

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 6. ECONOMIC SECURITY

CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY DEVELOPMENTAL DISABILITIES

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 330.)

[R10-13]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| Appendix A | Repeal |
| Appendix A | New Section |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 41-1005(A)(5), 41-1954(A)(3), 46-134(A)(12), 46-805
Implementing statute: A.R.S. §§ 36-562
Statute authorizing the exemption: A.R.S. § 41-1005(A)(5)
- 3. The effective date of the rules:**
January 25, 2010
- 4. A list of all previous notices appearing in the *Register* addressing the exempt rule:**
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
A.R.S. § 41-1005(A)(26) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 36-562. This statute gives the Department the authority to establish a fee schedule for payment rates for developmental disability services. The Department is adopting a new Cost of Care Portion Table (Appendix A) (which shows the percentage of the cost of services that a family is responsible for paying) to reflect updated Federal Poverty Guidelines.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on 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:**
Not applicable

Notices of Exempt Rulemaking

- 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 the state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(5), the Department did not prepare an economic impact statement.
- 10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):**
Not applicable
- 11. A summary of the comments made regarding the rule and the agency response to them:**
Not applicable
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
- 13. Incorporations by reference and their location in the rules:**
Not applicable
- 14. Was this rule previously adopted as an emergency rule?**
No
- 15. The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

**CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY
DEVELOPMENTAL DISABILITIES**

ARTICLE 12. COST OF CARE PORTION

Section
 Appendix A. ~~Cost of Care Portion Table~~
 Appendix A. Cost of Care Portion Table

ARTICLE 12. COST OF CARE PORTION

~~Appendix A. Cost of Care Portion Table~~

~~DIVISION OF DEVELOPMENTAL DISABILITIES COST OF CARE PORTION TABLE
 Income based on 200% of federal poverty guidelines issued February 17, 2003~~

PERCENT TO PAY OF SERVICES RECEIVED	FAMILY SIZE									
	1	2	3	4	5	6	7	8	9	10
	MONTHLY FAMILY INCOME									
0.0%	0 to \$1,497	0 to \$2,020	0 to \$2,543	0 to \$3,067	0 to \$3,590	0 to \$4,113	0 to \$4,637	0 to \$5,160	0 to \$5,683	0 to \$6,207
15.0%	\$1,498 to \$1,706	\$2,021 to \$2,303	\$2,544 to \$2,899	\$3,068 to \$3,496	\$3,591 to \$4,093	\$4,114 to \$4,689	\$4,638 to \$5,288	\$5,161 to \$5,882	\$5,684 to \$6,479	\$6,208 to \$7,076
20.0%	\$1,707 to \$1,916	\$2,304 to \$2,586	\$2,900 to \$3,255	\$3,497 to \$3,925	\$4,094 to \$4,595	\$4,690 to \$5,265	\$5,289 to \$5,933	\$5,883 to \$6,605	\$6,480 to \$7,275	\$7,077 to \$7,945
25.0%	\$1,917 to \$2,125	\$2,587 to \$2,868	\$3,256 to \$3,612	\$3,926 to \$4,355	\$4,596 to \$5,098	\$5,266 to \$5,841	\$5,934 to \$6,588	\$6,606 to \$7,327	\$7,276 to \$8,070	\$7,946 to \$8,813
30.0%	\$2,126 to \$2,335	\$2,869 to \$3,151	\$3,613 to \$3,968	\$4,356 to \$4,784	\$5,099 to \$5,600	\$5,842 to \$6,417	\$6,589 to \$7,233	\$7,328 to \$8,050	\$8,071 to \$8,866	\$8,814 to \$9,682
35.0%	\$2,336 to \$2,544	\$3,152 to \$3,434	\$3,969 to \$4,324	\$4,785 to \$5,213	\$5,601 to \$6,103	\$6,418 to \$6,993	\$7,234 to \$7,888	\$8,051 to \$8,772	\$8,867 to \$9,662	\$9,683 to \$10,551
40.0%	\$2,545 to \$2,754	\$3,435 to \$3,717	\$4,325 to \$4,680	\$5,214 to \$5,643	\$6,104 to \$6,606	\$6,994 to \$7,569	\$7,889 to \$8,533	\$8,773 to \$9,494	\$9,663 to \$10,457	\$10,552 to \$11,420
45.0%	\$2,755 to \$2,755	\$3,718 to \$3,718	\$4,681 to \$4,681	\$5,644 to \$5,644	\$6,607 to \$6,607	\$7,570 to \$7,570	\$8,533 to \$8,533	\$9,495 to \$9,495	\$10,458 to \$10,458	\$11,421 to \$11,421

Arizona Administrative Register / Secretary of State

Notices of Exempt Rulemaking

	to \$2,963	to \$4,000	to \$5,036	to \$6,072	to \$7,108	to \$8,144	to \$9,18	to \$10,217	to \$11,253	to \$12,289
50.0%	\$2,964	\$4,001	\$5,037	\$6,073	\$7,109	\$8,145	\$9,18	\$10,218	\$11,254	\$12,290
	to \$3,173	to \$4,282	to \$5,392	to \$6,501	to \$7,611	to \$8,720	to \$9,83	to \$10,939	to \$12,049	to \$13,158
55.0%	\$3,174	\$4,283	\$5,393	\$6,502	\$7,612	\$8,721	\$9,83	\$10,940	\$12,050	\$13,159
	to \$3,382	to \$4,565	to \$5,748	to \$6,931	to \$8,113	to \$9,296	to \$10,479	to \$11,662	to \$12,844	to \$14,027
60.0%	\$3,383	\$4,566	\$5,749	\$6,932	\$8,114	\$9,297	\$10,480	\$11,663	\$12,845	\$14,028
	to \$3,592	to \$4,848	to \$6,104	to \$7,360	to \$8,617	to \$9,872	to \$11,128	to \$12,384	to \$13,640	to \$14,896
65.0%	\$3,593	\$4,849	\$6,105	\$7,361	\$8,617	\$9,873	\$11,129	\$12,385	\$13,641	\$14,897
	to \$3,802	to \$5,131	to \$6,460	to \$7,789	to \$9,119	to \$10,448	to \$11,777	to \$13,106	to \$14,436	to \$15,765
70.0%	\$3,803	\$5,132	\$6,461	\$7,790	\$9,120	\$10,449	\$11,778	\$13,107	\$14,437	\$15,766
	to \$4,011	to \$5,414	to \$6,816	to \$8,219	to \$9,621	to \$11,024	to \$12,426	to \$13,829	to \$15,231	to \$16,634
75.0%	\$4,012	\$5,415	\$6,817	\$8,220	\$9,622	\$11,025	\$12,427	\$13,830	\$15,232	\$16,635
	to \$4,221	to \$5,696	to \$7,172	to \$8,648	to \$10,124	to \$11,600	to \$13,075	to \$14,551	to \$16,027	to \$17,503
80.0%	\$4,222	\$5,697	\$7,173	\$8,649	\$10,125	\$11,601	\$13,076	\$14,552	\$16,028	\$17,504
	to \$4,430	to \$5,979	to \$7,528	to \$9,077	to \$10,626	to \$12,175	to \$13,725	to \$15,274	to \$16,823	to \$18,372
85.0%	\$4,431	\$5,980	\$7,529	\$9,078	\$10,627	\$12,176	\$13,726	\$15,275	\$16,824	\$18,373
	to \$4,640	to \$6,262	to \$7,884	to \$9,507	to \$11,129	to \$12,751	to \$14,374	to \$15,996	to \$17,618	to \$19,241
90.0%	\$4,641	\$6,263	\$7,885	\$9,508	\$11,130	\$12,752	\$14,375	\$15,997	\$17,619	\$19,242
	to \$4,849	to \$6,545	to \$8,240	to \$9,936	to \$11,632	to \$13,327	to \$15,023	to \$16,718	to \$18,414	to \$20,110
95.0%	\$4,850	\$6,546	\$8,241	\$9,937	\$11,633	\$13,328	\$15,024	\$16,719	\$18,415	\$20,111
	to \$5,059	to \$6,828	to \$8,596	to \$10,365	to \$12,134	to \$13,903	to \$15,672	to \$17,441	to \$19,210	to \$20,979
100.0%	\$5,060	\$6,829	\$8,597	\$10,366	\$12,135	\$13,904	\$15,673	\$17,442	\$19,211	\$20,980
	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater

To determine amount to pay:

1. Find family size, include any children out of the home that are receiving Division services.
2. Find Monthly Family Income (round to the nearest whole dollar).
3. Move down the correct family size column to the cell that contains the range corresponding to the monthly family income.
4. From that cell, move to the far left to the percent pay column.
5. The percent is the percent you are required to pay monthly for the services your family/child received.
6. The payment amount shall not exceed the cost of services provided.

Appendix A. Cost of Care Portion Table

DEPARTMENT OF ECONOMIC SECURITY
 DIVISION OF DEVELOPMENTAL DISABILITIES
 COST OF CARE PORTION TABLE
 Income based on 200% of Federal poverty guidelines issued January 23, 2009

PERCENT TO PAY OF SERVICES RECEIVED	FAMILY SIZE									
	1	2	3	4	5	6	7	8	9	10
	MONTHLY FAMILY INCOME									
0.0%	to \$0.00	to \$0.00	to \$0.00	to \$0.00	to \$0.00	to \$0.00	to \$0.00	to \$0.00	to \$0.00	to \$0.00
	to \$1,805	to \$2,428	to \$3,052	to \$3,675	to \$4,298	to \$4,922	to \$5,545	to \$6,168	to \$6,792	to \$7,415
15.0%	\$1,806	\$2,429	\$3,053	\$3,676	\$4,299	\$4,923	\$5,546	\$6,169	\$6,793	\$7,416
	to \$2,058	to \$2,768	to \$3,479	to \$4,190	to \$4,900	to \$5,611	to \$6,321	to \$7,032	to \$7,743	to \$8,453
20.0%	\$2,059	\$2,769	\$3,480	\$4,191	\$4,901	\$5,612	\$6,322	\$7,033	\$7,744	\$8,454
	to \$2,310	to \$3,108	to \$3,906	to \$4,704	to \$5,502	to \$6,300	to \$7,098	to \$7,895	to \$8,693	to \$9,491
25.0%	\$2,311	\$3,109	\$3,907	\$4,705	\$5,503	\$6,301	\$7,099	\$7,896	\$8,694	\$9,492
	to \$2,563	to \$3,448	to \$4,333	to \$5,219	to \$6,104	to \$6,989	to \$7,874	to \$8,759	to \$9,644	to \$10,529
30.0%	\$2,564	\$3,449	\$4,334	\$5,220	\$6,105	\$6,990	\$7,875	\$8,760	\$9,645	\$10,530
	to \$2,816	to \$3,788	to \$4,761	to \$5,733	to \$6,705	to \$7,678	to \$8,650	to \$9,623	to \$10,595	to \$11,567
35.0%	\$2,817	\$3,789	\$4,762	\$5,734	\$6,706	\$7,679	\$8,651	\$9,624	\$10,596	\$11,568
	to \$3,069	to \$4,128	to \$5,188	to \$6,248	to \$7,307	to \$8,367	to \$9,427	to \$10,486	to \$11,546	to \$12,606

Arizona Administrative Register / Secretary of State

Notices of Exempt Rulemaking

40.0%	\$3,070	\$4,129	\$5,189	\$6,249	\$7,308	\$8,368	\$9,428	\$10,487	\$11,547	\$12,607
	to \$3,321	to \$4,468	to \$5,615	to \$6,762	to \$7,909	to \$9,056	to \$10,203	to \$11,350	to \$12,497	to \$13,644
45.0%	\$3,322	\$4,469	\$5,616	\$6,763	\$7,910	\$9,057	\$10,204	\$11,351	\$12,498	\$13,645
	to \$3,574	to \$4,808	to \$6,042	to \$7,277	to \$8,511	to \$9,745	to \$10,979	to \$12,213	to \$13,448	to \$14,682
50.0%	\$3,575	\$4,809	\$6,043	\$7,278	\$8,512	\$9,746	\$10,980	\$12,214	\$13,449	\$14,683
	to \$3,827	to \$5,148	to \$6,470	to \$7,791	to \$9,112	to \$10,434	to \$11,755	to \$13,077	to \$14,398	to \$15,720
55.0%	\$3,828	\$5,149	\$6,471	\$7,792	\$9,113	\$10,435	\$11,756	\$13,078	\$14,399	\$15,721
	to \$4,079	to \$5,488	to \$6,897	to \$8,306	to \$9,714	to \$11,123	to \$12,532	to \$13,940	to \$15,349	to \$16,758
60.0%	\$4,080	\$5,489	\$6,898	\$8,307	\$9,715	\$11,124	\$12,533	\$13,941	\$15,350	\$16,759
	to \$4,332	to \$5,828	to \$7,324	to \$8,820	to \$10,316	to \$11,812	to \$13,308	to \$14,804	to \$16,300	to \$17,796
65.0%	\$4,333	\$5,829	\$7,325	\$8,821	\$10,317	\$11,813	\$13,309	\$14,805	\$16,301	\$17,797
	to \$4,585	to \$6,168	to \$7,751	to \$9,335	to \$10,918	to \$12,501	to \$14,084	to \$15,668	to \$17,251	to \$18,834
70.0%	\$4,586	\$6,169	\$7,752	\$9,336	\$10,919	\$12,502	\$14,085	\$15,669	\$17,252	\$18,835
	to \$4,837	to \$6,508	to \$8,178	to \$9,849	to \$11,520	to \$13,190	to \$14,861	to \$16,531	to \$18,202	to \$19,872
75.0%	\$4,838	\$6,509	\$8,179	\$9,850	\$11,521	\$13,191	\$14,862	\$16,532	\$18,203	\$19,873
	to \$5,090	to \$6,848	to \$8,606	to \$10,364	to \$12,121	to \$13,879	to \$15,637	to \$17,395	to \$19,153	to \$20,910
80.0%	\$5,091	\$6,849	\$8,607	\$10,365	\$12,122	\$13,880	\$15,638	\$17,396	\$19,154	\$20,911
	to \$5,343	to \$7,188	to \$9,033	to \$10,878	to \$12,723	to \$14,568	to \$16,413	to \$18,258	to \$20,103	to \$21,948
85.0%	\$5,344	\$7,189	\$9,034	\$10,879	\$12,724	\$14,569	\$16,414	\$18,259	\$20,104	\$21,949
	to \$5,596	to \$7,528	to \$9,460	to \$11,393	to \$13,325	to \$15,257	to \$17,190	to \$19,122	to \$21,054	to \$22,987
90.0%	\$5,597	\$7,529	\$9,461	\$11,394	\$13,326	\$15,258	\$17,191	\$19,123	\$21,055	\$22,988
	to \$5,848	to \$7,868	to \$9,887	to \$11,907	to \$13,927	to \$15,946	to \$17,966	to \$19,985	to \$22,005	to \$24,025
95.0%	\$5,849	\$7,869	\$9,888	\$11,908	\$13,928	\$15,947	\$17,967	\$19,986	\$22,006	\$24,026
	to \$6,101	to \$8,208	to \$10,315	to \$12,422	to \$14,528	to \$16,635	to \$18,742	to \$20,849	to \$22,956	to \$25,063
100.0%	\$6,102	\$8,209	\$10,316	\$12,423	\$14,529	\$16,636	\$18,743	\$20,850	\$22,957	\$25,064
	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater	Or greater

PERCENT TO PAY OF SERVICES RECEIVED	FAMILY SIZE									
	11	12	13	14	15	16	17	18	19	20
	MONTHLY FAMILY INCOME									
0.0%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	to \$8,038	to \$8,662	to \$9,285	to \$9,908	to \$10,532	to \$11,155	to \$11,778	to \$12,402	to \$13,025	to \$13,648
15.0%	\$8,039	\$8,663	\$9,286	\$9,909	\$10,533	\$11,156	\$11,779	\$12,403	\$13,026	\$13,649
	to \$9,164	to \$9,874	to \$10,585	to \$11,296	to \$12,006	to \$12,717	to \$13,427	to \$14,138	to \$14,849	to \$15,559
20.0%	\$9,165	\$9,875	\$10,586	\$11,297	\$12,007	\$12,718	\$13,428	\$14,139	\$14,850	\$15,560
	to \$10,289	to \$11,087	to \$11,885	to \$12,683	to \$13,481	to \$14,278	to \$15,076	to \$15,874	to \$16,672	to \$17,470
25.0%	\$10,290	\$11,088	\$11,886	\$12,684	\$13,482	\$14,279	\$15,077	\$15,875	\$16,673	\$17,471
	to \$11,414	to \$12,300	to \$13,185	to \$14,070	to \$14,955	to \$15,840	to \$16,725	to \$17,610	to \$18,496	to \$19,381
30.0%	\$11,415	\$12,301	\$13,186	\$14,071	\$14,956	\$15,841	\$16,726	\$17,611	\$18,497	\$19,382
	to \$12,540	to \$13,512	to \$14,485	to \$15,457	to \$16,429	to \$17,402	to \$18,374	to \$19,347	to \$20,319	to \$21,291
35.0%	\$12,541	\$13,513	\$14,486	\$15,458	\$16,430	\$17,403	\$18,375	\$19,348	\$20,320	\$21,292
	to \$13,665	to \$14,725	to \$15,785	to \$16,844	to \$17,904	to \$18,964	to \$20,023	to \$21,083	to \$22,143	to \$23,202
40.0%	\$13,666	\$14,726	\$15,786	\$16,845	\$17,905	\$18,965	\$20,024	\$21,084	\$22,144	\$23,203
	to \$14,791	to \$15,937	to \$17,084	to \$18,231	to \$19,378	to \$20,525	to \$21,672	to \$22,819	to \$23,966	to \$25,113
45.0%	\$14,792	\$15,938	\$17,085	\$18,232	\$19,379	\$20,526	\$21,673	\$22,820	\$23,967	\$25,114
	to \$15,916	to \$17,150	to \$18,384	to \$19,619	to \$20,853	to \$22,087	to \$23,321	to \$24,555	to \$25,790	to \$27,024
50.0%	\$15,917	\$17,151	\$18,385	\$19,620	\$20,854	\$22,088	\$23,322	\$24,556	\$25,791	\$27,025
	to \$17,041	to \$18,363	to \$19,684	to \$21,006	to \$22,327	to \$23,649	to \$24,970	to \$26,292	to \$27,613	to \$28,934

Notices of Exempt Rulemaking

55.0%	\$17,042	\$18,364	\$19,685	\$21,007	\$22,328	\$23,650	\$24,971	\$26,293	\$27,614	\$28,935
	to \$18,167	to \$19,575	to \$20,984	to \$22,393	to \$23,802	to \$25,210	to \$26,619	to \$28,028	to \$29,437	to \$30,845
60.0%	\$18,168	\$19,576	\$20,985	\$22,394	\$23,803	\$25,211	\$26,620	\$28,029	\$29,438	\$30,846
	to \$19,292	to \$20,788	to \$22,284	to \$23,780	to \$25,276	to \$26,772	to \$28,268	to \$29,764	to \$31,260	to \$32,756
65.0%	\$19,293	\$20,789	\$22,285	\$23,781	\$25,277	\$26,773	\$28,269	\$29,765	\$31,261	\$32,757
	to \$20,417	to \$22,001	to \$23,584	to \$25,167	to \$26,750	to \$28,334	to \$29,917	to \$31,500	to \$33,084	to \$34,667
70.0%	\$20,418	\$22,002	\$23,585	\$25,168	\$26,751	\$28,335	\$29,918	\$31,501	\$33,085	\$34,668
	to \$21,543	to \$23,213	to \$24,884	to \$26,554	to \$28,225	to \$29,895	to \$31,566	to \$33,236	to \$34,907	to \$36,578
75.0%	\$21,544	\$23,214	\$24,885	\$26,555	\$28,226	\$29,896	\$31,567	\$33,237	\$34,908	\$36,579
	to \$22,668	to \$24,426	to \$26,184	to \$27,942	to \$29,699	to \$31,457	to \$33,215	to \$34,973	to \$36,731	to \$38,488
80.0%	\$22,669	\$24,427	\$26,185	\$27,943	\$29,700	\$31,458	\$33,216	\$34,974	\$36,732	\$38,489
	to \$23,793	to \$25,639	to \$27,484	to \$29,329	to \$31,174	to \$33,019	to \$34,864	to \$36,709	to \$38,554	to \$40,399
85.0%	\$23,794	\$25,640	\$27,485	\$29,330	\$31,175	\$33,020	\$34,865	\$36,710	\$38,555	\$40,400
	to \$24,919	to \$26,851	to \$28,784	to \$30,716	to \$32,648	to \$34,581	to \$36,513	to \$38,445	to \$40,378	to \$42,310
90.0%	\$24,920	\$26,852	\$28,785	\$30,717	\$32,649	\$34,582	\$36,514	\$38,446	\$40,379	\$42,311
	to \$26,044	to \$28,064	to \$30,083	to \$32,103	to \$34,123	to \$36,142	to \$38,162	to \$40,181	to \$42,201	to \$44,221
95.0%	\$26,045	\$28,065	\$30,084	\$32,104	\$34,124	\$36,143	\$38,163	\$40,182	\$42,202	\$44,222
	to \$27,170	to \$29,276	to \$31,383	to \$33,490	to \$35,597	to \$37,704	to \$39,811	to \$41,918	to \$44,025	to \$46,131
100.0%	\$27,171	\$29,277	\$31,384	\$33,491	\$35,598	\$37,705	\$39,812	\$41,919	\$44,026	\$46,132
	Or greater									

To determine amount to pay:

1. Find family size, include any children out of the home that are receiving Division services.
2. Find Monthly Family Income (round to the nearest whole dollar).
3. Move down the correct family size column to the cell that contains the range corresponding to the monthly family income.
4. From that cell move to the far left to the percent pay column.
5. The percent is the percent you are required to pay monthly for the services your family / child received.
6. The payment amount is not to exceed the cost of services provided.

NOTICE OF EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

Editor's Note: The following Notice of Exempt Rulemaking is exempt from Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 330.)

[R10-15]

PREAMBLE

1. Sections Affected

R7-2-604
R7-2-604
R7-2-604.01
R7-2-604.02

Rulemaking Action

Repeal
New Section
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)
Implementing statute: Not applicable

3. The effective date of the rules:

August 29, 2006

Notices of Exempt Rulemaking

4. A list of all previous notices appearing in the Register addressing the exempt rules:

Not applicable

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 St.
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:

On March 29, 2004, the State Board of Education directed staff to establish a task force to review the current requirements for State Board approval of professional preparation programs (R7-2-604) and bring a recommendation to the State Board of Education. A review team was established in August 2004 and met regularly through December 2004. On February 28, 2005, the State Board of Education adopted the recommended professional preparation program approval process.

The proposed rule changes would align State Board rules (R7-2-604) with the Board professional preparation program approval process adopted February 28, 2005.

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 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:

Not applicable

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

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

The rules are not expected to have any economic impact on small businesses nor have any impact upon school districts and charter schools.

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

Not applicable

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

A public hearing was held regarding these proposed rules on August 7, 2006. Small technical revisions were made as a result of public comments.

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

Not applicable

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

Not applicable

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

Not applicable

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section
~~R7-2-604~~ Professional Preparation Programs

Notices of Exempt Rulemaking

- R7-2-604. Definitions
R7-2-604.01. Professional Preparation Programs
R7-2-604.02. Professional Preparation Program Approval Procedures

ARTICLE 6. CERTIFICATION

R7-2-604. Professional Preparation Programs

- A.** The Board shall evaluate and may approve the professional preparation programs of institutions in Arizona which request Board approval.
- B.** Teacher preparation institutions may include, but are not limited to, universities and colleges, school districts, professional organizations, private businesses, charter schools, and regional training centers. At a minimum, the teacher preparation program shall include training in the standards described in R7-2-602 and a practicum which provides students in the program opportunities to observe and practice the standards under the supervision of certified teachers.
- C.** The administrative preparation program shall include training in the standards described in R7-2-603 and a practicum which provides students in the program opportunities to observe and practice the standards under the supervision of certified administrators.
- D.** Those institutions with Board approval shall provide, publicly, a statement of the type of approval the program has and for what period of time.
- E.** Board-approved programs shall provide their program graduates with an institutional recommendation form for issuance of the appropriate Arizona certification. Institutional recommendations shall be on a form provided by the Department.
- F.** Conditional approval may be granted for a two-year period based on evaluation of the program. Representatives of the Department or the Board may conduct a site visit as part of the evaluation. The factors to be considered during the evaluation of the program are:
1. The written description of the unit that is primarily responsible for the preparation of teachers and other professional education personnel. The following documentation is required:
 - a. A listing of all programs designed to lead to certification of education personnel;
 - b. A program summary that includes the number of students and graduates by program for the prior year and the projected number of students by program for the next year;
 - c. The unit's statement of mission, purpose, and goals;
 - d. A listing of all full-time faculty in each program and their qualifications;
 - e. A description of criteria and policy for employment of part-time and full-time faculty;
 - f. Number of full-time and part-time faculty in each program; and
 - g. A listing of any other programs related to education not designed to lead to certification.
 2. For the dean, director, or chair who is officially designated to represent the unit and assigned the authority and responsibility for its overall administration and operation, the following documentation is required:
 - a. A job description; and
 - b. A chart depicting administrative and organizational structure of the unit.
 3. The written policies and procedures for the operations of the unit.
 4. The unit's procedures for admission to all programs leading to certification. The following documentation is required:
 - a. The criteria for admission;
 - b. A list of basic skills that are assessed and the measures used to assess them;
 - c. The plan for remediation of basic skills deficiencies in students admitted to the program; and
 - d. A summary report of assessment results for students admitted for the past three years.
 5. The process by which the unit regularly monitors and evaluates its operation, its scope, the quality of its offerings, and effectiveness of its program. The following documentation is required:
 - a. The policies for conducting ongoing evaluations;
 - b. A summary of the findings of internal evaluations completed within the past three years;
 - c. A summary of the findings of external evaluations completed within the past three years, including follow-up studies of graduates; and
 - d. A summary of program modifications made as a result of internal and external evaluations.
 6. The process by which the unit assesses the academic and professional competency of each student upon completion of the program. The following documentation is required:
 - a. A listing of assessments used to evaluate academic and professional competency of students; and
 - b. A summary report of competency assessment outcomes for the past three years.
 7. The unit's curricula for teacher preparation, based on the professional standards described in R7-2-602 and the academic standards described in R7-2-301 and R7-2-302, and curricula for administrative preparation, based on the professional standards described in R7-2-603. The following documentation is required:
 - a. A listing of program requirements including the number of credit or clock hours required;
 - b. The course syllabus and objectives for each course with reference to the specific standards addressed; and
 - c. A description of the opportunities for observation and practice of the standards.

Notices of Exempt Rulemaking

- ~~G. Full program approval may be granted by the Board for a two-year period based on the following conditions:~~
- ~~1. An assurance that the elements documented for conditional approval are substantially unchanged or that a description of all changes has been provided for evaluation. Representatives of the Department or the Board may conduct a site visit as part of the evaluation. The following documentation is required:
 - ~~a. A description of any changes in the unit's structure, mission statement, purpose, goals, full-time faculty, admissions criteria and policies or procedures since the last Board approval;~~
 - ~~b. A summary of the findings of internal evaluations completed within the past two years;~~
 - ~~c. A summary of the findings of external evaluations completed within the past two years, which includes follow-up studies of graduates;~~
 - ~~d. A summary of recent program modifications made as a result of internal and external evaluations within the last two years; and~~
 - ~~e. If any changes to the standards have been adopted since the program's last Board approval, a description of changes to the curriculum.~~~~
 - ~~2. That at least 75% of the program graduates from the prior two years successfully completed the professional knowledge portion of the Arizona Teacher Proficiency Assessment on their first attempt.~~
 - ~~3. If at least 60%, but less than 75% of the program graduates successfully completed the professional knowledge portion of the Arizona Teacher Proficiency Assessment on their first attempt, conditional approval of the program may be extended for one year upon approval by the Board of an improvement plan.~~
 - ~~4. When an applicant has attended more than one institution to complete a professional preparation program, performance on the proficiency assessment shall be attributed to the institution where a practicum was successfully completed.~~

R7-2-604. Definitions

In R7-2-604 through R7-2-604.02, unless the context otherwise requires:

1. "Annual Report" means a report submitted yearly to the Department by all Arizona State Board approved institutions of higher education.
2. "Board Approved Program" means a course of study, that is approved by the Board and meets the state's standards for early childhood, elementary, secondary and special education teachers, administrators, school guidance counselors, and school psychologists.
3. "Capstone Experience" means a culminating professional experience in a PreK-12 setting. This experience may include student teaching, administrative internships, counseling practicum and internships, and school psychology internships.
4. "Field Experience" means scheduled, directed experiences in a PreK-12 setting that occurs prior to the capstone experience.
5. "Institutional Recommendation" means a form developed by the Department that indicates an individual has completed a Board approved program.
6. "Institutional Report" means a report issued by the review team that cites evidence of compliance with or deviation from each standard that applies to the institution's programs. The report may include accommodations, recommendations, and areas of improvement.
7. "Low Performing Institutions" mean Board approved teacher preparation institutions where less than 75% of program completers successfully completed the professional knowledge portion of the Arizona Teacher Proficiency Assessment on their first attempt as reported in Title II of the Higher Education Act. When a candidate has attended more than one institution, performance on the proficiency assessment shall be attributed to the institution where the student teaching was successfully completed.
8. "National Accreditation" means accreditation by a national agency that is recognized by the U.S. Secretary of Education. The Department shall publish a list of these agencies on its web site.
9. "National Standards" means written expectations for meeting a specified level of performance that are established by the following organizations: CACREP, CEC, INTASC, ISLLC, ISTE-NETS, NAEYC, NASP or NCATE.
10. "Program" means a course of study and school-based experiences for preparing PreK-12 teachers, administrators, school guidance counselors, and school psychologists. These courses and school-based experiences shall lead to a recommendation for an Arizona teaching, administrator, school guidance counselor, or school psychologist certificate.
11. "Regional Accreditation" means accreditation by a regional agency that is recognized by the U.S. Secretary of Education. The Department shall publish a list of these agencies on its web site.
12. "Student Teaching" means a sustained period of rigorous field-based experiences performed under the supervision of a certified teacher and an institutional program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking.
13. "Review Team" means a committee appointed by the Department that shall review professional preparation programs seeking Board approval and provide recommendations to the Board. The committee shall consist of representatives from an Arizona Board of Regents Institution, an Arizona private institution of higher education, an Arizona commu-

Notices of Exempt Rulemaking

nity college, the Arizona Education Association, a district level administrator from a local education agency, a National Board Certified Teacher, and the Department.

14. The organizations cited in R7-2-604, R7-2-604.01 and R7-2-604.02 are as follows:
 - a. “CACREP” means the Council for Accreditation of Counseling and Related Education Program.
 - b. “CEC” means the Council for Exceptional Children.
 - c. “INTASC” means the Interstate New Teacher Assessment and Support Consortium.
 - d. “ISLLC” means the Interstate School Leaders Licensure Consortium.
 - e. “ISTE-NETS” means the National Educational Technology Standards.
 - f. “NAEYC” means the National Association for the Education of Young Children.
 - g. “NASP” means the National Association of School Psychologists.
 - h. “NCATE” means the National Council for Accreditation of Teacher Education.

R7-2-604.01. Professional Preparation Programs

- A.** Professional preparation institutions may include, but are not limited to, universities and colleges, school districts, professional organizations, private businesses, charter schools, and regional training centers. At a minimum, the professional preparation program shall include training in the standards described in R7-2-602 and R7-2-603, a capstone experience, and alignment with national standards.
- B.** The Board shall evaluate and may approve the professional preparation programs of institutions which request Board approval. R7-2-604, R7-2-604.01 and R7-2-604.02 apply to all professional preparation programs in teacher, administrator, school guidance counselor, and school psychology programs that lead to certification. The Board may grant program approval for a period not to exceed five years.
- C.** Board approval of professional 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 institution is evaluated. These rules shall be enforced for all institutions seeking program approval as of February 28, 2005.

R7-2-604.02. Professional Preparation Program Approval Procedures

- A.** Institutions seeking professional preparation program approval shall submit to the Department the information necessary to conduct a preliminary review of the preparation program. The Department shall prescribe forms to assist institutions with providing all information required as part of the preliminary review process. The required information, at a minimum, shall include the following:
 1. An institutional profile that includes information regarding the type of institution seeking approval, the type of approval being requested, any national or regional accreditations held by the program, the institution’s governance and administrative structures and student demographic data. A program that is not regionally accredited by a Board recognized entity shall provide the Department with the necessary information to demonstrate program sustainability. This shall include a description of the institution’s facilities, relevant equipment and supplies, student support services, access to library resources and technology, and evidence of financial stability.
 2. A description of the institution’s conceptual framework. This shall include an explanation of the institution’s vision, mission, philosophy and goals. It should also describe how this framework is shared with students, faculty and other relevant stakeholders.
 3. Data regarding the institution’s faculty. This shall include the following:
 - a. Demographic data relating to the faculty for each program seeking approval. This data shall include the number with terminal degrees, the faculty to student ratio and the percentage of faculty members with experience teaching in a PreK-12 setting, and may also include ethnicity and gender if available.
 - b. Definitions of terms used by the institution to describe individuals responsible for professional coursework, clinical supervision and administration of each program.
 - c. A description of the institution’s employment policies, including procedures for determining faculty assignments, evaluation procedures and professional development opportunities and requirements.
- B.** The Department shall provide institutions applying for program approval with written notification indicating whether all necessary information has been submitted to complete the preliminary review process. If additional information is required the written notice shall specify the deficiencies and indicate that the institution has 30 days from receipt of the notice to supply the Department with all required information.
- C.** Upon verification that an institution has satisfied the submittal requirements for the preliminary review, the Department shall initiate a review of the specific programs being considered for Board approval. The Department shall prescribe forms to assist institutions with providing all information required as part of the program review. To facilitate this review institutions shall:
 1. Provide the Department with a description of the program being considered for Board approval. This shall include, at a minimum, the criteria for student entry into the program, a summary of the program course sequence, descriptions of all required courses, and verification that the program requires courses that are necessary to obtain a full Structured English Immersion endorsement.
 2. Provide the Department with a description of the field experience and capstone experience policies for the program

Notices of Exempt Rulemaking

- being considered for Board approval. The review team shall verify that the field experience or capstone experience complies with relevant standards as articulated in R7-2-602 or R7-2-603 and relevant national standards. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
3. Provide the Department with a description of the assessment plan for measuring competencies in coursework and field experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in R7-2-602 or R7-2-603 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 applicable national standards.
 4. Provide the Department with a description of the procedures used to monitor and evaluate the operation, scope and quality of the program being considered for approval. This shall include the use of internal and external evaluations. The institutions shall also submit to the Department data relating to program graduates.
 5. Provide the Department with a program matrix demonstrating that program coursework assessments, field experiences and capstone experiences align with relevant standards as articulated in R7-2-602 or R7-2-603 and with applicable national standards. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
- D.** Upon completion of the program review, the review team shall schedule and conduct an onsite visit. The onsite visit may include a tour of the institution, a review of documentation and related evidence and interviews of administrative staff, faculty, students and school personnel.
- E.** Upon completion of the onsite review, the review team shall, within 90 days, provide the institution with a report of its findings. This report shall cite any evidence showing deviation from each standard that applies to the institution's programs. The institution shall have 30 days from receipt of the review teams findings to submit a response addressing the findings.
- F.** Based upon its findings, the review team shall recommend to the Board that the program be approved, approved with conditions or denied. The Board may grant program approval for a period not to exceed five years.
- G.** An institution may request reconsideration of the Board's decision. If a program is ultimately denied program approval the institution may not reapply for approval for a period of one year from the date of the Board's final action.
- H.** Institutions with Board approval shall make available to the public a statement indicating the type of approval it has been granted and the valid period for that approval.
- I.** Board approved institutions shall comply with the reporting requirements established by Title II of the Higher Education Act (P.L. 110-315).
- J.** Each approved institution shall file an annual report with the Department documenting program activities for the previous year. The annual report shall be submitted on the yearly due date established by Title II of the Higher Education Act (P.L. 110-315) for the institutional report. The annual report shall include the following:
1. A description of any substantive changes to Board approved programs;
 2. A copy of the current institutional catalog;
 3. The name, title and original signature of the certification officer for the institution;
 4. Program, faculty, and candidate data required as a condition of initial or continuing program approval.
- K.** Board approved programs shall provide their program graduates with an institutional recommendation for issuance of the appropriate Arizona certification.
- L.** To maintain Board program approval the institution shall be in continuous operation and training students in accordance with its mission and program objectives, fulfill all reporting requirements, and maintain compliance with all applicable local, state, tribal and federal requirements.
- M.** The Department shall administer two cycles per year for the review of applications for program approval. One cycle shall commence in January and the other cycle in July. To be eligible for either cycle an institution must submit all required preliminary review documentation by either January 15 or July 15.
- N.** Institutions seeking renewal of program approval shall submit the required preliminary review documentation by the deadline for a review cycle that commences at least one year prior to the expiration date of the approved program.

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

Not applicable

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

Not applicable

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-607. General Certification Provisions

ARTICLE 6. CERTIFICATION

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. All one-year certificates shall expire one year from the date of issuance. All certificates issued for more than one year 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 two years to complete those requirements and request re-evaluation. One re-evaluation shall be provided at no additional fee within two years of the original 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 seven through 12 whose primary assignment is in an academic subject required pursuant to R7-2-302 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 State Board of Education 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.

Notices of Exempt Rulemaking

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

Not applicable

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

Not applicable

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

Not applicable

15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-616. Administrative Certificates

ARTICLE 6. CERTIFICATION

R7-2-616. Administrative Certificates

- A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in ~~R7-2-617~~ R7-2-619.
- B. Supervisor Certificate – grades ~~Prekindergarten-12~~ PreK-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, career and technical education certificate or other professional certificate issued by the Arizona Department of Education;
 - b. A Master's or more advanced degree;
 - c. Three years of verified full-time teaching experience or related education services experience in a ~~Prekindergarten-12~~ PreK-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 ~~Prekindergarten-12~~ PreK-12;
 - f. A passing score on the Arizona Administrator Proficiency Assessment; and
 - g. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- C. Principal Certificate – grades ~~Prekindergarten-12~~ PreK-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 ~~Prekindergarten-12~~ PreK-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 ~~Prekindergarten-12~~ PreK-12;
 - e. A passing score on either the Principal or Superintendent portion of the Arizona Administrator Proficiency Assessment; and
 - f. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- D. Superintendent Certificate – grades ~~Prekindergarten-12~~ PreK-12
1. ~~The superintendent certificate is required for individuals~~ Individuals who hold the title of superintendent, assistant

Notices of Exempt Rulemaking

- 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 ~~Prekindergarten-12~~ PreK-12 setting;
 - d. A practicum as a superintendent or two years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades ~~Prekindergarten-12~~ PreK-12;
 - e. A passing score on the Superintendent portion of the Arizona Administrator Proficiency Assessment; and
 - f. 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 ~~R7-2-614~~ 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 US/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.