise the entire course content and provide for two-way interactive communications between the instructor and the student during the time of the instruction. Communication or interaction occurs through the use of technologies such as voice, video or computer-mediated communications.
 - a. Distance education providers shall register with the Department of Education and satisfy the following requirements:
 - i. Be accredited or affiliated with an accredited institution as defined in R7-2-601.
 - ii. Validate that the instructor of the distance education program:
 - (1) Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or
 - (2) Possesses a current teaching certificate from the recognized certifying authority of the sending location

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- valid for the level and subject of the instruction to be taught; or
- (3) Is employed by or affiliated with, in the content area of instruction, an accredited institution as defined in R7-2-601.
- b. Distance education may be used as a part of the instructional program. School districts shall ensure that:
- i. Only those distance education providers registered with the Department of Education are used to provide distance education, and
- ii. The teaching partners who assist the students in receiving the instruction onsite have instructional and technical facilitator training and are supervised by an individual certified pursuant to R7-2-601 et seq.
4. Local school district governing boards or charter schools may grant to career and technical education and vocational education program completers a maximum of 3 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 20 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 20 total credits to meet the graduation requirements prescribed in this rule.
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) and 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 governing board 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 in lieu of classroom time.
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 R7-2-401 et seq. Students placed in special education classes, grades nine-12, are eligible to receive a high school diploma upon completion of those graduation requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

R7-2-302.02. ~~Repealed~~ Minimum Course of Study and Competency Requirements for Graduation from High School Beginning with the Graduation Class of 2013

The State Board of Education ("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, local school district governing boards and charter schools 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

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- 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) and 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 in lieu of classroom time.
- 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 R7-2-401 et seq. Students placed in special education classes, grades nine-12, are eligible to receive a high school diploma upon completion of those graduation requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

R7-2-302.03. ~~Repeated~~ 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

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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.