

# Arizona Administrative REGISTER

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# From the Publisher

## ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

## WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

# Arizona Administrative REGISTER

Vol. 22

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### **PUBLICATION DEADLINES**

Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

### **CONTACT US**

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# Participate in the Process

## Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

## Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

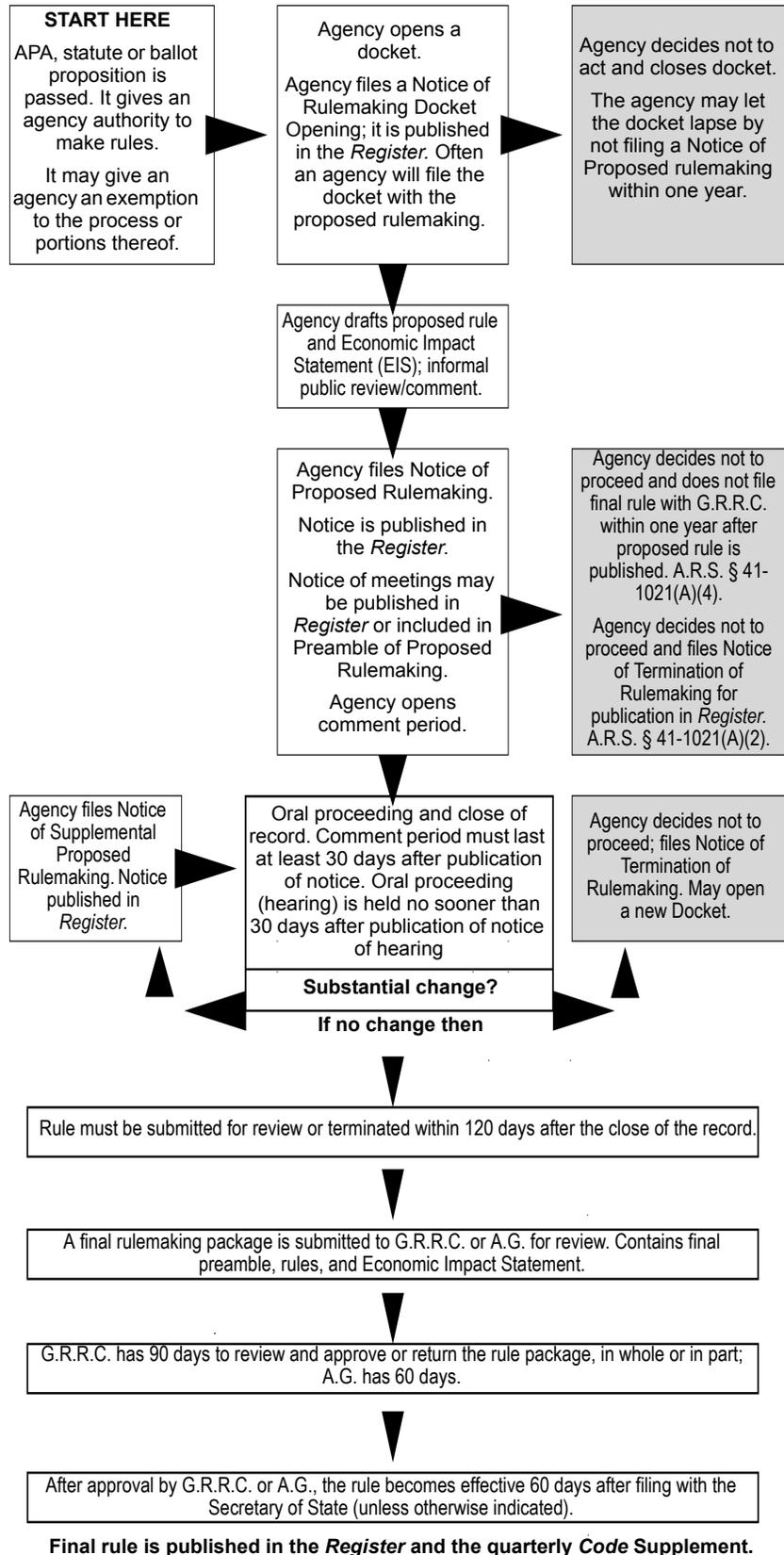
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

# Arizona Regular Rulemaking Process



## Definitions

**Arizona Administrative Code (A.A.C.):** Official rules codified and published by the Secretary of State's Office. Available online at [www.azsos.gov](http://www.azsos.gov).

**Arizona Administrative Register (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at [www.azsos.gov](http://www.azsos.gov).

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at [www.azleg.gov](http://www.azleg.gov).

**Arizona Revised Statutes (A.R.S.):** The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at [www.azleg.gov](http://www.azleg.gov).

**Chapter:** A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

**Close of Record:** The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

**Code of Federal Regulations (CFR):** The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

**Docket:** A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

**Economic, Small Business, and Consumer Impact Statement (EIS):** The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

**Governor's Regulatory Review (G.R.R.C.):** Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

**Incorporated by Reference:** An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

**Federal Register (FR):** The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

**Session Laws or "Laws":** When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at [www.azleg.gov](http://www.azleg.gov).

**United States Code (U.S.C.):** The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

## Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

## About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.





**5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

When the Arizona Department of Health Services (Department) became aware of the potential sale of aborted fetal tissue by Arizona health care institutions where abortions are performed, the Department initiated emergency rulemaking after receiving an exception from the Governor's rulemaking moratorium, established by Executive Order 2015-01. Through this emergency rulemaking, the Department clarified, in the health care institution licensing rules in 9 A.A.C. 10, the abortion reporting requirements in A.R.S. § 36-2161. The Department also added a requirement for a licensed health care institution where abortions are performed to include information on the final disposition of the fetal tissue, the person or persons taking custody of the fetal tissue, the amount of any compensation received by the licensed health care institution for the fetal tissue, and whether a patient has provided informed consent for the transfer of custody of the fetal tissue, consistent with 42 U.S.C. §§ 289g-1 and 289g-2. An exception was made in the reporting rule for a transfer of custody to a funeral establishment or a crematory for final disposition. The Notice of Emergency Rulemaking was filed with the Office of the Secretary of State on August 14, 2015. To prevent the expiration of the rule established through emergency rulemaking, the Department is adopting the rule through regular rulemaking. The Department is also clarifying other situations where a transfer of custody would not require reporting, to further reduce the burden on health care institutions.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**

The Department did not review or rely on any study for this rulemaking.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

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

The Department anticipates that cost bearers may include the Department and licensed health care institutions where abortions are performed. These licensed health care institutions where abortions are performed may include hospitals, outpatient treatment centers, and abortion clinics. Beneficiaries may include the Department, health care institutions, and the general public. Annual costs/revenues changes are designated as minimal when \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification.

The Department currently receives approximately 12,750 reports per year under A.R.S. § 36-2161 from about 18 health care institutions where abortions are performed. Of the 4,195 reports received for abortions performed between August 14, 2015, when the emergency rulemaking became effective, and December 23, 2015, 58 indicated that fetal tissue had been transferred for burial/cremation, two did not indicate a disposition, and the rest indicated that there had been no transfer of custody.

Based on these data, the Department anticipates that the review of the additional information required in the proposed rule will impose at most a minimal cost on the Department and may provide a significant benefit to the Department from having accurate information about the final disposition of fetal tissue. Licensed health care institutions where abortions are performed may incur a minimal cost from the added time to comply with the requirement for reporting the final disposition of the fetal tissue. The Department anticipates that, if a licensed health care institution where abortions are performed transfers custody of fetal tissue to a person other than a funeral establishment, a crematory, or according to the requirements in A.A.C. R18-13-1406, A.A.C. R18-13-1407, and A.A.C. R18-13-1408 or does not comply with the requirements in A.A.C. R18-13-1405, the licensed health care institution where abortions are performed may incur a minimal-to-moderate cost from the added time to compile the additional information on the name and address of the person or persons accepting custody of the fetal tissue, the amount of any compensation received by the licensed health care institution for the transferred fetal tissue, and whether a patient provided informed consent for the transfer of custody of the fetal tissue. A licensed health care institution where abortions are performed that meets the reporting exception requirements in subsection (B) of the rule may receive a significant benefit from assuring the general public that such transfers are not occurring at the health care institution. The general public may receive a significant benefit from the assurance that transfers of fetal tissue to a person other than a funeral establishment or crematory are being monitored by the Department.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Colby Bower, Assistant Director  
Address: Department of Health Services  
Public Health Licensing Services  
150 N. 18th Ave., Suite 510  
Phoenix, AZ 85007  
Telephone: (602) 542-6383



Fax: (602) 364-4808  
 E-mail: Colby.Bower@azdhs.gov  
 or  
 Name: Robert Lane, Manager  
 Address: Arizona Department of Health Services  
 Office of Administrative Counsel and Rules  
 1740 W. Adams St., Suite 203  
 Phoenix, AZ 85007  
 Telephone: (602) 542-1020  
 Fax: (602) 364-1150  
 E-mail: Robert.Lane@azdhs.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department has scheduled the following oral proceeding:

Date and time: Wednesday, March 23, 2016, 3:00 p.m.  
 Location: 150 N. 18th Ave., DLS Training Room, 4th Floor  
 Phoenix, AZ 85007  
 Close of record: Wednesday, March 23, 2016, 4:30 p.m.

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items 4 and 9.  
 A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Robert Lane at Robert.Lane@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**  
 The rule does not require a permit.
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**  
 Not applicable
- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**  
 No business competitiveness analysis was received by the Department.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**  
 Not applicable

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 10. DEPARTMENT OF HEALTH SERVICES  
 HEALTH CARE INSTITUTIONS: LICENSING**

**ARTICLE 1. GENERAL**

Section  
 R9-10-119. ~~Reserved~~ Abortion Reporting

**ARTICLE 1. GENERAL**

**R9-10-119. ~~Reserved~~ Abortion Reporting**

- A. A licensed health care institution where abortions are performed shall submit to the Department, in a Department-provided format and according to A.R.S. § 36-2161(B) and (C), a report that contains the information required in A.R.S. § 36-2161(A) and the following:**
  - 1. The final disposition of the fetal tissue from the abortion; and**



2. Except as provided in subsection (B), if custody of the fetal tissue is transferred to another person or persons:
  - a. The name and address of the person or persons accepting custody of the fetal tissue.
  - b. The amount of any compensation received by the licensed health care institution for the transferred fetal tissue, and
  - c. Whether a patient provided informed consent for the transfer of custody of the fetal tissue.
- B.** A licensed health care institution where abortions are performed is not required to include the information specified in subsections (A)(2)(a) through (c) in the report required in subsection (A) if the licensed health care institution where abortions are performed:
  1. Transfers custody of the fetal tissue:
    - a. To a funeral establishment, as defined in A.R.S. § 32-1301;
    - b. To a crematory, as defined in A.R.S. § 32-1301; or
    - c. According to requirements in A.A.C. R18-13-1406, A.A.C. R18-13-1407, and A.A.C. R18-13-1408; or
  2. Complies with requirements in A.A.C. R18-13-1405.
- C.** For purposes of this Section, the following definition applies:  
“Fetal tissue” means cells, or groups of cells with a specific function, obtained from an aborted human embryo or fetus.



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

[R16-10]

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R7-2-300 New Section
R7-2-301 Amend
R7-2-302 Amend
R7-2-302.01 Repeal
R7-2-302.02 Repeal
R7-2-302.04 Repeal
R7-2-302.06 Repeal
R7-2-302.07 Repeal
R7-2-302.08 Repeal
R7-2-302.09 Repeal
R7-2-302.10 Amend
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
Authorizing statute: A.R.S. §§ 15-203(A)(1) and 15-203(A)(14)
Implementing statute: Not applicable
3. The effective date of the rules and the agency's reason it selected the effective date:
August 26, 2013
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
Not applicable
5. The agency's contact person who can answer questions about the rulemaking:
Name: Dr. Karol Schmidt, Executive Director
Address: State Board of Education
1700 W. Washington, Suite 300
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
E-mail: inbox@azsbe.az.gov
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
Laws 2013, 1st Regular Session, Chapter 20, also known as HB 2425, allows the Board to move forward with the December 2012 Board adopted plan to transition from the current Arizona Instrument to Measure Standards (AIMS) assessment to a new assessment aligned with the standards adopted by the Board and currently being implemented in schools. Further, Laws 2012, 2nd Regular Session, Chapter 259, required the Board to adopt rules to define competency-based educational pathways for college and career readiness available seventh through twelfth graders to demonstrate competency in lieu of classroom time.
In keeping with the Board's adopted transition plan, these amendments are designed to maintain the status



quo for the high stakes requirement through the class of 2016 and to lay the initial groundwork for the upcoming testing transition that will begin in Spring 2015.

In summary:

- R7-2-300 restates the Board's statutory authority to adopt assessments to measure student achievement;
- R7-2-301 and R7-2-302 are amended to require school districts and charter schools to adopt mechanisms to allow pupils in grades seven through twelve to demonstrate competency in lieu of classroom time. For high school credit in relevant courses, district governing boards and charter schools must include as a demonstration of competency the score determined by the Board as college and career ready on the competency test adopted by the Board.
- R7-2-302.02 is repealed and the content all incorporated into R7-2-302, in order to consolidate into a single rule the minimum course of study and competency requirements for graduation from high school for current and future graduating students;
- Amendments to R7-2-302.09 will maintain the status quo for AIMS augmentation through the class of 2016; and
- The repeal of R7-2-302.01, R7-2-302.04, R7-2-302.05, R7-2-302.06, R7-2-302.07, and R7-2-302.08 will remove confusing, outdated rules that are no longer in use.

**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, if applicable:**

The rules are not expected to have significant, if any, economic impact on small businesses.

**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:**

Pursuant to the Board's rulemaking procedures, public hearings on these proposed rule changes were held on June 12, 2013 and August 7, 2013. No comments were received.

**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 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section

R7-2-300.	<u>Adoption of Assessments</u>
R7-2-301.	<u>Minimum Course of Study and Competency Goals for Students in the Common Schools</u>
R7-2-302.	<u>Minimum Course of Study and Competency Requirements for Graduation from High School</u>
R7-2-302.01.	<u>Minimum Course of Study and Competency Requirements for Graduation from High School for the Graduation Class of 2012 Repealed</u>
R7-2-302.02.	<u>Minimum Course of Study and Competency Requirements for Graduation from High School Beginning with the Graduation Class of 2013 Repealed</u>
R7-2-302.04.	<u>Minimum Course of Study and Competency Requirements for Graduation from High School Repealed</u>
R7-2-302.06.	<u>Definitions Repealed</u>
R7-2-302.07.	<u>AIMS, Additional Credit; Graduation Class of 2010 Repealed</u>
R7-2-302.08.	<u>AIMS, Additional Credit; Graduation Class of 2011 Repealed</u>
R7-2-302.09.	<u>AIMS, Additional Credit; Graduation Class of 2012 Repealed</u>



R7-2-302.10. AIMS, Additional Credit; Beginning with the Graduation Class of 2013

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

**R7-2-300. Adoption of Assessments**

As required in A.R.S. §15-741, the Board shall adopt assessments as Arizona instruments to measure standards in order to measure pupil achievement of the state board adopted academic standards in at least grades 3 through 10.

**R7-2-301. Minimum Course of Study and Competency Goals for Students in the Common Schools**

- A. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
  - 9. No change
- B. No change
  - 1. No change
  - 2. No change
- C. No change
- D. No change
  - 1. No change
  - 2. No change
- E. No change
  - 1. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
  - 2. No change
    - a. No change
    - b. No change
- F. Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsection (A) above in lieu of classroom time.

**R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School**

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) ~~and through (25)~~ 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 ~~2006-2013~~.

- 1. Subject area course requirements. The Board establishes ~~20~~ 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 (1)(~~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)(~~g-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 and local school district governing board or charter school as follows:
  - a. No changes
  - b. ~~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. 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.
  - e. ~~One credit of world history/geography.~~



- d.c. ~~Two~~ Four credits of mathematics. ~~Effective with the graduating class of 2004, mathematics credits shall be taken consecutively beginning with the 9th grade, and the course content of the mathematics credits shall include to minimally include:~~
- i. Two credits containing course content covering the following areas in preparation for proficiency at the high school level on the AIMS test: Number Sense and Operations; Data Analysis, and Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; Measurement and Discrete Mathematics; and Mathematical and Structure and Logic, in preparation for proficiency, at the high school level, on the AIMS test. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iv).
  - ii. One credit covering Algebra II or course content equivalent to Algebra II. Courses meeting this requirement may include, but are not limited to, career and technical education and vocational education, economics, science, and arts courses as determined by the local school district governing board or charter school.
  - iii. One credit that includes significant mathematics content as determined by the local school district governing board or charter school.
  - iv. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
  - v. The mathematics requirements may be modified for students using a personal curriculum pursuant to R7-2-302.03.
- ed. ~~Two~~ Three credits of science in preparation for proficiency at the high school level on the AIMS test.
- fe. One credit of fine arts or career and technical education and vocational education.
- gf. ~~Eight and one-half~~ Seven credits of additional courses prescribed by the local school district governing board or charter school subject to the approval of the State Board pursuant to A.R.S. § 15-341(A)(7).
- 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 22 required credits.
2. No changes
    - a. English as described in subsection (1)(a) of this ~~Section~~ rule.
    - b. Social Studies.
    - c. Mathematics. and
    - d. No changes
  3. No changes
    - a. No changes
      - i. Be accredited or affiliated with an accredited institution as defined in R7-2-601. and
      - ii. No changes
        - (1) No changes
        - (2) No changes
        - (3) No changes
    - b. No changes
      - i. No changes
      - ii. No changes
  4. Local school district governing boards or charter schools may grant to career and technical education and vocational-technological education program completers a maximum of ~~35~~ 1/2 credits to be used toward the Board English, mathematics, ~~or~~ science, and economics credit requirements for graduation, subject to the following restrictions:
    - a. The Board has approved the career and technical education and vocational-technological education program for equivalent credit to be used toward the Board English, mathematics, ~~or~~ science, and economics credit requirements for graduation.
    - b. Only one credit in each of English, mathematics or science may be granted. 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 22 required credits.
    - c. For vocational-technological programs in which only one credit is offered, either vocational or English, mathematics or science credit may be granted. 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.
    - d. For vocational-technological programs in which two or more credits are offered, only one credit may be used for English, mathematics or science.
  5. No changes
    - 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) (f-e); and the successful completion of the competency requirements for the elective subjects specified in subsection (1)(g-f). Competency requirements for elective subjects as specified in subsection (1) (g-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. No changes
  - 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)(g f) of this Section above in lieu of classroom time. In appropriate courses, a school district governing board or charter school shall include as a mechanism to demonstrate competency a score determined by the State Board as college and career ready on the competency test adopted by the State Board.
6. The local school district governing board or charter school of each school district 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 A.A.C. R7-2-401 et seq. Students placed in special education classes, grades 9-12, are eligible to receive a high school diploma upon completion of graduation requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

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

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.
  - e. 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 Section;
  - b. Social Studies;
  - e. 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 or comprises the entire course content and provides 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 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.
- e. 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 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.
- e. 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. ~~Minimum Course of Study and Competency Requirements for Graduation from High School Beginning with the Graduation Class of 2013 Repealed~~**

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
    - iv. One half credit of economics.
  - e. Four credits of mathematics to minimally include the following:
    - i. Two credits containing course content covering the following areas in preparation for proficiency at the high school level on the AIMS test: Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to subsection (1)(c)(iv).
    - ii. One credit covering Algebra II or course content equivalent to Algebra II. Courses meeting this requirement may include, but are not limited to, career and technical education and vocational education, economics, science, and arts courses as determined by the local school district governing board or charter school.
    - iii. One credit that includes significant mathematics content as determined by the local school district governing board or charter school.
    - iv. Courses successfully completed prior to the ninth grade that meet the high school mathematics credit requirements may be applied toward satisfying those requirements.
    - v. The mathematics requirements may be modified for students using a personal curriculum pursuant to R7-2-302.03.
  - d. Three 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 22 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 Section;
  - b. Social Studies;
  - e. 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 or comprises the entire course content and provides 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, and
    - 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 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 5 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 22 required credits.
  - e. 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.
  - e. 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.

#### **~~R7-2-302.04. Minimum Course of Study and Competency Requirements for Graduation from High School Repealed~~**

~~The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) and (2) for the graduation of pupils from high school. The Board establishes 20 credits as the minimum number of credits necessary for high school graduation effective for the graduation class of 1996. Students shall obtain credits for required subject areas as specified in subsection (1)(a)(i) through (vi) based on completion of subject area course requirements or competency requirements. At the discretion of the local governing board, credits may be awarded for completion of elective subjects specified in subsection (1)(a)(vii) based on completion of subject area course requirements or competency requirements.~~

- ~~1. Subject area course requirements:
 
  - a. 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 and local governing board as follows:
    - 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.
    - v. Two credits of science.
    - vi. One credit of fine arts or vocational education.
    - vii. Eight and 1/2 credits of additional courses prescribed by the local governing board subject to the approval of the State Board pursuant to A.R.S. § 15-341(A)(7).~~



- b. 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 4, and only one credit may be earned in each of the following subject areas:
  - i. English as described in subsection (1)(a)(i) of this rule.
  - ii. Social Studies.
  - iii. Mathematics.
  - iv. Science.
- e. 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 or comprises the entire course content and provides 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.
  - i. Distance education providers shall register with the Department of Education and satisfy the following requirements:
    - (1) Be accredited or affiliated with an accredited institution as defined in R7-2-601.
    - (2) Validate that the instructor of the distance education program:
      - (a) Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or
      - (b) Possesses a current teaching certificate from the recognized certifying authority of the sending location valid for the level and subject of the instruction to be taught; or
      - (c) Is employed by or affiliated with, in the content area of instruction, an accredited institution as defined in R7-2-601.
    - ii. Distance education may be used as a part of the instructional program. School districts shall ensure that:
      - (1) Only those distance education providers registered with the Department of Education are used to provide distance education; and
      - (2) 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.
  - d. Local governing boards may grant to vocational technological education program completers a maximum of 3 1/2 credits to be used toward the Board English, mathematics or science credit requirements for graduation, subject to the following restrictions:
    - i. The Board has approved the vocational technological education program for equivalent credit to be used toward the Board English, mathematics or science credit requirements for graduation.
    - ii. Only one credit in each of English, mathematics or science may be granted.
    - iii. For vocational technological programs in which only one credit is offered, either vocational or English, mathematics or science credit may be granted.
    - iv. For vocational technological programs in which two or more credits are offered, only one credit may be used for English, mathematics or science.

2. 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 essential skills requirements for subject areas listed in subsection (1)(a)(i) through (vi) and the successful completion of the competency requirements for the elective subjects specified in subsection (1)(a)(vii). Competency requirements for elective subjects as specified in subsection (1)(a)(vii) shall be the essential skills adopted by the State Board. If there are no adopted essential skills for an elective subject, the local governing board 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.
  - e. 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 subsection (1)(a)(i) through (vi) above in lieu of classroom time.

3. The local governing board of each school district 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 A.A.C. R7-2-401 et seq. Students placed in special education classes, 9-12, are eligible to receive a high school diploma upon completion of graduation requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

**R7-2-302.06. Definitions Repealed**

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.

**R7-2-302.07. AIMS, Additional Credit, Graduation Class of 2010 Repealed**

- A.** A pupil who fails to achieve a passing score on the AIMS assessment for high school graduation during the 2009–2010 school year may graduate if the pupil meets the alternative graduation requirements established pursuant to 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 15 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 1 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 ninth 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 15 times the amount of credit for that class.
  - ii. A letter grade of “B,” or its equivalent, shall receive additional points equal to 12 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 nine 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.
- e. 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 12 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 nine 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 seven 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 1/2.
- f. The pupil’s augmentation shall be calculated by applying the following formula:

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

$$\frac{\quad}{(100)}$$

- 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.

**R7-2-302.08. AIMS, Additional Credit, Graduation Class of 2011 Repealed**

- A. A pupil who fails to achieve a passing score on the AIMS assessment for high school graduation during the 2010–2011 school year may graduate if the pupil meets the alternative graduation requirements established pursuant to 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 five 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 ninth 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 five times the amount of credit for that class.
      - ii. A letter grade of "B," or its equivalent, shall receive additional points equal to four 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 three 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 four 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 three 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 two 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 1/2.
    - f. The pupil's augmentation shall be calculated by applying the following formula:



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

$$\frac{\quad}{(100)}$$

- 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.

**R7-2-302.09. AIMS, Additional Credit, Graduation Class of 2012 Repealed**

- A. Beginning with the graduation class of 2012 a pupil who fails to achieve a passing score on the AIMS assessment for high school graduation may graduate if the pupil meets the alternative graduation requirements established pursuant to 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 five 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 13 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. Three credits in social studies to include the following:
  - (1) One credit of American history, including Arizona history;
  - (2) One credit of world history/geography;
  - (3) One-half credit of American government, including Arizona government; and
  - (4) One-half credit of economics.
- iii. 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 R7-2-302.01(1)(c). 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.
- iv. Two credits of science in preparation for proficiency at the high school level on the AIMS test.
- v. One credit of fine arts or career and technical education and 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 five times the amount of credit for that class.
  - ii. A letter grade of "B," or its equivalent, shall receive additional points equal to four 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 three 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.
- e. All other eligible grades, up to the 13 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 four 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 three 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 two 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 13.
- f. The pupil's augmentation shall be calculated by applying the following formula:

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

(100)

- 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.



**R7-2-302.10. AIMS, Substitute Passing Scores or Additional Credit; Beginning with the Graduation Class of 2013**

- A.** For the purpose of satisfying the graduation requirement to achieve a passing score on the AIMS:
  - 1. The Board shall adopt a minimum score required on one or more nationally recognized college entrance examinations selected by the state board of education, if examination information may be accessed at no cost to this state, as a substitute for passing scores on the AIMS test for a pupil who is in grade twelve;
  - 2. The Board shall adopt a minimum score required on a board examination prescribed in Arizona Revised Statutes, Title 15, Chapter 7, Article 6, as a substitute for passing scores on the AIMS test if a pupil who is in grade twelve has previously taken the board examination and has not achieved the minimum score required to be eligible for a Grand Canyon diploma; and
  - 3. If a pupil has transferred into a district from out-of-state and has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the state board adopted academic standards, the pupil shall not be required to pass AIMS in order to graduate from high school;
  - 4. The Board shall adopt a minimum score required on any subsequently adopted assessments to measure pupil achievement of the state board adopted academic standards in reading writing and mathematics adopted by the Board pursuant to §15-741, as a substitute for passing scores on the AIMS test for pupils in the graduating class of 2015 and 2016.
- AB.** Beginning with the graduation class of 2013 a pupil who fails to achieve a passing score on the AIMS assessment for high school graduation may graduate if the pupil meets the ~~alternative graduation~~ AIMS augmentation requirements established pursuant to this Section.
- BC.** 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 five percent would not meet or exceed the "Meets the Standard" threshold.
- CD.** A pupil is eligible for the ~~alternative graduation~~ AIMS augmentation requirement established pursuant to this Section if all of the following apply:
  - 1. No changes
  - 2. No changes
  - 3. No changes
- DE.** If a pupil is not eligible for the AIMS augmentation due to a failure to meet the requirements in subsections (~~CD~~)(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. No changes
  - 2. The pupil, or the pupil's representative, shall have the burden of demonstrating what circumstances prevented compliance with the requirements in subsections (~~CD~~)(2) and/or (3).
  - 3. An appeal for failing to meet the requirement in subsection (~~CD~~)(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 (~~CD~~)(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. No changes
  - 6. No changes
- EF.** 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~~ AIMS augmentation requirements established by this Section. In making this determination the school or school district shall adhere to the following requirements:
  - 1. No changes
    - a. No changes
      - i. No changes
      - ii. No changes
        - (1) No changes
        - (2) No changes
        - (3) No changes
        - (4) No changes
      - iii. No changes
        - (1) Two credits containing course content covering the following areas in preparation for proficiency on the AIMS test: Number Sense and Operations; Data Analysis, Probability and Discrete Mathematics; Patterns, Algebra and Functions; Geometry and Measurement; and Structure and Logic. These credits shall be taken consecutively beginning with the ninth grade unless a student meets these requirements prior to the ninth grade pursuant to R7-2-302-02(1)(c)(iv).
        - (2) No changes
        - (3) No changes



- (4) No changes
- (5) Mathematics credits earned using a personal curriculum pursuant to R7-2-302.03 may be substituted for the credit in subsection ~~R7-2-302.10(EE)~~(1)(a)(iii)(2).
- iv. No changes
- v. No changes
- b. No changes
  - i. No changes
  - ii. No changes
  - iii. No changes
  - iv. No changes
- c. No changes
  - i. No changes
  - ii. No changes
  - iii. No changes
  - iv. No changes
- d. No change
- e. No change
- f. No change
- 2. No change
- 3. No change

**FG.** 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.

**GH.** 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~~ AIMS augmentation 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.



**NOTICE OF AGENCY GUIDANCE DOCUMENTS**

The Administrative Procedure Act requires the publication of guidance documents and substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements and guidance documents are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements and agency guidance documents do not include internal procedural documents which may only affect the internal procedures of the agency and do not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

**NOTICE OF AGENCY GUIDANCE DOCUMENT**

**DEPARTMENT OF HEALTH SERVICES**

[M16-10]

1. **Title of the guidance document and the guidance document number by which the document is referenced:**  
GD-105-PHS-EDC: Guidelines for School Gardens
2. **Date of the publication of the guidance document and the effective date of the document if different from the publication date:**  
Effective date: January 22, 2016
3. **Summary of the contents of the guidance document:**  
The guidance document provides schools with recommended standards for on-site gardens in which produce is grown to be served by the school to individuals.
4. **A statement as to whether the guidance document is a new document or a revision:**  
The guidance document is a revised document, adding wording about cleaning the equipment used for harvesting produce and making some technical changes to improve readability.
5. **The name and address of the person to whom questions and comments about the guidance document may be directed:**  
 Name: Brigitte Dufour, Office Chief  
 Address: Arizona Department of Health Services  
 Office of Environmental Health  
 150 N. 18th Ave., Suite 140  
 Phoenix, AZ 85007  
 Telephone: (602) 364-3142  
 Fax: (602) 364-3146  
 E-mail: Brigitte.Dufour@azdhs.gov  
 or  
 Name: Robert Lane, Manager  
 Address: Arizona Department of Health Services  
 Office of Administrative Counsel and Rules  
 1740 W. Adams, Suite 203  
 Phoenix, AZ 85007  
 Telephone: (602) 542-1020  
 Fax: (602) 364-1150  
 E-mail: Robert.Lane@azdhs.gov
6. **Information about where a person may obtain a copy of the guidance document and the costs for obtaining the document:**  
 The guidance document is available, free of charge, on the Arizona Department of Health Services website at: <http://www.azdhs.gov/ops/oacr/rules/guidance/index.php?pg=phs-edc>. Copies of the guidance document may also be obtained from the Arizona Department of Health Services, Bureau of Epidemiology and Disease Control, Office of Environmental Health, 150 N. 18th Avenue, Suite 140, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.



**NOTICES OF PUBLIC INFORMATION**

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

**NOTICE OF PUBLIC INFORMATION  
DEPARTMENT OF CHILD SAFETY**

[M16-11]

**1. Title of the substantive policy statement and the substantive policy statement numbers by which the substantive policy statements are referenced:**

1-2P-01: Provision of Comprehensive Medical and Dental Services to Members Placed in a Foster Home

**2. The public information relating to the substantive policy statement:**

The Arizona Department of Child Safety is rescinding the substantive policy statement specified in paragraph 1, effective November 30, 2015. The subject matter in the substantive policy statement is no longer needed with an amendment to A.R.S. 8-512(A) in the 52nd Legislature, first regular session (HB 2098) and the promulgation of Title 21, Chapter 1, Article 2, Comprehensive Medical and Dental Program administrative rules that took effect on November 30, 2015.

**3. The name and address of agency personnel with whom persons may communicate regarding this notice of public information:**

Name: Carrie Senseman, Lead Rules Analyst  
Address: Arizona Department of Child Safety  
Policy Office  
3003 N. Central Ave., 23rd Floor  
Phoenix, AZ 85012  
P.O. Box 6030, Site Code: C010-23  
Phoenix, AZ 85005-6030  
Telephone: (602) 255-2534  
Fax: (602) 255-3264  
E-mail: csenseman@azdes.gov  
Web site: <https://dcs.az.gov/about/dcs-rules-rulemaking>



NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

[M16-12]

1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:

Document Title: Environmental Permits and Approvals Near Learning Sites
Document Number: 1103.2016

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: April 15, 2013
Effective: April 15, 2013

3. Summary of the contents of the substantive policy statement:

This substantive policy statement informs the general public of ADEQ's current implementation policies for Environmental Permits and Approvals Near Learning Sites.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 49-104(A)(1)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This publication revises and replaces 1103.0 "Environmental Permits and Approvals Near Learning Sites" originally issued and effective on July 13, 2005 by adding related implementation policies.

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Sherri Zendri, Administrative Counsel
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-2242
Fax: (602) 771-8681
E-mail: zendri.sherri@azdeq.gov
Web site: www.azdeq.gov

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

Copies of this policy are available at no cost on the Department's web site: www.azdeq.gov. Hard copies may be obtained by contacting the ADEQ Records Center, Monday through Friday, between 8:30 a.m. and 4:30 p.m., 1110 W. Washington St., Phoenix, AZ 85007, (602) 771-4712. Cost is \$0.25 per page.



**GOVERNOR PROCLAMATIONS**

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

**ARIZONA BEER WEEK**

[M16-13]

**WHEREAS**, Arizona is home to over 75 licensed and bonded craft breweries throughout the state; and

**WHEREAS**, since 1987, Arizona craft beers have been produced by a diverse body of brewery owners drawn from many backgrounds to the beautiful State of Arizona; and

**WHEREAS**, Arizona craft brewers represent the very best of small, local family-owned businesses that produce a product desired throughout the United States and beyond; and

**WHEREAS**, at the 2015 Great American Beer Festival, Arizona craft breweries earned top honors, in a rapidly growing industry where the competition is tough, drawing national attention to the booming brewing industry in the State of Arizona; and

**WHEREAS**, Arizona craft brewers provide the state not only with excellent, well-regarded beer, but also with fascinating operations that provide tremendous support to the state’s tourism trade; and

**WHEREAS**, Arizona craft brewers create more than just great beer but, gathering places that bring the community together; and

**WHEREAS**, Arizona craft beer has come to symbolize and exemplify the diversified, well-organized industry and the spirit of hard work that characterizes the great State of Arizona.

**NOW, THEREFORE, I**, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 11 – 20, 2016 as

**ARIZONA BEER WEEK**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Douglas A. Ducey**  
**GOVERNOR**

**DONE** at the Capitol in Phoenix on this nineteenth day of January in the year Two Thousand and Sixteen and of the Independence of the United States of America the Two Hundred and Fortieth.

**ATTEST:**  
**Michele Reagan**  
**SECRETARY OF STATE**

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**REGISTER INDEXES**

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The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

PN = Proposed new Section  
PM = Proposed amended Section  
PR = Proposed repealed Section  
P# = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**

SPN = Supplemental proposed new Section  
SPM = Supplemental proposed amended Section  
SPR = Supplemental proposed repealed Section  
SP# = Supplemental proposed renumbered Section

**FINAL RULEMAKING**

FN = Final new Section  
FM = Final amended Section  
FR = Final repealed Section  
F# = Final renumbered Section

**SUMMARY RULEMAKING****PROPOSED SUMMARY**

PSMN = Proposed Summary new Section  
PSMM = Proposed Summary amended Section  
PSMR = Proposed Summary repealed Section  
PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**

FSMN = Final Summary new Section  
FSMM = Final Summary amended Section  
FSMR = Final Summary repealed Section  
FSM# = Final Summary renumbered Section

**EXPEDITED RULEMAKING****PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section  
PEM = Proposed Expedited amended Section  
PER = Proposed Expedited repealed Section  
PE# = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**

SPEN = Supplemental Proposed Expedited new Section  
SPEM = Supplemental Proposed Expedited amended Section  
SPER = Supplemental Proposed Expedited repealed Section  
SPE# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**

FEN = Final Expedited new Section  
FEM = Final Expedited amended Section  
FER = Final Expedited repealed Section  
FE# = Final Expedited renumbered Section

**EXEMPT RULEMAKING****EXEMPT PROPOSED**

PXN = Proposed Exempt new Section  
PXM = Proposed Exempt amended Section  
PXR = Proposed Exempt repealed Section  
PX# = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**

SPXN = Supplemental Proposed Exempt new Section  
SPXR = Supplemental Proposed Exempt repealed Section  
SPXM = Supplemental Proposed Exempt amended Section  
SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULMAKING**

FXN = Final Exempt new Section  
FXM = Final Exempt amended Section  
FXR = Final Exempt repealed Section  
FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**

EN = Emergency new Section  
EM = Emergency amended Section  
ER = Emergency repealed Section  
E# = Emergency renumbered Section  
EEXP = Emergency expired

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

TN = Terminated proposed new Sections  
TM = Terminated proposed amended Section  
TR = Terminated proposed repealed Section  
T# = Terminated proposed renumbered Section

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules

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**RULEMAKING ACTIVITY INDEX**

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 4 OF VOLUME 22.**

<b>Acupuncture Board of Examiners</b>	R7-2-302.07.    FX#-111	R2-8-122.        FM-79
R4-8-411.     EXP-14	R7-2-302.08.    FX#-111	R2-8-126.        FM-79
R4-8-412.     EXP-14	R7-2-302.09.    FX#-111	<b>Revenue, Department of - General</b>
<b>Corporation Commission - Trans-</b>	R7-2-302.10.    FX#-111;	<b>Administration</b>
<b>portation</b>	FXN-111	R15-10-105.    FXM-116
R14-5-202.     EM-5	<b>Environmental Quality, Depart-</b>	R15-10-501.    FXM-116
R14-5-203.     EM-5	<b>ment of - Air Pollution Control</b>	R15-10-502.    FXM-116
R14-5-204.     EM-5	R18-2-709.    EXP-15	R15-10-504.    FXM-116
R14-5-205.     EM-5	R18-2-711.    EXP-15	R15-10-505.    FXN-116
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<b>Economic Security, Department of -</b>	R18-2-713.    EXP-15	R2-12-402.     PM-109
<b>Developmental Disabilities</b>	R18-2-717.    EXP-15	<b>Secretary of State - Rules and</b>
R6-6-1401.    EXP-14	R18-2-732.    EXP-15	<b>Rulemaking</b>
<b>Education, State Board of</b>	<b>Retirement System Board, State</b>	R1-1-107.        PM-105
R7-2-302.05.    FX#-111;	R2-8-115.     FM-79	
FXN-111	R2-8-116.     PN-107	
R7-2-302.06.    FX#-111	R2-8-118.     FM-79	

**OTHER NOTICES AND PUBLIC RECORDS INDEX**

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 4 OF VOLUME 22.**

<b><u>Agency Ombudsman, Notices of</u></b>	<b>Proclamations:</b> pp. 23 (M15-350, M15-349); 24 (M15-348); 25 (M15-347); 64 (M15-354, M15-355); 65 (M15-356, M15-357); 66 (M15-358); 123 (M16-04, M16-05); 124 (M16-06, M16-07); 125 (M16-08); 126 (M16-09)	<b>Environmental Quality, Department of;</b> p. 49
<b>Game and Fish Commission;</b> pp. 62-63		<b>Rulemaking Docket Opening, Notices of</b>
<b>Transportation, Department of;</b> p. 62		<b>Environmental Quality, Department of - Water Pollution Control;</b> 18 A.A.C. 9; pp. 16-17
<b><u>Governor's Office</u></b>	<b><u>Governor's Regulatory Review Council</u></b>	<b>Environmental Quality, Department of - Water Quality Standards;</b> 18 A.A.C. 11; pp. 17-18
<b>Executive Order:</b> pp. 19-20 (E.O. #2015-11); 20-21 (E.O. #2015-13); 21-22 (E.O. #2015-01); 84 (E.O. #2016-01); 85 (E.O. #2016-02); 86 (E.O. 2015-06); 87 (E.O. #2015-09); 88 (E.O. #2015-12)	<b>Notices of Action Taken at Monthly Meetings:</b> pp. 96, 97-98	<b>Secretary of State, Office of;</b> 2 A.A.C. 12; pp.121-122
	<b><u>Public Information, Notices of</u></b>	<b>Secretary of State - Rules and Rulemaking;</b> 1 A.A.C. 1; p.121
	<b>Arizona Health Care Cost Containment System;</b> p. 49	

**Substantive Policy Statement, Notices of**

**Environmental Quality, Department  
of - Water Pollution Control; pp. 59**

**Registrar of Contractors; pp. 60-61**



2016 RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

Table with 12 columns: January (Date Filed, Effective Date), February (Date Filed, Effective Date), March (Date Filed, Effective Date), April (Date Filed, Effective Date), May (Date Filed, Effective Date), June (Date Filed, Effective Date). Rows list dates from 1/1 to 1/31 and corresponding effective dates.



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30/13
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/13	12/2	1/31/13
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/13	12/3	2/1/13
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/13	12/4	2/2/13
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/13	12/5	2/3/13
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/13	12/6	2/4/13
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/13	12/7	2/5/13
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/13	12/8	2/6/13
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/13	12/9	2/7/13
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/13	12/10	2/8/13
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/13	12/11	2/9/13
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/13	12/12	2/10/13
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/13	12/13	2/11/13
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/13	12/14	2/12/13
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/13	12/15	2/13/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/13	12/16	2/14/13
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/13	12/17	2/15/13
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/13	12/18	2/16/13
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/13	12/19	2/17/13
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/13	12/20	2/18/13
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/13	12/21	2/19/13
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/13	12/22	2/20/13
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/13	12/23	2/21/13
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/13	12/24	2/22/13
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/13	12/25	2/23/13
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/13	12/26	2/24/13
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/13	12/27	2/25/13
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/13	12/28	2/26/13
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/13	12/29	2/27/13
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/13	12/30	2/28/13
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/13



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from September 4, 2015 to March 18, 2016.



### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by noon of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit [www.grrc.state.az.us](http://www.grrc.state.az.us).

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 3, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

\*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.