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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 Statues 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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.

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A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

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.

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The Office of the Secretary of State is an equal opportunity employer.

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.

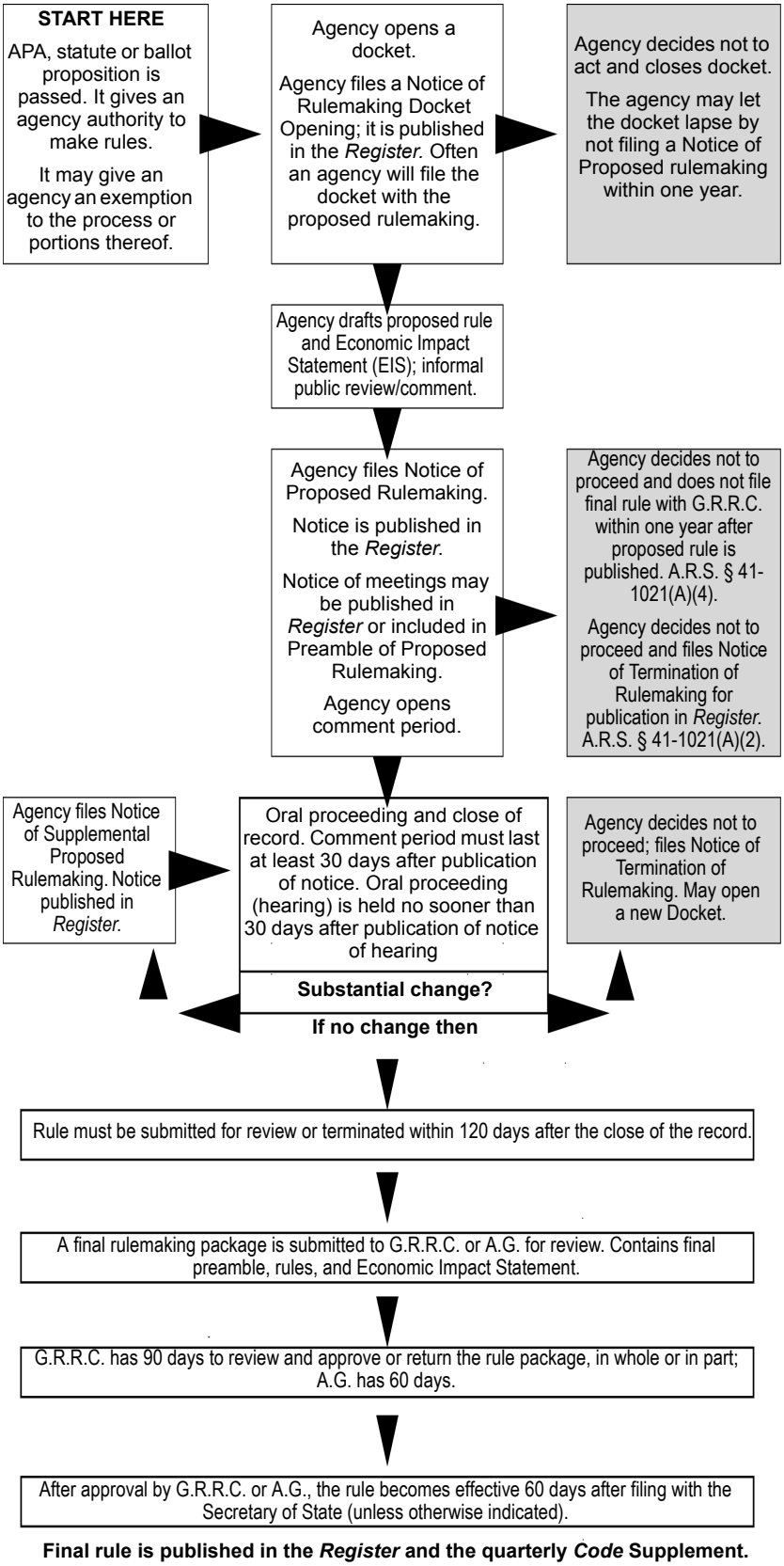
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.

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

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

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are complied 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.

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.

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.

NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING
TITLE 7. EDUCATION
CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

[R17-37]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)	Rulemaking Action
R7-5-101	Amend
Article 2	Amend
R7-5-201	Amend
R7-5-202	Amend
R7-5-203	Amend
R7-5-204	Amend
R7-5-205	Amend
R7-5-206	Amend
R7-5-207	Amend
R7-5-208	New Section
Article 3	Renumber
Article 3	New Article
R7-5-301	Renumber
R7-5-301	New Section
R7-5-302	Renumber
R7-5-302	New Section
R7-5-303	Renumber
R7-5-303	New Section
R7-5-304	Renumber
Article 4	Repeal
Article 4	New Article
R7-5-401	Renumber
R7-5-401	New Section
R7-5-402	New Section
R7-5-403	New Section
R7-5-404	New Section
Article 5	Repeal
Article 5	New Article
R7-5-501	Repeal
R7-5-501	Renumber
R7-5-501	Amend
R7-5-502	Repeal
R7-5-502	Renumber
R7-5-502	Amend
R7-5-503	Repeal
R7-5-503	New Section
R7-5-504	Repeal
R7-5-504	New Section
R7-5-505	New Section
R7-5-506	New Section
R7-5-507	New Section
R7-5-508	New Section
R7-5-509	New Section
R7-5-510	Renumber
R7-5-510	Amend

Article 6	Renumber
Article 6	New Article
R7-5-601	Renumber
R7-5-601	Amend
R7-5-602	New Section
R7-5-603	New Section
R7-5-604	New Section
R7-5-605	New Section
R7-5-606	New Section
R7-5-607	New Section

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 15-182(E)(5)

Implementing statute: A.R.S. §§ 15-182(E)(1), 15-183(I)(1) through (4), and 15-183(R)

3. The effective date for the rules:

May 6, 2017

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citation to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 22 A.A.R. 823, April 15, 2016

Notice of Proposed Rulemaking: 22 A.A.R. 3057, October 28, 2016

5. The agency's contact person who can answer questions about the rulemaking:

Name:	Ashley Berg
Address:	Arizona State Board for Charter Schools 1616 W. Adams St., Suite 170 Phoenix, AZ 85007 or P.O. Box 18328 Phoenix, AZ 85009
Telephone:	(602) 364-3106
Fax:	(602) 364-3089
E-mail:	Ashley.berg@asbcs.az.gov
Web site:	https://asbcs.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:

The Board is amending its rules to make them consistent with statutory changes made in 2012 and 2013, to make the changes identified in a five-year-review report approved by Council on October 4, 2016, and to place in rule the Board's application of its academic, financial, and operational performance frameworks for charter holders.

On January 21, 2016, Osborn Maledon, PA and Buchalter Nemer, PLC, filed a petition under A.R.S. § 41-1033(C) with the Governor's Regulatory Review Council. The petitioners argued the Board's Academic, Financial, and Operational Performance Frameworks should have been adopted as rules under the Arizona Administrative Procedures Act (APA). The Council chose not to hear the petition because the Board informed the Council a rulemaking had been started to address the issue raised in the petition.

On March 22, 2016, two charter school operators filed a complaint in superior court seeking a judicial determination and declaratory judgment that the Board's academic and financial performance frameworks were rules under the APA that the Board failed to make in accordance with the APA, which made the frameworks void and unenforceable. The complaint sought to void any and all past or future actions taken by the Board in reliance on the frameworks and to enjoin the Board from using the frameworks as the basis for any actions regarding charter schools the Board sponsors. On October 14, 2016, the court granted the Board's Motion to Dismiss. On December 13, 2016, the two charter school operators appealed the court's dismissal of the complaint to the Court of Appeals.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Dawn Wallace, Education Policy Advisor in the Governor's office, in an e-mail dated January 6, 2016.

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:

The Board did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

8. 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

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

The Board believes the rulemaking has minimal economic impact on current charter holders and applicants for a charter. The rulemaking involves no substantive change to the Board's current rules and policies. Rather, it clarifies existing rules and places policies into rule so the policies are more readily available to applicants and charter holders.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

In addition to the changes indicated in item 11, the following minor, non-substantive changes were made between the proposed and final rules.

R7-5-101: The definition of "annual application cycle" was amended to clarify it is application packages rather than applications that are submitted to the Board.

R7-5-101: The definition of "application" was amended to clarify there are two kinds of transfers possible.

R7-5-101: The definition of "education service provider" was amended to include a charter holder to clarify that an existing charter holder, as well as an applicant, may use an education service provider.

R7-5-101: The definition of "oversight" was deleted because it was redundant. The activities comprising oversight are clearly identified in Article 6.

R7-5-101: The definition of "supervision" was deleted because it was redundant. The activities comprising supervision are clearly identified in Article 5.

R7-5-101: The definition of "technical review panel" was amended to clarify who the panel is assisting.

R7-5-203(A) and R7-5-601(C)(5): The word "time-frame" was changed to "time frame" to align with the other rules and the preference of the Office of the Secretary of State.

R7-5-203(G): The word "application" was changed to "application package" to clarify that the provision regarding a deficiency notice applies to the application package.

R7-5-205(A)(2), (D)(1), (D)(3) and (D)(4) and R7-5-303(A)(2) (Now R7-5-302(A)(2)): The word "site" was deleted to align with the Board's use of "charter school" throughout the rules.

R7-5-205(E): The subsection was amended to clarify it is the Department that has statutory authority to initiate state aid funding and the Board's role is to advise the Department when a charter holder has submitted an Occupancy Compliance Assurance and Understanding form under R7-5-205(A)(2)(c).

R7-5-207(F): The subsection was deleted because it duplicated information provided under R7-5-207(C).

R7-5-208(C): The subsection was amended to clarify that a replication application will be made available to a charter holder only if it is determined the charter holder is eligible to apply for a replication charter.

R7-5-301: This Section was deleted because it included provisions that did not pertain to all post-charter actions and the remaining Sections in Article 3 were renumbered accordingly. The provisions in the deleted Section were incorporated into the renumbered Sections as applicable.

R7-5-302(F) and (I) (Now R7-5-301(I) and (O)): The provision regarding a charter holder's academic performance or operational performance was modified to align with A.R.S. § 15-183(I).

R7-5-302(H) (Now R7-5-301(K)): The subsection was amended to identify the written notice provided by Board staff regarding whether a charter holder is eligible to apply for early renewal.

R7-5-302(I) (Now R7-5-301(O)): Corrected statutory reference to A.R.S. § 15-183(I)(2).

R7-5-302 (Now R7-5-301(L) and (M)): These subsections were added because they were inadvertently left out of the notice of proposed rulemaking even though part of existing policy.

R7-5-302 (Now R7-5-301(N)): This subsection was added to specify the time frame for the Board to consider a charter holder's early renewal application package and for Board staff to conduct an academic-systems-review site visit.

R7-5-303(A)(1) (Now R7-5-302(A)(1)): The provision was amended to clarify it is the charter rather than sponsorship of the charter that is being transferred to the Board.

R7-5-303 (Now R7-5-302(D)): This subsection was added to specify the time frame for Board staff to provide written notice to a charter holder of whether the charter holder may apply for transfer.

R7-5-303(C) (Now R7-5-302(E)): This subsection was amended to require submission of a paper transfer application package until electronic submission through ASBCS Online is available and to clarify that only a charter holder determined to be eligible to apply for transfer may do so.

R7-5-303(D)(13): The phrase "charter holder's representative" was changed to "charter representative" to align with the defined term.

R7-5-304 (Now R7-5-303(D)(8)): Added "of" to reflect the name of the amendment request accurately.

R7-5-304 (Now R7-5-303(D)(21)): Added "with the same educational program and financial and operational processes" to reflect accurately the conditions that must exist to use this amendment request.

R7-5-304 (Now R7-5-303(E)): This subsection was added to clarify that the Board shall not accept a paper submission of an amendment request unless agreed to by both Board staff and the charter holder before submission of the amendment request.

R7-5-304 (Now R7-5-303(H)): This subsection was added to clarify that, as applicable, only administratively and substantively complete amendment requests will be considered by the Board.

R7-5-401(A)(2)(c): This subsection was added to specify more completely the times when the Board will assess a charter holder's achievement of minimum academic performance expectations.

R7-5-402(A): A "the" was added before "minimum financial performance expectations" to improve clarity.

R7-5-402(C), (D)(2), (E)(1) and (E)(2): The word(s) "based" or "based on" was added for accuracy and to align with the other provisions of R7-5-402.

R7-5-403(A)(2)(a): Subsection (iv) was added to more completely specify the times when a charter holder's achievement of the Board's minimum operational performance expectations will be assessed.

R7-5-403(A)(2)(a)(iv) (Now R7-5-403(A)(2)(a)(v)): Added "of" to accurately reflect the name of the request.

R7-5-404(B): Changed "modifications" to "considerations" to align with the current academic performance framework.

R7-5-502(H) (Now R7-5-502(G)), R7-5-510(D), and R7-5-601(C)(4): Changed to use the term "issue" consistently throughout the rules and as a result of public comment regarding R7-5-510(B)(2).

R7-5-504(G): Changed "corrective action plan" to "CAP," which is the term defined.

R7-5-505: Subsection (D) was divided into subsections (D), regarding site visits, and (E), regarding compliance checks, because of changes made to R7-5-510(A) as a result of public comment.

R7-5-505(E)(2) (Now R7-5-505(G)(2)): The word "request" was changed to "requests" to align with R7-5-505(E)(1) (Now R7-5-505(G)(1)).

R7-5-506(F): For increased clarity, this subsection was amended to cross reference R7-5-502.

R7-5-506(B)(3): A provision in this subsection was moved to R7-5-506(F) to reflect the timing for the notice being provided.

R7-5-509(A): This subsection was reformatted.

R7-5-509(H): The phrase "or fails to timely submit" was added to clarify the requirement and align with the Board's operational performance framework.

R7-5-510(C)(1): This subsection was amended to clarify the notice is of a complete CAP having been received and not that the CAP has been completed.

R7-5-601: Corrected a typographical error in the Section number.

R7-5-601(A): Clarified notice is provided before the Board makes a determination and decides whether to impose charter oversight.

R7-5-602(C)(1): The word "academic" was removed to align with A.R.S. § 15-241.

R7-5-602(C)(4), (D) and (E)(3): Changes made to align with the current academic performance framework and as a result of public comment received regarding R7-5-508.

R7-5-603(A)(1): Language was removed to align with A.R.S. § 15-241.

R7-5-604: To more accurately reflect the order of events and what occurs at each stage, R7-5-604(B) was deleted, a new R7-5-604(A) was added, and the original R7-5-604(A) became R7-5-604(B).

R7-5-604(A) (Now R7-5-604(B)): "15-183 and 15-512" replaced with "15-183 or 15-512" to align with A.R.S. § 15-185.

R7-5-607(A): Deleted language to align with A.R.S. § 15-183(I)(3).

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

Four stakeholders submitted written comments. Eleven stakeholders attended the oral proceeding held on November 29, 2016. The following issues were discussed:

Comment	Analysis	Board Response
General comment: Struck by the use of "shall" in two or three dozen instances where the use takes away discretion from the Board and Board staff. Specific circumstances identified were the Board's involvement in the employee-employer relationship (R7-5-501(B)(1)(c)), the Board's access to students (R7-5-501(B)(1)(c)), the Board directing complainants to file complaints with other agencies (viewed "direct" like "shall" in R7-5-507(B)(1)), and the five references to shall in R7-5-505.	As noted below, public comment resulted in changes being made to R7-5-501(B)(1)(c), R7-5-505 and R7-5-507(B)(1). However, following the oral proceeding, it was determined only one "shall" reference should be changed to a "may" to ensure the Board retains its discretion.	The "shall" in R7-5-501(B) was changed to "may".
R7-5-101: The definitions for "academic performance dashboard", "financial performance dashboard" and "operational performance dashboard" limit the dashboards to "color-coded graphics" and do not provide flexibility.	The Board's current dashboards are "color-coded graphics." If the Board decides to change the format of any or all of the dashboards in the future, the rule definitions will be updated to be consistent with the change.	No change
R7-5-101: The Board defines "day" as a business day. Schools are often closed when other businesses are open. The Board should consider the school's calendar when providing notice or identifying deadlines under the Board's rules.	The Board's portfolio of more than 535 schools makes it difficult to review school calendars when setting deadlines and before sending notices. However, several of the Board's processes allow for extensions of time that were not included in the rules.	A provision was added to R7-5-501 allowing Board staff to grant an extension in certain circumstances and identifying factors Board staff shall consider in determining whether to grant an extension.
R7-5-301(F): The rule requires advance notice when a charter holder's post-charter action request will be considered by the Board. However, the rule does not specify the amount of advanced notice. Suggestions for the amount of advanced notice ranged from at least two business days to seven business days. The latter is the same notice provided to a new charter applicant.	The Board concurs that the amount of advanced notice should be specified in rule. Agendas are typically posted a week in advance of Board meetings. For amendment requests and renewal, early renewal and transfer application packages, a 72-hour notice requirement allows for revisions to be made to the Board agenda for time-sensitive amendment requests and application packages while still providing advance notice of the meeting to the charter holder.	Subsections providing at least 72-hours' notice were added to R7-5-301(C), R7-5-302(H) (Now R7-5-302(G)) and R7-5-303(H).

R7-5-303(B): A shorter overall time frame was proposed for charter amendment requests that update the charter holder's address, involve changing the charter representative or school governing body, or involve changing the officers, directors, members or partners of the charter holder entity on file with the Board. For the personnel change amendment requests specifically, the current time frame could limit how quickly individuals are able to assume their responsibilities and, in limited cases, could affect the ability to have a quorum. An option presented was reducing the overall time frame to 10 business days.	Following the oral proceeding, the Board analyzed the time it took to process the four amendment requests specifically identified by the participants ("Amendment Subset"). The review period covered amendment requests submitted between July 1, 2015 and December 1, 2016 or acted upon between July 1, 2015 and December 13, 2016. During this period, 1,663 amendment requests were processed, which equates to approximately 98 amendment requests per month. Of the 1,663 amendment requests, 1,211 (72.8%) were Amendment Subset requests. Nearly half of the Amendment Subset requests (583) were either approved or, if applicable, deemed administratively incomplete in 10 or fewer business days. Approximately 82% of the Amendment Subset requests (988) were either approved or, if applicable, deemed administratively incomplete in 20 or fewer business days. Overall, the time to act on the 1,211 Amendment Subset requests ranged from 1 business day to 54 business days. While most of the Amendment Subset requests are acted on in 20 or fewer business days, additional time is necessary to accommodate staff taking vacation/leave, the volume of amendment requests, Board staff's other workload, or staffing changes. Further, based on the data, establishing different processing time frames for different amendment requests is unnecessary.	No change to the time frames now at R7-5-303(F). The Board expects the processing time identified in the "Analysis" column to continue for Amendment Subset requests.
R7-5-401(D): There is a typo in this rule – "yea" should be "year".	The comment is correct.	The typo was corrected.
R7-5-404(B): It is reassuring to read that the Board shall ensure the academic performance framework includes modifications for non-traditional charters including small charters with very low enrollment and alternative schools. It is hoped that the Board will continue to recognize there are other types of non-traditional charter schools that may also need modifications to the academic performance framework as seen in the Academic Performance Framework and Guidance as revised June 13, 2016.	The Board appreciates the support.	No change
R7-5-501(A)(3): The phrase "adverse condition" is not defined and, therefore, is vague and overbroad. Concern was raised that this provision would allow the Board to increase its monitoring whenever it desired by simply asserting there is an "adverse condition" the charter holder failed to report.	It was determined this provision was an unnecessary source of possible confusion.	The provision was deleted.

R7-5-501(B)(1)(c): Allowing unfettered communication by Board staff with students and school employees is problematic. Parents should be given advance notice of any proposed communication between their children and Board staff. Interviews by Board staff of certain student populations, such as those in state custody, may raise other issues and require certain approvals be in place before the interview occurs. Because "misconduct" is not defined, disputes between charter employees and their employer could take on greater significance and require additional obligations on the part of the Board and charter holder. Communications with a school's current employees about a matter that may result in litigation should be undertaken with caution. Clarification is needed for whether the phrase "by any member of the charter school's staff" modifies "allegations" or "misconduct".	In the Board's existing rules, this provision addressed information received through the Board's complaint process. The current rulemaking includes a section on complaints (R7-5-507), making R7-5-501(B)(1)(c) unnecessary.	The subsection was deleted and R7-5-501(B) was amended to include complaints as one of the means used by the Board to supervise a charter holder.
R7-5-502(D): Unannounced site visits, especially to small charter schools, can be very disruptive to the educational process. Unannounced site visits would be necessary in cases of concerns about the health and safety of students or for the sole purpose of counting students. Otherwise, it seems reasonable to give a school advance notice of a site visit, both in consideration of the school's instructional process and the visiting Board designee's time. Every day occurrences, especially for smaller schools like a teacher calling in sick and an administrator filling in, require effort to keep the instructional process moving. Announcing a site visit extends professional courtesy and reduces anxiety for the school's leaders.	The rules identify four types of site visits: 1) those conducted to review or evaluate a charter holder's compliance with R7-5-501(A); 2) those conducted to corroborate information and to gather information that permits the Board to evaluate a charter holder's compliance with R7-5-501(A); 3) first-year site visits (R7-5-505); and 4) academic-systems-review site visits (R7-5-506). Generally, site visits resulting from concerns about the health and safety of students or to count students would fall under one of the first two types. First-year and academic-systems-review site visits are used to see how a school operates day-to-day. Scheduling specific dates for first-year and academic-systems-review site visits may limit Board staff's ability to see the school operate as it would on a "typical" day. With that said, the Board understands that conducting a site visit on an early release day or when parent-teacher conferences are occurring, for example, would also limit Board staff's ability to see the school operate as it would on a "typical" day. The Board's processes require Board staff to provide the charter holder with the opportunity to identify dates within a specified time period that would not be conducive for a first-year site visit or an academic-systems-review site visit. For academic-systems-review site visits, R7-5-506 currently requires Board staff to provide written notice to the charter holder of the two-week interval during which the site visit will be conducted. In conducting any site visit, R7-5-502(F)(2) requires the Board's designee to make every effort not to disrupt the classroom environment.	No change was made to the provision found in R7-5-502(D), but provisions were added to R7-5-505 and R7-5-506 indicating that for first-year and academic-systems-review site visits Board staff will provide the charter holder an opportunity to identify dates within a specified time period that would not be conducive for the site visit.

R7-5-505(B)(2): "Business relationship" is not defined leaving the meaning open to interpretation. A rule that would allow any entity with a business relationship with the charter holder to mandate that the Board conduct a compliance check would abdicate the Board's discretion regarding compliance checks to a third-party that has no regulatory authority or any authority over charter schools. Under the other portions of the rule, a charter school can always request that Board staff provide compliance check information to an entity with which it has or may have a business relationship.	The rule's provision that "Board staff may conduct a compliance check of a charter holder's operational performance at any time" provides for Board staff to consider a request from a charter holder for a compliance check to be conducted and the results to be shared with a third-party. In addition to R7-5-505(B)(1) (Now R7-5-505(C)(1)), the Board conducts a compliance check when a lending institution, bond rating agency, or similar entity that has a loan or bond arrangement with a charter holder contacts Board staff to discuss a charter holder's current standing with the Board. While this would fall under R7-5-505(B)(2), the Board believes clearly identifying this use would provide additional transparency.	The general provision was replaced with a provision that addresses the Board's use of compliance checks when Board staff is contacted by certain entities to discuss a charter holder's current standing with the Board.
R7-5-507(B)(1): It is inappropriate for Board staff to "direct" a complainant to file the complaint with another agency if the complaint is not within the Board's jurisdiction. Board staff should only provide a complainant with information about the potentially appropriate agency with which to file a complaint.	The rule, as written, does not fully align with Board processes. When a complaint falls outside of the Board's jurisdiction, Board staff does not direct the complainant to file the complaint with other agencies, but does provide the complainant with information about the agency that may be able to assist.	The word "direct" was removed and the provision modified to reflect that Board staff shall inform the complainant that the complainant may file the complaint with the appropriate agency.
R7-5-507(C): Although 10 days may be enough time to prepare a complaint response in many instances, there may be circumstances in which additional time for a response is warranted. For example, a complaint may be received when a school is closed for a break, or a complaint may be so lengthy and detailed that 10 days will simply not provide enough time for a school to adequately respond to the complaint. The rule should provide Board staff with discretion to grant additional time to respond.	The rule, as written, does not fully align with Board processes, which allow for the granting of extensions.	A provision was added to clarify that Board staff may grant the charter holder an extension to submit the written response.
R7-5-507(C): This provision requires the charter holder's response to address each allegation. For allegations that involve possible statutory or contractual noncompliance, the response should address each allegation. However, complaints typically involve matters that do not pertain to statutory or contractual requirements. In those cases, charter holders would appreciate it if the Board identified those areas that require a response like the Office for Civil Rights and the Arizona Department of Education's Exceptional Student Services do.	The rule addresses only those complaints that fall within the Board's jurisdiction or that may fall within the jurisdiction of another agency. It does not address instances where the Board facilitates communication between the charter holder and complainant.	No change
R7-5-507(E): The notice of final action to be taken should be sent not only to the complainant but also to the charter holder.	The comment is correct.	A provision was added requiring Board staff to send the notice of the final action to be taken to the charter holder.
R7-5-508(A)(1): The reference to R7-5-503(D) needs to be updated as the proposed rules do not contain such a rule.	The comment is correct.	The reference to R7-5-503(D) was changed to R7-5-401(D).

R7-5-508: Arizona law allows a charter school authorizer to make decisions about a charter based on whether the charter holder is meeting the authorizer's academic performance expectations or making "sufficient progress" towards those expectations. R7-5-508 recognizes this and allows the Board to require a charter holder to demonstrate sufficient progress. However, the rule does not address the contents or format of what charter holders will be required to submit.	Under previous versions of the Board's academic performance framework, a charter holder that operated a school that didn't meet the Board's academic performance expectations was required to submit a detailed document to demonstrate progress toward meeting the expectations. The current academic framework states, "A Charter Holder that has one or more schools that receive an Overall Rating of 'Does Not Meet Standard' or 'Falls Far Below Standard' for three consecutive years has failed to demonstrate sufficient progress." Now, instead of requiring a submission from a charter holder to demonstrate sufficient progress, the determination of sufficient progress is based on the charter holder's year-to-year academic performance.	To reflect accurately the requirements of the current academic performance framework and to eliminate confusion, revisions were made to R7-5-508 clarifying the demonstration of sufficient progress process.
R7-5-508(B)(3): There are no guidelines for the Board's determination of the deadline, including that it must be reasonable in light of the factors identified by the Board in subsection (B)(2). A reasonable deadline should take into account why a school is not meeting the academic performance expectations, and it will necessarily depend on a host of facts that are specific to each school. Moreover, requiring the Board to set a deadline before it receives a school's demonstration of sufficient progress necessarily eliminates the Board's consideration of information that is likely relevant to setting that deadline.	Analysis provided for the public comment on R7-5-508 (see row above) is applicable to this comment as well.	As part of the changes made as a result of public comment received for R7-5-508 (see previous row), subsections (B)(1) through (B)(3) were deleted.
R7-5-510: Appreciation expressed for the specific timelines set for compliance within the correction action plan section before further Board action is to be taken.	The Board appreciates the support.	No change
R7-5-510(A): The CAP requirement is triggered when the Board receives information that a charter holder is not in compliance with its charter or laws, which is a lower threshold than a determination that the charter holder is not in compliance with contractual or legal requirements. In addition, overlap may exist between this rule and other rules. For example, a charter holder required to respond to a complaint could also be required to submit a CAP. The rule should be revised to delineate the specific circumstances under which a CAP will be required.	The rule, as written, does not fully align with Board processes. The Board requires a charter holder to submit a CAP only for issues identified during site visits, audits, or as a result of actions taken by the Board to withhold up to 10% of the charter holder's monthly state aid (R7-5-601(D)(2) and R7-5-605).	Specific references to CAPs were added to R7-5-502(G) and R7-5-505(D), which pertain to site visits. R7-5-510(A) was revised to focus the CAP requirement to site visits, audits, and withholding of a charter holder's monthly state aid.
R7-5-510(B)(2): Suggested adding "deficiency" since some problems will not be offenses, which technically must be a violation of law, not merely a violation of a contract provision.	The comment is correct.	The provision was changed to "A description of the issue" to align with the changes identified in item 10 and to use the same term consistently throughout the rules.

R7-5-607(B)(1)(c): The charter holder should be allowed to provide additional context and its views on the Board's decision in the notice provided to parents and staff and not be limited to only providing the Board's side of the story. The date and time of the hearing on the notice of intent to revoke may not be known within 48 hours of the issuance of the notice.	The rule, as written, does not fully align with Board processes. Under current processes, the written notice provided by the charter holder must include the items specified in this rule, but is not limited to only these items. The 48 hours is from when the charter holder receives the notice of intent to revoke and not from when the Board votes to issue a notice of intent to revoke. The notice of intent to revoke provided to the charter holder includes the date, time and location of the hearing set with the Office of Administrative Hearings.	The provision was changed to indicate that the written notice provided by the charter holder shall include the three items identified in the rule. R7-5-607(B) and R7-5-607(B)(1) were revised to clarify that the hearing information is included with the notice of intent to revoke provided to the charter holder.

12. All agencies shall list any 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:

None

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:

Charters issued under Article 2 and post-charter actions made under Article 3 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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:

There are numerous federal laws that apply to public schools. However, no federal law is directly applicable to the subject of these rules. The rules are no more stringent than federal law.

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 analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules in this rulemaking was made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

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ARTICLE 5. ~~AUDITS AND AUDIT CONTRACTS~~ CHARTER SUPERVISION

Section
~~R7-5-301.~~R7-5-501.~~Audit Guidelines~~ General Supervision~~, Oversight, and Administrative Responsibility~~
~~R7-5-303.~~R7-5-502.~~Approval of Audit Contracts~~ Site Visits~~; Records; Notice of Violation~~
R7-5-503. ~~Audit Completeness Determinations~~ Annual Academic Performance Review
R7-5-504. ~~Review of Complete Audit~~Annual Audit and Financial Performance Review
R7-5-505. Annual Operational Performance Review
R7-5-506. Five-year-interval Review
R7-5-507. Complaints
R7-5-508. Demonstration of Sufficient Progress towards Minimum Academic Performance Expectations
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~~ARTICLE 3.~~ARTICLE 6. CHARTER OVERSIGHT

Section
~~R7-5-304.~~ R7-5-601.~~Disciplinary Action~~Charter Oversight; General Provisions
R7-5-602. Oversight of Charter Schools Assigned a Letter Grade of "F" by the Department
R7-5-603. Oversight of Charter Schools Assigned a Letter Grade of "D" by the Department
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ARTICLE 1. GENERAL PROVISIONS

R7-5-101. Definitions

~~For the purpose of~~ In this Chapter, the following definitions apply:

"Academic performance dashboard" means color-coded graphics that represent a charter school's academic performance by measure for the three most recent fiscal years and identifies whether the schools operated by the charter holder meet the minimum academic performance expectations.

"Academic Performance Framework" means a document publicly available and posted on the Board's web site that sets forth the minimum academic performance expectations for charter schools, measures of progress towards meeting the expectations, and consequences of failing to meet the expectations.

"Accounting industry regulatory body" means any state or federal regulatory body that has ~~the~~ authority to discipline a certified public accountant or audit firm.

"Administrative completeness review ~~time-frame~~ time frame" means the number of days from the Board's receipt of a submission for Board consideration until the Board staff determines whether the submission contains all components and is formatted as required by statute and rule. ~~The administrative completeness review time-frame does not include the period during which the Board performs a substantive review of the submission.~~

"Annual application cycle" means ~~a new charter application~~ the process ~~which is conducted~~ the Board conducts each year to receive and review new charter application packages and grant or deny ~~charters for the operation of new~~ a charter ~~schools and is based on the earliest fiscal year in which a new charter school may begin operation~~.

"Applicant" means a person that applies to the Board for a new charter~~, a person who applies to transfer a charter from another charter school sponsor, a charter holder who applies to renew or replicate a charter sponsored by the Board, or a charter holder who applies to transfer an existing charter school site operated under a charter sponsored by the Board to a separate Board-sponsored charter held by the same charter holder~~.

"Application" means the Board-approved forms and instructions used by an applicant or charter holder to apply for a new charter, transfer a charter as provided under R7-5-302(A)(1), transfer a charter school as provided under R7-5-302(A)(2), or renew or replicate a charter sponsored by the Board.

"Application package" means an application form, narratives, and documents, including exhibits and attachments, ~~as~~ submitted by an applicant or charter holder.

"ASBCS Online" means the Board's web-based interface, which is accessible through the web site of the Arizona State Board for Charter ~~Schools' website~~ Schools.

"Audit" means a charter holder's annual audit~~, as~~ required ~~by~~ under A.R.S. § 15-914.

"Audit contract" means an engagement letter provided by an audit firm that describes the terms of a contract between a charter holder and the audit firm.

~~"Audit firm" means a business that conducts an independent audit for a charter school.~~

~~"Audit guidelines" means the Board-approved general guidance on charter school audit requirements, which is available online.~~

"Authorized representative" means an individual with the power to bind an applicant contractually according to the applicant's Articles of Incorporation, operating agreement, or by-laws.

"Board" means the Arizona State Board for Charter Schools.

"CAP" means corrective action plan.

"Charter" means a contract between a person and the Board to operate a charter school under A.R.S. § 15-181 et seq.

"Charter holder" means a person that enters into a charter with the Board.

"Charter representative" means an individual with the power to bind a charter holder contractually according to the charter holder's Articles of Incorporation, operating agreement, or by-laws and is the point of contact ~~for~~ with the Board for the purposes of communication and accountability to ~~contract~~ charter terms and conditions.

"Charter school" ~~means a public school operated under a charter granted under A.R.S. § 15-181 et seq~~ has the meaning specified at A.R.S. § 15-101.

"Date of notice" means the date on which an electronic notification is sent by the Board to an applicant or charter holder through the authorized representative or charter representative.

"Day" means a business day.

"Demonstration of sufficient progress" means the process for a charter holder to show the charter holder is making progress towards achieving the minimum academic performance expectations specified in the Academic Performance Framework.

"Department" means the Arizona Department of Education.

"Education Service Provider" means an organization that contracts with or has a governance relationship with an applicant or charter holder to provide comprehensive services.

"Financial performance dashboard" means a color-coded graphic that represents a charter holder's financial performance by measure for the two most recent audited fiscal years and identifies whether the charter holder's financial performance meets the minimum financial performance expectations.

"Financial Performance Framework" means a document publicly available and posted on the Board's web site that sets forth the minimum financial performance expectations for charter holders, measures of performance, and consequences of failing to meet the expectations.

"Fiscal year" means the 12-month period beginning July 1 and ending June 30.

~~"Good standing" means that a supervising certified public accountant or audit firm has no current or pending disciplinary action or any regulatory action that requires the supervising certified public accountant or audit firm to complete conditions specified by an accounting industry regulatory body.~~

"Operational performance dashboard" means a color-coded graphic that represents a charter holder's operational performance by measure for up to the five most recent fiscal years and identifies whether the charter holder's operational performance meets the minimum operational performance expectations.

"Operational Performance Framework" means a document publicly available and posted on the Board's web site that sets forth the minimum operational performance expectations for charter holders, measures of performance, and consequences of failing to meet the expectations.

"Overall ~~time-frame~~ time frame" means the number of days after receipt of a submission for Board consideration until the Board decides whether to grant or deny the request contained ~~within~~ in the submission. The overall ~~time-frame~~ time frame consists of both the administrative completeness review ~~time-frame~~ time frame and the substantive review ~~time-frame~~ time frame.

"Peer review" means an external ~~quality control~~ quality-control review, ~~as~~ required by generally accepted government auditing standards, ~~that~~ which determines whether an audit firm's internal ~~quality control~~ quality-control system ~~is in place and~~ exists, is operating effectively, and provides assurance that established policies and procedures and applicable auditing standards are being followed.

"Performance expectations" means the minimum academic, financial, and operational performance expectations established by the Board.

"Person" means an individual, partnership, corporation, association, or public or private organization of any kind.

~~"Preliminary application package" means an administratively complete application package that is forwarded to the Technical Review Panel for scoring.~~

"Principals" means the officers, directors, members, partners, or board of an applicant or charter holder.

~~"Revised application package" means an application package including revisions submitted by an applicant after receiving written notification that the applicant's preliminary application package failed to meet the scoring requirements of R7-5-204~~.

"Serious impact finding" means an issue identified by the Board that ~~in the opinion of~~ the Board believes has or potentially has a ~~significant~~ detrimental impact on the operation of the charter school or students, such as threat to the health and safety of children, failure to meet the academic needs of ~~the~~ children, gross violation of generally accepted accounting principles that increases the opportunity for fraud or theft, or ~~repeat~~ repeated issues of ~~non-compliance~~ noncompliance.

~~"Submission deadline" means a date and time established each year by the Board and identified in the application for a new charter by which a new charter application package shall be submitted to the Board to be considered in a specified annual application cycle.~~

"Substantive review ~~time-frame~~ time frame" means the number of days after a submission for Board consideration is determined to be administratively complete until the Board decides whether to grant or deny the request contained ~~within~~ in the submission.

"Sufficiently qualified" means the Board's determination that an applicant's ~~application package,~~ knowledge ~~and understanding of the application package~~, experience, qualifications, current and prior charter compliance, capacity, personal and professional background, and creditworthiness indicate an ability to implement a charter or operate a charter school in accordance with federal and state law and the performance ~~frameworks adopted~~ expectations established by the Board ~~and requirements of statute and rule~~.

"Supervising certified public accountant" means the certified public accountant responsible for leading the audit ~~work~~ of a charter school or signing the final audit report.

"Technical Review Panel" means individuals approved by the Executive Director of the Board who use their expertise in charter school development, curriculum, and finance to assist ~~in the evaluation of a preliminary or revised~~ the Executive Director by conducting a preliminary evaluation of an application package.

ARTICLE 2. APPLICATION FOR A NEW ~~CHARTERS~~ CHARTER; APPLICATION FOR CHARTER REPLICATION

R7-5-201. Application for a New Charter

A. By March 31 of each year, the Board shall approve and make available ~~online at its web site~~ on ASBCS Online an application for a new charter for a specified annual application cycle.

B. A person ~~desiring~~ that wants to establish a charter school shall submit ~~an~~ a complete application package ~~online through the web-based application wizard on ASBCS Online~~ by the submission deadline identified in the application.

C. A person may ~~utilize an alternate submission process~~ submit a complete application package by using:

1. The web-based application wizard on ASBCS Online; or
2. An alternative submission process. Before using an alternative submission process, the person shall

~~1. A person utilizing the alternate submission process shall submit by~~ hand ~~delivery~~ deliver or mail a signed, notarized waiver request to the Board, in the form and by the waiver deadline ~~set out~~ identified in the application, and shall waive the right to have the Board consider an application package submitted through ASBCS Online during the same annual application cycle.

~~2. The Board shall send an acknowledgment of timely receipt of a waiver request within 10 days of receipt of a waiver request.~~

~~3. Any person who submits a timely waiver request waives the right to have the Board consider any application package submitted through ASBCS Online in the same annual application cycle. Instead, such a person shall only submit an application package according to the alternate submission process instructions and by the alternate submission process submission deadline identified in the application.~~

~~4. An~~ The Board shall not accept an application package ~~shall not be accepted~~ through the alternative submission process unless a waiver request has been ~~received~~ submitted by the waiver deadline and acknowledged as timely by the Board.

~~C.~~**D.** An applicant for a new charter shall ensure ~~that~~ the submitted application package contains all the information, materials, documents, and attachments identified in the application ~~for a new charter for the current annual application cycle~~ and A.R.S. § 15-183(A), including the new charter application processing fee specified under R7-5-202, and is in the format specified in ~~that~~ the application~~, which shall together constitute:~~.

~~1. A detailed educational plan,~~

~~2. A detailed business plan,~~

~~3. A detailed operational plan, and~~

~~4. Any other materials the Board requires~~.

R7-5-202. New Charter Application Processing Fee

~~Each applicant shall pay~~ As specifically authorized under A.R.S. § 15-183(CC), the Board establishes and shall collect a new charter application processing fee~~, in accordance with A.R.S. § 15-183(CC)~~ of $6,500 for each application package submitted to the Board.

~~1. The new charter application processing fee is $6,500 for each application package an applicant submits to the Board.~~

~~2.~~1. ~~Each~~ An applicant shall pay the new charter application processing fee in the form of a single personal ~~check~~ or cashier's check ~~with the applicant's name clearly identified on the front of the check~~ that:

a. Is made payable to Arizona State Board for Charter Schools~~.~~,

b. Has the applicant's name imprinted on the front of the check, and

c. ~~The check shall be~~ Is delivered by mail or hand ~~delivery~~ to the Board office during regular business hours by the submission deadline.

~~3.~~2. ~~Failure to timely submit the new charter application processing fee shall result in the~~ Board staff shall deem an application package ~~being deemed~~ administratively incomplete under R7-5-203(B) if the new charter application processing fee is not received by the submission deadline.

~~4.~~3. ~~All~~ Board staff shall deposit all checks ~~shall be deposited~~ within five days of submission. If an applicant's ~~new charter application processing fee payment to the Board~~ check is dishonored for any reason ~~including an insufficient funds check,~~Board staff shall:
   a. ~~The application package shall be deemed~~ Deem the application package administratively incomplete under R7-5-203(B), and
   b. ~~The applicant shall use a cashier's check to pay the new charter application processing fee for any application package submitted to the Board by the applicant at any later date~~ Require the applicant to pay any future fees to the Board by cashier's check.

~~5.~~4. If an application package is found to be administratively incomplete~~,~~ under R7-5-203(B)~~,~~ and the applicant paid the new charter application processing fee, the Board shall refund the fee ~~shall be refunded~~ to the applicant~~. The fee refund shall be mailed by U.S. Postal Service regular mail~~ by mailing a refund check to the authorized representative at the address provided in the application package.

~~6.~~5. If an application package is found to be administratively complete under R7-5-203(B), the new charter application processing fee ~~shall become~~ becomes non-refundable except as required under A.R.S. § 41-1077(A).

R7-5-203. ~~Time-frames~~ Time Frames for Granting or Denying a New Charter

A. For granting or denying a new charter, the ~~time-frames required~~ time frames are:
   1. Administrative completeness review ~~time-frame~~ time frame: 25 days;
   2. Substantive review ~~time-frame~~ time frame: 175 days; and
   3. Overall ~~time-frame~~ time frame: 200 days.

B. An ~~application package for a charter school~~ applicant for a new charter shall ~~be~~ submit to the Board an administratively complete ~~if~~ application package by the submission deadline. An application package is complete if:
   1. The application package is from the current application cycle;
   ~~1.~~2. The application package contains all the information, materials, documents, attachments, signatures, and notarizations identified in the application ~~for a new charter for the current annual application cycle~~;
   ~~2.~~3. All the application package's components are formatted as required ~~by that application~~;
   ~~3.~~4. All curriculum samples address the required standard;
   ~~4.~~5. All templates are unmodified~~, completely filled out~~ and completed~~, and from the current annual application cycle~~; and
   ~~5.~~6. The application processing fee ~~has been paid according to~~ required under R7-5-202~~(1), (2), and (4)~~ is paid.

C. The administrative completeness review ~~time-frame, as~~ time frame listed in subsection (A)(1)~~,~~ begins the day after the Board receives an application package.

D. If an application package is administratively complete, Board staff shall send the applicant a written notice of administrative completeness.

E. If an application package is administratively incomplete, Board staff shall:
   1. ~~If the application package is administratively incomplete when received, the Board staff shall provide to~~ Send the applicant a written notice of deficiency that states the reasons the application package ~~was found to be~~ is administratively incomplete~~.~~;
   2. ~~Upon written notice to the applicant that the application package is administratively incomplete, the Board staff shall~~ Administratively close the applicant's file~~.~~; and
   3. Refund the new charter application processing fee paid under R7-5-202.

~~a.~~**F.** If an applicant receives a written notice of deficiency under subsection (E) and if the submission deadline has not yet passed, ~~an~~ the applicant may correct the deficiencies in ~~an~~ the administratively incomplete application package and submit a new application package in the same annual application cycle~~, under~~ by complying with R7-5-201~~; the applicant shall pay a new application processing fee, under R7-5-202~~.

~~b.~~**G.** ~~An~~ If an applicant receives a written notice of deficiency under subsection (E) and ~~who~~ believes ~~their~~ the application package was erroneously designated as administratively incomplete, the applicant may submit a written request for reconsideration to the Board within 10 days ~~of~~ after the date of the notice of deficiency.

~~i.~~**H.** ~~The~~ An applicant that submits a written request for reconsideration under subsection (G) shall ensure the request; ~~for reconsideration shall contain~~
   1. Contains a clear statement indicating how the previously submitted application package fulfilled each of the requirements ~~that were~~ identified as ~~having been~~ deficient~~.~~; and
   2. ~~The request for reconsideration shall not provide any~~ Has no new or additional information, documents, or materials included or attached.

~~ii.~~**I.** ~~A~~ Within 10 days after receiving a request for reconsideration, Board staff shall review the request and:
   1. Determine whether the request complies with the requirements in subsection (H) and if not, ~~that does not address each deficiency identified in the notice or that contains new or additional information, documents, or materials shall not be considered and~~ send the applicant written notice ~~shall be notified that~~ the request was not submitted ~~according to subsection (i) and the applicant's~~ properly and the applicant's file ~~is~~ remains closed~~.~~;
      ~~iii. The Board staff shall review a request for reconsideration that is submitted according to subsection (i) and provide a decision on the request for reconsideration within 10 days of receipt.~~
   ~~iv.~~2. If ~~the~~ Board staff determines the application package was erroneously designated as administratively incomplete, ~~the Board staff shall~~ reopen the applicant's file and send the applicant a written notice of administrative completeness ~~to the applicant.~~ ; or
   3. If ~~the~~ Board staff determines the application package was correctly designated as administratively incomplete, send the applicant written notice the applicant's file ~~shall remain~~ remains closed.
   ~~3. If the application package is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.~~

~~4.~~**J.** If ~~the~~ Board staff does not provide a notice of deficiency or administrative completeness to the applicant within the administrative completeness review ~~time-frame~~ time frame, the application package is deemed administratively complete.

~~D.~~**K.**~~A~~ The substantive review ~~time-frame, as~~ time frame listed in subsection (A)(2)~~,~~ begins when an application package is determined to be administratively complete. ~~The~~ Board staff shall ensure the substantive review is conducted according to R7-5-204.

~~E.~~**L.** Within the time provided in subsection (A)(3), ~~the~~ Board staff shall provide the applicant with written notice of ~~it's~~ the Board's decision to grant or deny a charter.

1. The Board shall deny a charter if ~~it~~ the Board determines ~~that~~ the application package does not meet the requirements of statute or rule or the applicant is not sufficiently qualified to operate a charter school. ~~The~~ Board staff shall include in the written notice ~~shall include~~ the basis for the denial and other information required under A.R.S. § 41-1092.03. ~~The~~ An applicant that receives a notice of denial may:
   a. Submit a new application package under R7-5-201 ~~for consideration by the Board~~ in ~~any~~ a later annual application cycle; or
   b. Appeal the Board's decision under A.R.S. Title 41, Chapter 6, Article 10.
2. The Board shall grant a charter if it determines that the application package meets the requirements of statute and rule and the applicant is sufficiently qualified to operate a charter school.

R7-5-204. Review of Administratively Complete Application Package for a New Charter, Technical Assistance, and ~~In-Person~~ In-person Interview

A. The Board shall ensure ~~review of~~ an administratively complete application package for a new charter is reviewed as follows:

1. The Technical Review ~~panel~~ Panel shall score ~~the preliminary~~ an application package using the evaluation criteria identified in the application to determine whether ~~an~~ the application package meets the Board's ~~scoring~~ requirements.

~~a.~~2. ~~An~~ The Technical Review Panel shall assign an application package ~~shall be assigned~~ a score of "Meets the Criteria," "Approaches the Criteria," or "Falls ~~Below~~ below the Criteria" for each evaluation criterion.

~~i.~~a. ~~An~~ The Technical Review Panel shall score an evaluation criterion ~~shall be scored~~ "Meets the Criteria" when the application section within which that evaluation criterion is identified ~~by the application~~:

~~(1)~~i. Addresses the evaluation criterion fully with specific and accurate information;

~~(2)~~ii. Reflects a thorough understanding of the evaluation criterion; and

~~(3)~~iii. Is clear and coherent.

~~ii.~~b. ~~An~~ The Technical Review Panel shall score an evaluation criterion ~~shall be assigned a score of~~ "Approaches the Criteria" when the application section within which that evaluation criterion is identified ~~by the application~~:

~~(1)~~i. Addresses the evaluation criterion partially ~~and~~ or lacks specific and accurate information for some aspect of the evaluation criterion;

~~(2)~~ ii. Presents a partial understanding of the evaluation criterion; or

~~(3)~~ iii. Is not clear and coherent.

~~iii.~~c. ~~An~~ The Technical Review Panel shall score an evaluation criterion ~~shall be assigned a score of~~ "Falls ~~Below~~ below the Criteria" when the application section within which that evaluation criterion is identified ~~by the application does not~~ fails to address the evaluation criterion.

~~b.~~3. An application package meets the Board's ~~scoring~~ requirements if:

~~i.~~a. No evaluation criterion ~~receives a score of~~ is scored "Falls ~~Below~~ below the Criteria;"

~~ii.~~b. No more than one evaluation criterion in each application section is scored ~~as Approaching~~ "Approaches the Criteria;" and

~~iii.~~c. ~~The application package receives a score of Meets the Criteria for at~~ At least 95~~%~~ percent of the evaluation criteria in ~~each plan (~~the educational plan, operational plan, and business plan~~)~~ is scored "Meets the Criteria."

~~2.~~**B.** ~~The~~ Board staff shall conduct a background and credit check of each principal and authorized representative of the applicant and ~~confirm~~ determine whether each principal and authorized representative possesses a valid fingerprint clearance card issued by the State of Arizona.

~~a.~~ If ~~issues arise from the information obtained~~ an issue arises during the background and credit ~~checks~~ check of any principal or authorized representative, ~~the~~ Board staff shall provide the ~~pertinent~~ principal or authorized representative written notice of the ~~issues~~ issue and ~~the principal will have the~~ an opportunity to provide a written response ~~clarifying~~ addressing the ~~information~~ issue. The Board shall consider information obtained from the background and credit check when making the decision to grant or deny a new charter.

~~b. Information obtained and communications conducted during this process shall be considered by the Board in making its decision on whether to grant or deny a charter.~~

~~3.~~**C.** ~~The Board staff shall notify the applicant if the preliminary~~ If an application package fails to meet the ~~scoring~~ Board's requirements ~~as evaluated by the Technical Review Panel~~ specified under subsection (A)(3), Board staff shall provide written notice to the applicant. ~~The~~ Board staff shall ~~provide~~ include in the notice:

1. The reasons the application package ~~fails~~ failed to meet the ~~scoring~~ Board's requirements; ~~and include the~~
2. ~~comments~~ Comments of the Technical Review Panel, which will serve as technical assistance and suggestions for improving the application package; and
3. The options specified under subsection (D).

~~4.~~**D.** ~~An~~ If an applicant ~~who~~ receives ~~notification that a preliminary application package fails to meet the scoring requirements as evaluated by the Technical Review Panel~~ notice under subsection (C), the applicant may, within 20 days of the date of notice, submit to the Board:

1. ~~a~~ A revised application package, or ~~a~~
2. A written request that the ~~preliminary~~ previously submitted and scored application package be forwarded to the Board.

~~5.~~**E.** If ~~a revised application package or written request is not submitted to the Board within 20 days of the date of notice that a preliminary application package fails to meet the scoring requirements~~ an applicant that receives notice under subsection (C) fails to act under subsection (D), ~~the~~ Board staff shall close the applicant's file. An applicant whose file is closed and ~~who~~ wants to obtain a new charter shall apply again under R7-5-201 in ~~any~~ a later annual application cycle.

~~6.~~**F.** If ~~a~~ an applicant submits a revised application package ~~is submitted~~ under subsection (D), the Technical Review Panel shall score the revised application package ~~using the scores and scoring requirements described in subsection (1)~~ as specified under subsection (A).

~~7.~~ If ~~a~~ the revised application package fails to meet the ~~scoring~~ Board's requirements as ~~evaluated by the Technical Review Panel~~ specified under subsection (A)(3), ~~the~~ Board staff shall ~~notify~~ provide written notice to the applicant of the intent to close the file. ~~The~~ Board staff shall include with the notice the comments of the Technical Review Panel.

~~8.~~**G.** An applicant ~~who~~ that receives ~~notification of the Board staff's intent to close the file~~ notice under subsection (F) may, within 20 days ~~of~~ after the date of notice, submit a written request that the revised application package be forwarded to the Board.

~~9.~~ If a written request is not submitted ~~to the Board within 20 days of the date of notice that a revised application package fails to meet the scoring requirements~~, ~~the~~ Board staff shall close the applicant's file. An applicant whose file is closed and ~~who~~ wants to obtain a new charter shall apply again under R7-5-201 in ~~any~~ a later annual application cycle.

~~10.~~**H.** At least 30 days ~~prior to~~ before the last Board meeting before the substantive review ~~time-frame~~ time frame expires, and within 90 days ~~of the determination that a preliminary or revised~~ after determining an application package meets the ~~scoring~~ Board's requirements ~~as evaluated by the Technical Review Panel,~~ under subsection (A)(3) or ~~the receipt of~~ receiving an applicant's request under subsection ~~(4)~~ (D)(2) or ~~(8)~~ (G), ~~that the Board consider an application package that fails to meet the scoring requirements as evaluated by the Technical Review Panel,~~ the principals and authorized representative of the applicant shall make themselves available for an in-person interview with two or more members of the Technical Review Panel. In the interview, the members of the Technical Review Panel shall assess:

~~a.~~1. The applicant's understanding of the components presented in the ~~written~~ application package;

~~b.~~2. The applicant's capacity to implement a plan to operate a charter school in accordance with the performance ~~frameworks adopted~~ expectations established by the Board;

~~c.~~3. The applicant's clarification of any ~~issues that arise~~ issue revealed in the course of the due diligence process for ~~any~~ the applicant~~,~~ any principal, authorized representative, or Education Service Provider; and

~~d.~~4. Any other ~~factors~~ factor relevant to determining whether the applicant is sufficiently qualified to operate a charter school.

~~11.~~**I.** Board staff shall provide an applicant with at least seven days written notice of the date, time, and place of the meeting at which the Board will consider the applicant's application package and ~~The Board shall consider an application package to~~ determine ~~whether to approve or deny the application package an~~d whether to grant or deny ~~the~~ a new charter ~~if the Technical Review Panel determines that the application package meets or exceeds the scoring requirements or if~~ to the applicant ~~requests under subsection (4) or (8) that the Board consider an application package that fails to meet the scoring requirements as evaluated by the Technical Review Panel~~.

~~a. For the purpose of deciding whether to approve or deny the application package, the Board shall consider:~~

~~i. The application package; and~~

~~ii. A copy of the scoring rubric completed by the Technical Review Panel.~~

~~b. For the purpose of deciding whether to grant or deny a new charter, the~~ The Board shall use the following information to determine whether the applicant is sufficiently qualified ~~by considering the following~~ to operate a charter school:

~~i.~~1. The application package;

~~ii.~~2. ~~A copy of the~~ The scoring rubric completed by the Technical Review Panel;

~~iii.~~3. The results of the in-person interview of the applicant's principals and authorized representative;

~~iv.~~4. Information obtained through ~~verification an~~d investigation and verification of the employment, experience, and education backgrounds ~~including employment, experience, education~~, fingerprint clearance card, and ~~assessment of~~ creditworthiness ~~for each~~ of ~~the principals~~ each principal and authorized representative of the applicant;

~~v.~~5. Information concerning any current or former charter operations for any principal, authorized representative, or Education Service Provider ~~or principal~~ of the applicant;

~~vi.~~6. ~~A~~ Board staff report; and

~~vii.~~7. Testimony presented at the Board meeting.

~~12. The Board shall provide an applicant, with at least seven days written notice of the date, time, and place of the meeting at which the Board will consider the applicant's application package.~~

J. After the Board meeting held under subsection (I), Board staff shall provide written notice to the applicant regarding the Board's decision to grant or deny a new charter to the applicant. If the Board denies a new charter to the applicant, the Board shall include the information required under A.R.S. § 41-1092.03 in the written notice.

R7-5-205. Execution of a New Charter

A. After the ~~Board's decision~~ Board decides to grant a new charter~~, and~~ but before the charter is signed, the applicant shall submit to the Board the following:

1. ~~No change~~ A completed I.R.S. Form W-9, Request for Taxpayer Identification Number and Certification, obtained from the Department or online at https://www.irs.gov/pub/irs-pdf/fw9.pdf;
2. ~~Charter school site location~~ The following information ~~including~~ for each charter school approved for educational use:
   a. Certificate of occupancy ~~for each charter school site approved for educational use,~~; and
   b. Fire marshal report ~~for each charter school site approved for educational use,~~; or
   c. If either the certificate of occupancy ~~and~~ or fire marshal report ~~are~~ is not available, a completed Occupancy Compliance Assurance and Understanding form obtained from the Board;
3. A completed General Statement of Assurances form obtained from the Department;
4. A statement indicating where all public notices of meetings will be posted as required ~~by the Secretary of State~~ under A.R.S. § 38-431.02; and
5. ~~Copy~~ A copy of the lease agreement or other documentation of a secured charter school facility for each charter school ~~site~~.

B. ~~A charter shall be signed by the~~ The Board President or designee and authorized representative of the applicant shall sign the charter within 12 months after the Board's decision to grant the charter.

1. If ~~a~~ the charter is not timely signed, the Board's decision to grant the new charter expires~~,~~ unless the applicant applies for and is granted a ~~good cause~~ good-cause extension to execute the charter under R7-5-206.

2. If an applicant ~~who~~ that is granted a new charter but does not timely sign the charter and does not obtain a ~~good cause~~ good-cause extension wants to obtain a new charter, the applicant shall apply again under R7-5-201 in ~~any~~ a later annual application cycle.

C. A charter holder shall begin providing educational instruction no later than the second fiscal year after the Board's decision to grant the charter~~,~~ unless the charter holder is granted a ~~good cause~~ good-cause extension to execute a charter under R7-5-206 or ~~good cause~~ good-cause suspension of a charter under R7-5-207.

1. A charter holder ~~who~~ that is granted a ~~good cause~~ good-cause extension to execute a charter under R7-5-206 or ~~good cause~~ good-cause suspension of a charter under R7-5-207 shall begin providing educational instruction no later than the third fiscal year after the Board's decision to grant the charter.
2. If a charter holder does not begin providing educational instruction as required ~~by subsections~~ under subsection (C) ~~and~~ or (C)(1), the Board shall issue the charter holder a notice of intent to revoke the charter in accordance with A.R.S. § 15-183(I).

D. ~~A~~ At least 10 days before beginning to provide educational instruction, a charter holder shall submit to the Board the following written proof that the charter school is in compliance with federal, state, and local ~~rules, regulations, and statutes~~ laws relating to health, safety, civil rights, and insurance ~~at least 10 days before the first day it will begin providing educational instruction by submitting~~:

1. Charter school ~~site~~ contact information;
2. Insurance policy binder issued by an insurance company licensed to do business in Arizona;
3. County health certificate for each ~~site~~ charter school at which students will be taught;
4. Evidence of a public meeting, required by A.R.S. § 15-183(C)(7), at least 30 days before the charter holder opens a ~~site for the~~ charter school;
5. Certificate of attendance of the charter representative or principal at the special education training for new charters offered by the ~~Department's Exceptional Student Services Division~~ Department; and
6. Any other documents required to demonstrate compliance with federal, state, and local ~~rules, regulations, and statutes~~ laws relating to health, safety, civil rights, and insurance.

E. If a charter holder ~~has completed~~ submitted an Occupancy Compliance Assurance and Understanding form under subsection (A)(2), the Board shall not advise the Department to initiate state aid funding ~~shall not initiate~~ until ~~the~~ Board staff ~~has determined that~~ determines the required certificate of occupancy and fire marshal report submissions are complete and sufficient.

F. A new charter is effective upon ~~the~~ signing ~~of~~ by both parties for ~~a term of~~ 15 years ~~commencing~~ beginning on the date stated in the charter, unless revoked under A.R.S. § 15-183(I).

R7-5-206. ~~Good Cause~~ Good-cause Extension to Execute a New Charter

A. Before the Board's decision to grant a new charter expires under R7-5-205(B), an applicant ~~who~~ that has not yet executed the charter may submit to the Board a written request for a ~~good cause~~ good-cause extension to execute a charter.

~~1.~~ The applicant shall ensure the written request for a ~~good cause~~ good-cause extension to execute a charter ~~shall~~:

~~a.~~ 1. ~~Explain~~ Explains and ~~provide~~ provides evidence of why the applicant is unable to implement the plans contained in the application package and execute the charter within the allotted 12 months;

~~b.~~ 2. ~~Explain~~ Explains the applicant's new timeline for implementing the plans contained in the application package~~,~~ and why the new timeline is viable and adequate ~~for achieving the proposed~~ to enable the applicant to execute the charter by the new timeline ~~start-up date of the school and appropriate for operating a charter school in accordance with the performance frameworks adopted by the Board and requirements of statute and rule.~~; and

~~c.~~ 3. ~~Provide~~ Provides clear and specific action steps with target completion dates that will enable the applicant to implement the plans contained in the application package in accordance with the new timeline ~~provided~~ and the requirements of R7-5-205(C)(1).

~~2.~~**B.** The Board ~~may~~ shall grant a ~~good cause~~ good-cause extension to execute a charter if an applicant demonstrates good cause. When ~~considering a request for a~~ deciding whether the applicant demonstrates good cause ~~extension to execute a charter~~, the Board shall consider:

~~a.~~1. The timeliness of the ~~submission of the~~ request for a good-cause extension and the proposed extension date;
~~b.~~2. The viability of the applicant's new timeline for implementing the plans contained in the application package;
~~c.~~3. Whether the new timeline ~~provided by the applicant~~ is adequate to begin providing educational instruction as required under R7-5-205(C)(1) and complies with the plans contained in the application package;
~~d.~~4. ~~Unforeseen~~ The circumstances ~~affecting~~ the applicant indicates affected the applicant's ability to execute the charter within the allotted 12 months;
~~e.~~5. Whether there have been changes in the principals of the applicant; and
~~f.~~6. The ~~status of~~ extent to which the applicant is in compliance with all applicable federal, ~~State~~ state, and local laws~~, and with all of the terms of a charter~~.

~~3.~~**C.** The Board shall not grant more than one ~~good cause~~ good-cause extension to execute a particular charter ~~to any applicant for the same charter~~.

~~4.~~**D.** If the Board grants a ~~good cause~~ good-cause extension to execute a charter, the Board shall specify the date by which the applicant shall execute the charter and begin providing educational instruction based on the timeline provided by the applicant and the requirements of R7-5-205(C)(1). If the applicant does not execute the charter by the specified date, the Board's decision to grant the charter ~~shall expire~~ expires.

R7-5-207. ~~Good Cause~~ Good-cause Suspension of a New Charter

A. ~~Prior to~~ Before the first day of the fiscal year ~~that~~ in which a charter holder must begin providing educational instruction, the charter holder, if eligible under subsection (B), ~~of a not-yet-operational charter~~ may submit to the Board a written request for a ~~good cause~~ good-cause suspension of ~~a~~ the charter.

~~1.~~**B.** A charter holder is eligible to apply for a ~~good cause~~ good-cause suspension of ~~a~~ the charter if:

~~a.~~1. The charter holder has not been granted a ~~good cause~~ good-cause extension to execute ~~a~~ the charter,

~~b.~~2. The charter holder has not begun providing educational instruction under the charter, and
~~c.~~3. The charter holder has not received or has returned state equalization or other state or federal funding for which provision of instruction is a requirement of receipt.

~~2.~~**C.** The charter holder shall ensure the written request for a ~~good cause~~ good-cause suspension of a charter ~~shall~~:
~~a.~~1. ~~Explain~~ Explains and ~~provide~~ provides evidence for why the charter holder is unable to implement the plans contained in the application package and begin providing educational instruction as required under R7-5-205(C);
~~b.~~2. ~~Explain~~ Explains the charter holder's new timeline for implementing the plans contained in the application package~~,~~ and why the new timeline is viable and adequate ~~for achieving the proposed start-up date of the school and appropriate for operating~~ to enable the charter holder to operate a charter school in accordance with the charter and performance ~~frameworks adopted~~ expectations established by the Board ~~and requirements of statute and rule.~~ ; and
~~c.~~3. ~~Provide~~ Provides clear and specific action steps with target completion dates that will enable the charter holder to implement the plans contained in the application package in accordance with the new timeline ~~provided~~ and the requirements of R7-5-205(C)(1).

~~3.~~**D.** The Board ~~may~~ shall grant a ~~good cause~~ good-cause suspension of a charter if the charter holder demonstrates good cause. When ~~considering a request for a~~ deciding whether the charter holder demonstrates good cause ~~suspension of a charter~~, the Board shall consider:
1. Whether the charter holder is eligible under subsection (B) for a good-cause suspension of a charter;
~~a.~~2. The timeliness of the ~~submission of the~~ request for a good-cause suspension of a charter and the proposed extension date;
~~b.~~3. The viability of the charter holder's new timeline for implementing the plans contained in the application package;
~~c.~~4. Whether the new timeline ~~provided by the charter holder~~ is adequate to begin providing educational instruction as required under R7-5-205(C)(1) and complies with the plans contained in the application package;
~~d.~~5. ~~Unforeseen~~ The circumstances ~~affecting~~ the charter holder indicates affected the charter holder's ability to begin providing educational instruction as required under R7-5-205(C);
~~e.~~6. Whether there have been changes in the principals of the charter holder; and
~~f.~~7. The ~~status of~~ extent to which the charter holder is in compliance with all applicable federal, ~~State~~ state, and local laws~~,~~ and ~~with all of the~~ terms of the charter.

~~4.~~**E.** The Board shall not grant more than one ~~good cause~~ good-cause suspension of a particular charter to any charter holder ~~for the same charter and shall not grant a good cause suspension of a charter to any charter holder who previously received a good cause extension to execute a charter for the same charter~~.
~~5. A charter holder who is granted a good cause suspension may execute and submit an amendment to the charter indicating a new effective date which shall conform to the date on which the charter holder shall begin providing educational instruction.~~

~~6.~~**F.** A charter holder ~~who is~~ granted a ~~good cause~~ good-cause suspension of ~~a~~ the charter shall not apply to receive any state equalization or other state or federal funding for which provision of instruction is a requirement of receipt until the fiscal year in which the charter holder plans to begin providing educational instruction. ~~and~~ The holder of a suspended charter shall promptly return any ~~such~~ funding it receives ~~prior to~~ before the fiscal year in which it begins providing educational instruction.

~~7.~~**G.** A charter holder granted a ~~good cause~~ good-cause suspension of a charter shall begin providing educational instruction as required by R7-5-205(C). If a charter holder does not begin providing educational instruction as required, the Board shall issue the charter holder a notice of intent to revoke the charter in accordance with A.R.S. § 15-183(I).

R7-5-208. Application for Replication Charter

A. The charter holder of an existing high quality charter school may be eligible to apply for a replication charter rather than a new charter. A replication charter allows the charter holder to implement the existing educational program, corporate and governance structure, and financial and operational processes at a new charter school.

B. A charter holder that wishes to apply for a replication charter shall submit to the Board a Replication Eligibility form. Board staff shall review the form and determine whether the charter holder is eligible to apply for a replication charter. A charter holder is eligible to apply for a replication charter if the charter holder is in compliance with provisions of its charter, contractual agreements with the Board, federal and state law and this Chapter, and meets the academic eligibility requirements specified in the replication application instructions, which are publicly available and posted on the Board's web site.

C. Within 15 days after receiving a Replication Eligibility form, Board staff shall provide written notice to the charter holder of whether the charter holder may apply for a replication charter and, if eligible, shall make the replication application available to the charter holder.

D. If a charter holder submits an application package for a replication charter by the last business day of September, Board staff shall process the application package in an expedited manner and ensure the application package is considered at the Board's meeting in November.

E. As required under A.R.S. § 41-1073, the Board establishes the following time frames for approving or disapproving a replication charter:
1. Administrative review time frame: 15 days;
2. Substantive review time frame: 50 days; and
3. Overall time frame: 65 days.

F. The provisions at R7-5-205(A), regarding execution of a new charter, apply to a replication charter.

G. R7-5-206, regarding a good-cause extension to execute a new charter, and R7-5-207, regarding good-cause suspension of a new charter, do not apply to a replication charter.

ARTICLE 3. ~~CHARTER OVERSIGHT~~POST-CHARTER ACTIONS

R7-5-301. Application for Charter Renewal; Early Renewal of Charter

A. The Board shall make available on its web site instructions regarding eligibility and submission requirements for renewal and early renewal of a charter.

B. A charter holder shall submit to the Board electronically through ASBCS Online the renewal application package identified in subsection (E) or the early renewal application package identified in subsection (L). The Board shall not accept a paper submission.

C. The Board shall provide the charter holder at least 72-hours' written notice of the date, time, and location of the Board meeting at which the Board will consider the charter holder's renewal or early renewal application package. The charter holder shall attend the Board meeting.

D. At least 18 months before a charter is scheduled to expire, the Board shall provide the charter holder with a renewal application that is customized based on the charter holder's performance history. The Board shall require a charter holder that does not meet the performance expectations specified in Article 4 to submit more information than a charter holder that does meet the performance expectations.

E. As required under A.R.S. § 15-183(I), a charter holder that intends to seek renewal of the charter shall submit to the Board a renewal application package at least 15 months before the charter is scheduled to expire.

F. The Board shall not consider a renewal application package that is not submitted by the date specified in subsection (E).

G. As part of the charter renewal process, Board staff shall conduct an academic-systems-review site visit, as described in R7-5-506, of the charter holder.

H. The Board shall notify a charter holder of the Board's decision to renew or deny renewal of the charter at least 12 months before the charter is scheduled to expire.

I. As specified under A.R.S. § 15-183(I), the Board may deny renewal of a charter if the Board determines the charter holder failed to meet or make sufficient progress toward the academic performance expectations or failed to meet the operational performance expectations specified in Article 4, complete the obligations of the charter, or comply with federal or state law or this Chapter. If the Board denies renewal of a charter, Board staff shall provide written notice to the charter holder that includes the information required under A.R.S. § 41-1092.03(A).

J. A charter holder is eligible to apply for early renewal of the charter if the charter holder:
1. Submits to the Board a letter of intent to apply for early renewal at least 24 months before the charter is scheduled to expire;
2. Has operated a school under the charter for at least five years;
3. Meets the performance expectations specified in Article 4; and
4. Had no compliance matters within the last three years that required action by the Board or other governmental entity.

K. Within 15 days after receiving a letter of intent to apply for early renewal under subsection (J)(1), Board staff shall provide written notice to the charter holder of whether the charter holder is eligible to apply for early renewal and, if eligible, shall provide the charter holder with the renewal application referenced in subsection (D).

L. A charter holder that receives notification under subsection (K) of eligibility to apply for early renewal shall submit to the Board the early renewal application package no later than one month after the charter holder receives notification under subsection (K).

M. A charter holder applying for early renewal shall continue to meet the eligibility requirements specified in subsection (J) until the Board considers the early renewal application package at the Board meeting referenced under subsection (C). The Board shall not consider an early renewal application package submitted by a charter holder that has a change in eligibility status.

N. Within three months after a charter holder timely submits an early renewal application package, Board staff shall conduct an academic-systems-review site visit, as described in R7-5-506, of the charter holder and shall place the charter holder's early renewal application package on an agenda for Board consideration.

O. As specified under A.R.S. § 15-183(I)(2), the Board may deny early renewal of a charter if the Board determines the charter holder failed to meet or make sufficient progress toward the academic performance expectations or failed to meet the operational performance expectations specified in Article 4, complete the obligations of the charter, or comply with federal or state law or this Chapter. If the Board denies early renewal of a charter, Board staff shall provide written notice to the charter holder that includes the information required under A.R.S. § 41-1092.03(A).

R7-5-302. Charter Transfer Application

A. A charter transfer application may be used to do either of the following:
1. Transfer a charter to the Board; or
2. Transfer a charter school that has operated under an existing charter for at least three years to its own charter with the same educational program and financial and operational processes.

B. The Board shall make available on its web site instructions regarding eligibility and submission requirements for transfers specified under subsection (A).

C. A charter holder that intends to transfer as specified under subsection (A) shall submit to the Board a letter of intent to transfer.

D. Within 15 days after receiving a letter of intent to transfer, Board staff shall provide written notice to the charter holder of whether the charter holder may apply for transfer.

E. A charter holder eligible to transfer under subsection (D) shall submit to the Board a paper charter transfer application package until electronic submission through ASBCS Online is available. After electronic submission through ASBCS Online is available, the Board shall not accept a paper submission.

F. For a transfer to occur on July 1, a charter holder shall submit the letter of intent to transfer by the last business day of November of the prior fiscal year and the transfer application package by the last business day of February of the prior fiscal year.

G. The Board shall provide the charter holder at least 72-hours' written notice of the date, time, and location of the Board meeting at which the Board will consider the charter holder's transfer application package. The charter holder shall attend the Board meeting.

H. As required under A.R.S. § 41-1073, the Board establishes the following time frames for approving or disapproving a charter transfer:
1. Administrative review time frame: 15 days;

2. Substantive review time frame: 60 days; and
3. Overall time frame: 75 days.

R7-5-303. Charter Amendment Requests

A. A change to a charter requires the consent of both the Board and charter holder. To obtain the Board's consent to a change to a charter, the charter holder shall submit a charter amendment request to the Board.

B. A charter holder shall not act in a manner contrary to the terms of the charter without obtaining the Board's prior consent to the change.

C. The Board shall make available on its web site instructions regarding eligibility and submissions requirements for each amendment request listed under subsection (D).

D. The Board shall accept requests for the following charter amendments:
1. Add or remove a grade level to a charter;
2. Addition of or change to an Arizona Online Instruction Program of Instruction; as expressly authorized under A.R.S. § 15-183(X), the Board shall charge a non-refundable processing fee of $3,000 for each grade category involved in the charter amendment request;
3. Change in charter holder entity name;
4. Change in legal status of the charter holder;
5 Change of entity that holds the charter;
6. Change in charter mission;
7. Increase or decrease the number of annual instructional days;
8. Change in program of instruction including methods of instruction, criteria for promotion, and graduation requirements;
9. Exception from state procurement requirements;
10. Exception from the Uniform System of Financial Records for Charter Schools;
11. Change charter holder governance;
12. Change the mailing or physical address of the charter holder;
13. Change charter representative;
14. Increase or decrease the number of students the charter holder may serve;
15. Add a charter school to an existing charter;
16. Close a charter school under an existing charter;
17. Change membership of a charter school governing body;
18. Change the name of a charter school;
19. Change the mailing or physical address of a charter school;
20. Increase or decrease the grades served at a particular charter school; and
21. Transfer of a charter school from the current charter to another existing charter with the same educational program and financial and operational processes.

E. A charter holder shall submit an amendment request listed under subsection (D) to the Board electronically through ASBCS Online. The Board shall not accept a paper amendment request unless agreed to by Board staff and the charter holder before the amendment request is submitted.

F. As required under A.R.S. § 41-1073, the Board establishes the following time frames for approving or disapproving a charter amendment request:
1. Administrative review time frame: 20 days;
2. Substantive review time frame: 40 days; and
3. Overall time frame: 60 days.

G. To determine the date on which the Board will approve or disapprove an amendment request listed under subsection (D), the charter holder shall consult the Board's meeting and submission-deadline schedule, which is posted on the Board's web site and ASBCS Online.

H. The Board shall provide the charter holder at least 72-hours' written notice of the date, time, and location of the Board meeting at which the Board will consider the charter holder's administratively and substantively complete amendment request. The charter holder shall attend the Board meeting.

I. The Board has delegated to staff authority to approve charter amendment requests listed under subsection (D) for which the standards for approval can be applied without the exercise of discretion.

ARTICLE 4. ~~AMENDMENT TO A CHARTER~~ MINIMUM PERFORMANCE EXPECTATIONS

R7-5-401. ~~Amendment to a Charter~~ Minimum Academic Performance Expectations

A. The Board shall assess a charter holder's achievement of the minimum academic performance expectations using student achievement measures, specified in the Academic Performance Framework, that are indicators of academic performance.
1. The Board may assess a charter holder's achievement of the minimum academic performance expectations at any time.
2. The Board shall assess a charter holder's achievement of the minimum academic performance expectations:
   a. Annually when state assessment data are released for the previous year;
   b. During the five-year-interval review required under A.R.S. § 15-183(I);
   c. When considering the following submitted by the charter holder:
      i. An application for a new charter,
      ii. An application to transfer a charter school from an existing charter contract to a separate charter contract,
      iii. A request to change the legal status of the charter holder; or
      iv. A request to change the entity that holds the charter;
   d. When considering an expansion request submitted by the charter holder to;
      i. Add a new charter school to an existing charter,

ii. Add one or more grade levels to a charter,
iii. Increase the number of students the charter holder may serve,
iv. Add an Arizona Online Instruction program, or
v. Replicate an existing charter;
e. When considering a charter contract renewal request submitted by the charter holder;
f. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years;
g. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of "F" by the Department; and
h. When making a decision related to the charter holder's achievement of the minimum academic performance expectations or compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.

B. The Board shall annually assign a charter holder an overall academic performance rating that reflects the degree to which the charter holder achieved the minimum academic performance expectations.

C. The Board shall determine a charter holder meets the minimum academic performance expectations if all charter schools operated by the charter holder receive an annual overall academic performance rating of "meets standard," "above standard," or "exceeds standard" in the most recent year for which data are available. A charter holder that meets the minimum academic performance expectations may be:
1. Waived from some of the academic performance supervision requirements described in Article 5; and
2. Entitled to reduced submission requirements:
a. Regarding requests made to the Board; and
b. During the five-year-interval review required under A.R.S. § 15-183(I).

D. The Board shall determine a charter holder does not meet the minimum academic performance expectations if one or more of the charter schools operated by the charter holder did not receive an overall academic performance rating of "meets standard," "above standard," or "exceeds standard" in the most recent year for which data are available. A charter holder that does not meet the minimum academic performance expectations:
1. Shall be required to demonstrate sufficient progress towards achieving the minimum academic performance expectations;
2. May be subject to heightened submission requirements:
a. Regarding requests made to the Board, and
b. During the five-year-interval review required under A.R.S. § 15-183(I); and
3. May be subject to charter oversight as specified in Article 6.

R7-5-402. Minimum Financial Performance Expectations

A. The Board shall assess a charter holder's achievement of the minimum financial performance expectations using data contained in the annual audit required under A.R.S. § 15-914 and conducted according to the standards specified in R7-5-504.
1. The Board may assess a charter holder's achievement of the minimum financial performance expectations at any time.
2. The Board shall assess a charter holder's achievement of the minimum financial performance expectations:
a. When considering an expansion request submitted by the charter holder to:
i. Add a new charter school to an existing charter,
ii. Add an Arizona Online Instruction program, or
iii. Replicate an existing charter;
b. During the five-year-interval review required under A.R.S. § 15-183(I);
c. When considering a charter contract renewal request submitted by the charter holder;
d. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years;
e. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of "F" by the Department; and
f. When making a decision related to the charter holder's achievement of the minimum academic performance expectations or compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.

B. The Board shall annually assign a charter holder a financial performance rating, based on measures specified in the Financial Performance Framework, which reflects both the charter holder's near-term financial health and longer-term financial stability.

C. The Board shall determine a charter holder meets the annual financial performance standard if the charter holder receives no measure rated "falls far below standard" and no more than one measure rated "does not meet standard" based on the most recent audit conducted under R7-5-504.

D. The Board shall determine a charter holder meets the minimum financial performance expectations if the charter holder:
1. Receives an overall rating of "meets the annual financial performance standard" based on the most recent audit conducted under R7-5-504; or
2. Receives an overall rating of "meets the annual financial performance standard" based on the previous audit and receives an overall rating of "does not meet the annual financial performance standard" based on the most recent audit with no measure rated "falls far below standard."

E. The Board shall determine a charter holder does not meet the minimum financial performance expectations if the charter holder:
1. Receives an overall rating of "does not meet the annual financial performance standard" and one or more measures rated "falls far below standard" based on the most recent audit conducted under R7-5-504; or
2. Receives an overall rating of "does not meet the annual financial performance standard" based on both of the last two audits conducted under R7-5-504.

F. A charter holder that meets the minimum financial performance expectations may be entitled to reduced submission requirements at the times specified under subsection (A). The Board shall require a charter holder that does not meet the minimum financial performance expectations to submit a financial performance response as specified under R7-5-509 at the times specified in subsections

(A)(2)(a)-(e) and may require a charter holder that does not meet the minimum financial performance expectations to submit a financial performance response as specified under R7-5-509 at the times specified in subsection (A)(2)(f).

R7-5-403. Minimum Operational Performance Expectations

A. The Board shall assess a charter holder's achievement of the minimum operational performance expectations. To avoid duplicative reporting burdens, the Board shall use data collected from a variety of sources that reflect on the charter holder's compliance with the charter contract, other contractual agreements with the Board, federal and state law, and this Chapter.
1. The Board may assess a charter holder's achievement of the minimum operational performance expectations at any time.
2. The Board shall assess a charter holder's achievement of the minimum operational performance expectations:
   a. When considering the following submitted by the charter holder:
      i. An application for a new charter;
      ii. An application to transfer a charter school from an existing charter contract to a separate charter contract;
      iii. A request to change the legal status of the charter holder;
      iv. A request to change the entity that holds the charter; or
      v. A request to change program of instruction including methods of instruction, criteria for promotion, or graduation requirements;
   b. When considering an expansion request submitted by the charter holder to:
      i. Add a new charter school to an existing charter,
      ii. Add one or more grade levels to a charter,
      iii. Increase the number of students the charter holder may serve,
      iv. Add an Arizona Online Instruction program, or
      v. Replicate an existing charter;
   c. During the five-year-interval review required under A.R.S. § 15-183(I);
   d. When considering an application for charter renewal submitted by the charter holder;
   e. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years; and
   f. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of "F" by the Department.

B. The Board shall annually assign a charter holder an overall operational performance rating based on the measures specified in the Operational Performance Framework, which reflect the degree to which the charter holder achieved the minimum operational performance expectations. The Board shall make each charter holder's operational performance dashboard publicly available and post it on ASBCS Online.

C. The Board shall determine a charter holder meets the minimum operational performance standard if the charter holder receives no measure rated "falls far below standard" and no more than five measures rated "does not meet standard" for the evaluated year.

D. The Board shall determine a charter holder meets the minimum operational performance expectations if the charter holder receives an overall rating of "meets the Board's operational performance standard" in both of the two most recent years for which an overall rating was calculated and has no measure rated "falls far below standard" in the current year.

E. The Board shall determine a charter holder does not meet the minimum operational performance expectations if the charter holder receives an overall rating of "does not meet the Board's operational performance standard" in at least one of the two most recent years for which an overall rating was calculated or has at least one measure rated "falls far below standard" in the current year.

F. If the Board determines a charter holder does not meet the minimum operational performance expectations, the Board shall consider charter oversight under Article 6.

R7-5-404. Development and Use of Performance Frameworks

A. The Board shall revise the Academic, Financial, and Operational Performance Frameworks as needed. During the process of revision, the Board shall provide the public with notice and an opportunity to comment on proposed revisions. The Board shall adopt revisions at a public meeting.

B. The Board shall ensure the Academic Performance Framework includes considerations for non-traditional charter schools, including small charter schools with very low enrollment and those designated by the Department as alternative schools.

C. Use of the Academic Performance Framework is contingent on a charter school's receipt of an annual achievement profile under A.R.S. § 15-241. The Board shall assign a rating of "no rating" to a charter school that does not provide enough data to make a calculation.

D. If the Department does not timely release annual achievement profiles under A.R.S. § 15-241, rather than assigning a rating of "no rating" to all charter schools, the Board may use the most recent available data for each measure.

ARTICLE 5.~~AUDITS AND AUDIT CONTRACTS~~ CHARTER SUPERVISION

~~R7-5-301.~~R7-5-501.~~Audit Guidelines~~ General Supervision~~, Oversight, and Administrative Responsibility~~

~~By July 1 of each year, the Board shall make available to the public at its office and online at its web site, written audit guidelines that provide general guidance on charter school audit requirements, including the deadline for submitting the completed audit to the Board and information that must be included for the audit to be deemed complete.~~

A. A charter holder shall:
1. ~~comply~~ Comply with the provisions of its charter, contractual agreements with the Board, ~~and with~~ federal and state laws, ~~at all times.~~ and this Chapter; and
2. Meet the minimum performance expectations specified in Article 4.

B. The Board ~~may use~~ may supervise a charter holder's compliance with subsection (A) using any of the following means ~~in performing its administrative responsibilities to and general supervision and oversight of a charter holder~~:
1. Oral~~, written, and electronic~~ or written communication with:

a. ~~the~~ The ~~authorized~~ charter representative or authorized charter school personnel; and

~~2.~~b. ~~Oral, written, and electronic communication with representatives~~ Representatives of federal, state, and local agencies having jurisdiction over ~~the~~ operation of the charter school or having ~~the~~ authority to investigate or adjudicate allegations of misconduct by any member of the charter school's staff;

~~3. Oral, written, and electronic communication with students, parents, or outside parties regarding any activity or program conducted by or for the charter school or regarding allegations of misconduct by any member of the charter school's staff;~~

~~4.~~2. Collection and review of reports, audits, data, records, documents, files, and communication from any source relating to any activity or program conducted by or for the charter school;

3. A site visit as described in R7-5-502;

4. Annual academic performance review as described in R7-5-503;

5. Annual audit and financial performance review as described in R7-5-504 and, if necessary, a financial performance response as described in R7-5-509;

~~5.~~6. ~~A corrective action plan as described in R7-5-302~~ Operational performance review as described in R7-5-505; ~~and~~

~~6.~~7. ~~A site visit as described in R7-5-303~~ Five-year-interval review of academic, financial, and operational performance, as described in R7-5-506; and

8. Complaints as described in R7-5-507.

C. If the specified deadline has not passed, Board staff may grant a charter holder an extension to submit a CAP or other response required under R7-5-502(G), R7-5-504(G), R7-5-505(D), R7-5-505(E), R7-5-506(B)(2), R7-5-507(C), or R7-5-509(B).

1. In determining whether to grant an extension, Board staff shall consider the following, as applicable:

a. Whether the charter school at issue was in session when the Board provided notice to the charter holder,

b. Whether the charter school at issue was in session during the period provided in the notice for the charter holder to respond to the Board, and

c. Whether additional time is required by the charter holder because of the number or complexity of matters to be addressed.

2. Even if the specified deadline has not passed, Board staff shall not grant an extension for a financial performance response required as part of the charter holder's renewal application.

~~R7-5-303.~~R7-5-502.~~Approval of Audit Contracts~~ Site Visits~~; Records; Notice of Violation~~

~~**A.** In accordance with A.R.S. § 15-914 and Laws 1999, 1st S.S., Ch. 4, § 15, a charter holder shall submit to the Board for approval an audit contract for each audit before the audit begins.~~

~~**B.** The Board shall disapprove an audit contract only for the following reasons:~~

~~1. Board knowledge that a person employed by the audit firm has been convicted under a federal or state statute for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty;~~

~~2. Failure of the audit firm or supervising certified public accountant to maintain good standing with an accounting industry regulatory body;~~

~~3. Violation of or failure of the audit firm to meet generally accepted auditing standards or generally accepted government auditing standards as identified by an accounting industry regulatory body;~~

~~4. Failure of the audit firm to receive an unmodified opinion during the audit firm's most recent peer review or failure of any auditor working on the audit to meet the continuing professional education requirements prescribed by generally accepted government auditing standards; or~~

~~5. Failure to acknowledge that the audit firm shall adhere to the audit requirements listed in the Board's audit guidelines.~~

~~**C.** The Board shall provide written notification of approval or disapproval of an audit contract to the charter holder and the audit firm within 10 days of receipt of the audit contract.~~

~~**D.** The Board shall include the cause for disapproval in a notice of disapproval.~~

~~**E.** If the charter holder or audit firm provides documentation that demonstrates the cause for disapproval no longer exists, the Board shall approve the audit contract and notify all parties of the approval.~~

A. A designee of the Board or Department may conduct a site visit of a charter school to ~~a~~ review or evaluate the charter ~~school's financial operations, academic program, or compliance with the provisions of its charter and federal and state laws~~ holder's compliance with R7-5-501(A).

B. A designee of the Board or Department may conduct a site visit to corroborate information submitted to the Board or Department and to gather information, documentation, and testimony that permit the Board to ~~fulfill its oversight function under the law and ensure~~ evaluate the charter ~~school is in~~ holder's compliance with ~~the provisions of its charter and federal and state laws~~ R7-5-501(A).

C. A designee of the Board or Department ~~shall conduct~~ who conducts a site visit shall do so during regular operational hours of ~~a~~ the charter school or at any other reasonable time.

D. A designee of the Board or Department may conduct either an announced or unannounced site visit.

~~**E.** A designee of the Board or Department may conduct an investigation of a charter school in response to concerns raised by students, parents, employees, members of the community or other individuals or groups regarding any activity or program conducted by or for the charter school or regarding allegations of misconduct by any member of the charter school's staff.~~

~~**F.**~~**E.** Upon request by a designee of the Board or Department, a charter holder shall open for inspection all records, documents, and files relating to any activity or program conducted by or for the charter school or the charter holder relating to the charter school.

~~**G.**~~**F.** Upon request by a designee of the Board or Department, a charter holder shall provide access to all school facilities.

1. During a site visit, a charter holder shall provide access to classrooms for the purpose of counting students, observing a program of instruction, or documenting individuals providing instruction.

2. In conducting a site visit, the designee of the Board or the Department shall make every effort not to disrupt the classroom environment.

~~**H.**~~**G.** The Board or Department shall inform a charter holder in writing of any ~~offense~~ issue identified during a site visit and ~~shall~~ specify any further action ~~that must be taken~~ required by the charter holder. To assist with this requirement, Board staff shall direct the charter

holder to submit a CAP, as described in R7-5-510, which addresses the issue. ~~In determining the appropriate action to take, the Board shall consider the items in R7-5-304(A).~~

~~I. The Board shall require a charter holder with a serious impact finding to appear before the Board for possible disciplinary action under R7-5-304.~~

R7-5-503. ~~Audit Completeness Determinations~~Annual Academic Performance Review

~~A. In accordance with A.R.S. § 15-914 and Laws 1999, 1st S.S., Ch. 4, § 15, a charter holder shall submit an audit to the Board for a determination regarding the audit's completeness.~~

~~B. The Board shall find that an audit is incomplete if it does not include all of the items listed in the Board's audit guidelines.~~

~~C. The Board shall provide written notification of a complete audit to the charter holder within five days of the receipt of the audit. The Board shall provide written notification of an incomplete audit to the charter holder and the audit firm within five days of receipt of the audit.~~

~~D. The Board shall include the cause for the determination in a notice of an incomplete audit.~~

~~E. If the charter holder or audit firm provides documentation that demonstrates the cause for an incomplete audit no longer exists, the Board shall deem the audit complete and notify the charter holder.~~

~~F. The Board shall require that a charter holder whose audit does not include the items stated in the audit guidelines appear before the Board for possible disciplinary action under R7-5-304.~~

A. When the Department releases the annual achievement profile under A.R.S. § 15-241, the Board shall:
   1. Calculate an overall academic rating for each charter school sponsored by the Board using the Academic Performance Framework, and
   2. Make the annual overall academic performance dashboard publicly available and post it on ASBCS Online.

B. If the Board determines a charter holder does not meet the Board's minimum academic performance expectations, as defined under R7-5-401(D), the Board shall require the charter holder to demonstrate sufficient progress towards achieving the minimum academic performance expectations.

R7-5-504. ~~Review of Complete Audits~~Annual Audit and Financial Performance Review

~~A. The Board staff shall review each audit deemed complete.~~

~~B. The Board shall send a letter to a charter holder after the audit is reviewed. If the Board identifies an issue in the audit, the Board shall direct the charter holder to address the issue and based on an assessment of the factors in R7-5-302(A), may require the charter holder to submit a corrective action plan.~~

~~C. The Board shall require that a charter holder with a serious impact finding appear before the Board for possible disciplinary action under R7-5-304.~~

A. By July 1 of each year, the Board shall make available on its web site written requirements regarding the audit each charter school is required to submit annually under A.R.S. §§ 15-183(E)(6) and 15-914.

B. Before beginning the audit, a charter holder or the audit firm shall submit for the Board's approval a copy of the audit contract the charter holder intends to execute with an audit firm.
   1. Board staff shall approve the audit contract unless the Board has knowledge that one of the following is applicable:
      a. A person employed by the audit firm has been convicted under federal or state law of a crime indicating lack of business integrity or honesty;
      b. The audit firm or supervising certified public accountant is subject to a current or pending disciplinary action or a regulatory action requiring the audit firm or supervising certified public accountant to complete conditions specified by an accounting industry regulatory body;
      c. The audit firm violates or fails to meet generally accepted auditing standards or generally accepted government auditing standards as identified by an accounting industry regulatory body;
      d. The audit firm receives an opinion of "fail" during the audit firm's most recent peer review;
      e. An auditor scheduled to work on the audit fails to meet the continuing professional education requirements prescribed by generally accepted government auditing standards; or
      f. The audit firm fails to agree to adhere to the audit requirements specified in subsection (A).
   2. Within 10 days after receiving a copy of an audit contract under subsection (B), the Board shall provide the charter holder and audit firm written notice whether the audit contract is approved.
   3. If the Board disapproves an audit contract submitted under subsection (B), the Board shall include the reason for the disapproval in the written notice provided under subsection (B)(2). If the charter holder or audit firm provides documentation to the Board demonstrating the cause for the disapproval no longer exists, Board staff shall approve the audit contract and provide written notice to the charter holder and audit firm.

C. A charter holder or the audit firm that conducts an audit for the charter holder shall submit the annual audit to the Board for a determination whether the audit is complete. Within five days after receiving the annual audit, Board staff shall provide the charter holder and audit firm written notice whether the audit is complete.

D. Board staff shall find an audit is incomplete if it does not comply with all requirements specified under subsection (A) or if the audit is prepared by an audit firm that fails to meet the requirements under subsection (B)(1)(a)-(e). If Board staff finds an audit is incomplete, Board staff shall include the reason for the finding in the notice provided under subsection (C). If the charter holder or audit firm provides documentation to the Board demonstrating the reason for the finding no longer exists, Board staff shall find the annual audit is complete and provide written notice to the charter holder and audit firm.

E. A charter holder that fails to submit timely a complete audit may be subject to charter oversight as specified in Article 6.

F. Board staff shall review each audit deemed complete.

G. Board staff shall send notice to a charter holder after the audit is reviewed unless the Board has been notified the charter holder will not be operating during the next fiscal year. If the Board identifies an issue in the audit, Board staff shall direct the charter holder to address the issue and may require the charter holder to submit a CAP, as described in R7-5-510.

H. If Board staff identifies a serious impact finding in the audit, the charter holder shall be subject to charter oversight as specified in Article 6 unless the charter holder provides credible evidence to the Board that the charter holder's next audit will find the charter holder in compliance.

I. The Board shall annually calculate a financial performance rating for each charter holder using the Financial Performance Framework and the annual audit submitted to the Board by the charter holder. The Board shall make each charter holder's financial performance dashboard publicly available and post it on ASBCS Online.

R7-5-505. Operational Performance Review

A. Board staff shall conduct a site visit to a charter school during the charter school's first year of operation, and thereafter as specified in R7-5-502, to evaluate the charter holder's compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.

B. Before conducting the first-year site visit specified under subsection (A), Board staff shall ask the charter holder to identify dates within a specified time frame not conducive to an unscheduled first-year site visit. This includes dates of an early release, parent conferences, or school not being in session.

C. Board staff may conduct a compliance check of a charter holder's operational performance at any time. The Board shall conduct a compliance check when:

1. The charter holder seeks to amend the charter or makes another request of the Board; or
2. A lending institution, bond rating agency, or similar entity that has a loan or bond arrangement with the charter holder contacts Board staff to discuss the charter holder's current standing with the Board.

D. Within 10 days after completing the site visit under subsection (A), Board staff shall provide the charter holder with written notice of any compliance issues identified and, if applicable, require the charter holder to submit a CAP as described in R7-5-510.

E. Within 10 days after completing a compliance check under subsection (C), Board staff shall provide the charter holder with written notice of any compliance issues identified and specify a deadline for addressing the issues.

F. After receiving the notice provided under subsection (E), the charter holder shall provide the Board with written notice demonstrating that all identified compliance issues have been addressed by the specified deadline.

G. The Board shall require a charter holder that fails to provide the notice required under subsection (F) or fails to demonstrate that all identified compliance issues have been addressed to appear before the Board and:

1. May subject the charter holder's requests to heightened review,
2. Shall not place the charter holder's requests on a Board agenda, and
3. May subject the charter holder to charter oversight as described in Article 6.

R7-5-506. Five-year-interval Review

A. As required under A.R.S. § 15-183(I)(3), the Board shall review a charter holder at five-year intervals for:

1. Compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter; and
2. Achievement of the minimum performance expectations specified in Article 4.

B. Board staff shall provide a charter holder with notice of a five-year-interval review. Board staff shall include in the notice:

1. The information the charter holder is required to submit to the Board,
2. The deadline by which the charter holder shall submit the required information, and
3. A request for the charter holder to identify dates within a specified time frame not conducive to an unscheduled academic-systems-review site visit. This includes dates of an early release, parent conferences, or school not being in session.

C. The Board shall require a financial performance response, as described under R7-5-509, from a charter holder that does not meet the Board's minimum financial performance expectations.

D. The Board shall require a charter holder to review and confirm information concerning the charter's mission statement, program of instruction, instructional days, school calendar, charter representative, grade levels served, enrollment cap, principals, school site, and charter holder locations and, as applicable submit requests for appropriate post-charter actions as described in Article 3.

E. A charter holder that fails to submit the information required by the deadline specified in subsection (B) shall appear before the Board and may be subject to charter oversight as described in Article 6.

F. As part of a five-year-interval review, Board staff shall conduct an unscheduled academic-systems-review site visit, in accordance with R7-5-502, to gather evidence regarding the charter holder's implementation of a comprehensive program of instruction and a method to measure pupil progress toward outcomes required in the charter. Using the information provided by the charter holder under subsection (B)(3), Board staff shall provide written notice to the charter holder of the two-week interval during which Board staff will conduct the unscheduled academic-systems-review site visit.

R7-5-507. Complaints

A. To make a complaint regarding a charter holder, a person shall submit to the Board a document through ASBCS Online that:

1. Alleges with particularity the charter holder is not in compliance with its charter, other contractual agreements with the Board, federal or state law, or this Chapter;
2. Includes a statement of the facts on which the allegation of violation is based; and
3. Includes supporting evidence, if available.

B. Board staff shall review the complaint to determine whether the complaint is within the Board's jurisdiction.

1. If Board staff determines the complaint is not within the Board's jurisdiction but may be within the jurisdiction of another agency, Board staff shall inform the complainant of the agency that has jurisdiction and that the complainant may file the complaint with the appropriate agency; or
2. If Board staff determines the complaint is within the Board's jurisdiction, Board staff shall, within five days after receiving the complaint, send a copy to the charter holder complained against.

C. A charter holder complained against shall, within 10 days after receiving a copy of the complaint provided under subsection (B)(2), provide a written response to the Board that addresses each allegation, the statement of facts, and supporting evidence in the com-

plaint. The charter holder may include evidence of compliance with the response. Board staff may grant the charter holder an extension to submit the written response.

D. Board staff shall review the complaint and the charter holder's response to determine whether a violation of the charter, other contractual agreements with the Board, federal or state law, or this Chapter can be substantiated. Board staff shall conduct further investigation if additional information is needed. Board staff may place the charter holder on an agenda for the Board to determine whether the charter holder is in compliance with the charter, other contractual agreements with the Board, federal and state law, and this Chapter.

E. Within 10 days after receiving the charter holder's response under subsection (C), Board staff shall send:

1. The complainant a copy of the response, and
2. The complainant and charter holder notice of the final action to be taken.

R7-5-508. Demonstration of Sufficient Progress towards Minimum Academic Performance Expectations

A. The Board shall require a charter holder to demonstrate the charter holder is making sufficient progress towards achieving the minimum academic performance expectations if:

1. The Board determines under R7-5-401(D) the charter holder does not meet the minimum academic performance expectations; or
2. A charter school operated by the charter holder is assigned a letter grade of "F" by the Department.

B. Within 30 days after issuing overall ratings, the Board shall provide the charter holder with a written notification of the charter holder's progress toward meeting the minimum academic performance expectations.

C. If a charter school operated by a charter holder receives an overall rating of "does not meet" or "falls far below" for three consecutive years, the Board shall conclude the charter holder has failed to demonstrate sufficient progress.

D. If the Board concludes a charter holder has failed to demonstrate sufficient progress, the charter holder may be subject to charter oversight as specified in Article 6.

R7-5-509. Financial Performance Response

A. The Board shall require a charter holder to prepare a financial performance response if the Board determines under R7-5-402(E) the charter holder does not meet the minimum financial performance expectations at one of the times specified in R7-5-402(A)(2)(a)-(e).

B. Board staff shall provide written notice to a charter holder that is required to submit a financial performance response. Board staff shall ensure the notice includes the following:

1. Information on how to access the charter holder's financial performance dashboard, and
2. The deadline for submitting the financial performance response to the Board.

C. For each measure for which a charter holder received a "does not meet standard" or "falls far below standard" during the most recent audited fiscal year presented in the financial performance dashboard and by the deadline specified in subsection (B)(2), the charter holder shall:

1. Explain why the charter holder failed to meet the measure's target in the audited fiscal year,
2. Explain the charter holder's effort to improve its performance so it is possible to meet the measure's target in the next fiscal year or a subsequent fiscal year, and
3. Provide evidence that supports the charter holder's explanation and analysis under subsections (C)(1) and (2).

D. Within 60 days after receiving a financial performance response or when the five-year interval review is closed out for a financial performance response submitted as part of a five-year interval review, Board staff shall provide the charter holder with written notice that the response is acceptable or not acceptable. Board staff shall find a financial performance response acceptable if it includes the explanations and evidence required under subsection (C).

E. If Board staff finds a financial performance response is not acceptable, the Board shall allow the charter holder to supplement the financial performance response if the charter holder is in a process that requires the financial performance response to be considered at a Board meeting.

F. If the Board allows a charter holder to supplement a financial performance response under subsection (E), Board staff shall:

1. Include the deadline for submitting the supplemented financial performance response in the notice provided under subsection (D); and
2. Find the supplemented financial performance response acceptable if it includes the explanations and evidence required under subsection (C).

G. Board staff shall include the supplemented financial performance response and the determination made under subsection (F)(2) in the meeting materials provided to the Board. The supplemented financial performance response and the Board's final determination shall be posted on ASBCS Online.

H. If a charter holder fails to submit or fails to submit timely a required financial performance response, the failure shall be noted in the charter holder's operational performance dashboard posted on ASBCS Online.

~~R7-5-302.~~R7-5-510.Corrective Action Plan

A. ~~Upon receipt of information under R7-5-301(B) that a charter holder is not in compliance with the provisions of its charter or federal or state laws, the Board shall consider the following factors in determining whether a corrective action plan (CAP) is required:~~ Board staff shall require a charter holder to prepare a CAP for:

1. ~~The seriousness of the offense;~~ Any issue identified during a site visit described in R7-5-502 or R7-5-505,
2. ~~The charter holder's history of compliance with the provisions of its charter and federal and state laws;~~ An issue identified through the audit described in R7-5-504, or
3. ~~The length of time the offense has been occurring; and~~ Actions taken by the Board to withhold up to 10 percent of the charter holder's monthly state aid as described in R7-5-601 and R7-5-605.
4. ~~Any other factors relating to the charter holder's compliance with the provisions of its charter and federal or state laws~~

B. ~~If the Board requires a CAP, it shall make a written request to the charter holder for the submission of a CAP to be implemented to remedy the offense. The request shall include:~~ Board staff shall provide written notice to a charter holder required to prepare a CAP. Board staff shall ensure the written notice includes the following:

1. An explanation of why the charter holder is required to submit a CAP,
~~1.~~2. A description of the ~~offense~~ issue,
~~2.~~3. A list of the specific ~~criteria to be included~~ information required in the CAP,
~~3.~~4. ~~A~~ The deadline for ~~the submission of~~ submitting the CAP to the Board,
~~4.~~5. ~~A timeline for the implementation of~~ The time during which the charter holder is required to implement the CAP, and
~~5.~~6. The consequences ~~for failure~~ if the charter holder fails to submit or implement the CAP.

C. ~~The Board shall decide to accept the CAP based on whether the specified criteria stated in the request are included in the CAP.~~ Within 10 days after receiving the CAP, Board staff shall provide written notice to the charter holder that:
1. ~~The Board shall provide written notification to the authorized representative regarding the acceptance or rejection of the CAP.~~ A complete CAP was received and implementation is required; or
2. ~~Written notification that the Board rejected the CAP shall include the reason for the rejection, the deadline for submission of the revised CAP, and the consequences for failure to submit a CAP that meets the specified criteria.~~ Additional information is required and the deadline for submitting the additional information to the Board.

D. ~~The~~ Board staff shall monitor, through site visits and review of documentary evidence, the charter holder's implementation of the ~~approved~~ CAP ~~to ensure~~ until the Board determines the ~~offense is rectified~~ issue has been corrected.
~~1. The charter holder shall demonstrate to the Board through documentation or a site visit that steps have been taken to correct the offense or, in the case of a serious impact finding, that the charter holder is currently in compliance.~~
~~2. The Board shall consider possible disciplinary action under R7-5-304 against the charter holder if the charter holder fails to implement the CAP and rectify the offense.~~

E. If a charter holder fails to submit a required CAP, fails to submit additional information required under subsection (C)(2), or fails to implement the CAP timely, the charter holder may be subject to charter oversight as specified in Article 6.

~~ARTICLE 3.~~ARTICLE 6. CHARTER OVERSIGHT

~~R7-5-304.~~R7-5-601. ~~Disciplinary Action~~Charter Oversight: General Provisions

A. ~~The~~ Before the Board ~~may discipline~~ determines a charter holder ~~for violation of~~ is not in compliance with its charter, other contractual agreements with the Board, ~~or~~ federal or state laws, or this Chapter and decides whether to impose charter oversight, the Board shall provide notice to the charter holder.

B. The Board shall provide the charter holder with at least 72-hours' notice of the date, time, and location of the meeting at which the Board will decide whether to impose charter oversight. The Board shall include in the notice the purpose of the meeting and why the Board is considering imposing charter oversight.

C. In determining the appropriate ~~disciplinary~~ charter oversight action to take, the Board shall consider the following, as applicable:
1. Threat to the health or safety of children;
2. Whether the charter holder's historical compliance record indicates repeated or multiple breaches of the provisions of its charter, other contractual agreements with the Board, ~~or~~ federal or state laws, or this Chapter;
3. Whether the charter holder has failed to meet the minimum academic ~~needs of the children~~ performance expectations specified under R7-5-401;
4. Length of time the ~~offense~~ issue has been occurring;
5. The charter holder's compliance with and response to ~~staff~~ Board investigation ~~in~~ by providing necessary information and documentation within requested ~~time-frames~~ time frames;
6. Whether there has been a misuse of funds; and
7. Any other factor that ~~has a bearing~~ bears on the charter holder's ability and willingness to ~~operate in compliance with the provisions~~ comply with its charter, other contractual agreements with the Board, ~~and~~ federal and state laws, and this Chapter.

~~B.~~**D.** ~~The Board shall take disciplinary action against a charter holder based on the Board's assessment of the factors listed in subsection (A). Disciplinary action may~~ Charter oversight actions available to the Board include, but are not limited to ~~any of~~ the following:
1. ~~Requiring a corrective action plan as described in R7-5-302~~ Imposing a civil penalty, as authorized under A.R.S. § 15-185 and described under R7-5-604;
2. Requesting the Department ~~to~~ withhold up to 10 percent of ~~the~~ a charter ~~school's~~ holder's monthly state aid ~~in accordance with~~ as authorized under A.R.S. § 15-185~~(H)~~ and described under R7-5-605 and requiring the charter holder to submit a CAP as described under R7-5-510~~. Upon proof of corrected deficiencies and that the charter holder is in compliance, the Board shall request the Department to restore the full amount of state aid payments to the charter school~~;
3. Entering into a consent agreement with ~~the~~ a charter holder as described under R7-5-606; ~~for the resolution of the non-compliance. The Board shall ensure that the consent agreement:~~
   ~~a. Describes each offense;~~
   ~~b. Stipulates the facts agreed to by the Board and the charter holder;~~
   ~~c. Specifies the actions the charter holder must take to demonstrate compliance and avoid further disciplinary action;~~
   ~~d. Provides a timeline for the charter holder to complete the actions specified in the consent agreement;~~
   ~~e. Stipulates that if the charter holder fails to comply with the terms and conditions of the consent agreement, the Board may, after giving the number of days notice specified in the consent agreement, hold a hearing at which the Board receives information to determine whether evidence exists that the charter holder has failed to comply with the consent agreement. If the Board determines that the charter holder has breached the consent agreement, the Board may revoke the charter holder's charter; and~~
   ~~f. Is approved by the Board and the charter holder and signed by the Board president or designee and the authorized representative;~~
4. Issuing a notice of intent to revoke ~~the~~ a charter ~~in accordance with~~ as authorized under A.R.S. § 15-183~~(I)~~ and described under R7-5-607. ~~if the Board determines there is cause to believe that the charter holder may have breached one or more provisions of its charter~~; and

5. Revoking ~~the~~ a charter ~~in accordance with~~ as authorized under A.R.S. § 15-183~~(I)~~ and described under R7-5-607.

R7-5-602. Oversight of Charter Schools Assigned a Letter Grade of "F" by the Department

A. If the Department notifies the Board, as required under A.R.S. § 15-241, that a charter school has been assigned a letter grade of "F," the Board shall require the charter holder to appear before the Board for consideration of whether the Board will issue a notice of intent to revoke the charter under R7-5-607 or restore the charter to acceptable performance through a consent agreement under R7-5-606.

B. Upon receipt of the Department's notice under subsection (A), the Board shall provide written notice to the charter holder that the school has been designated a failing school.

C. Within 30 days after receipt of the notice provided under subsection (B), the charter holder shall:

1. As required under A.R.S. § 15-241, provide written notice to the parents or guardians of all students attending the school that the Department has assigned the school a letter grade of "F" because the school is demonstrating a failing level of performance. The charter holder shall provide to the Board a copy of the notice required under this subsection;
2. Provide the Board with a list of the names and mailing addresses of the parents or guardians of all students attending the school;
3. Ensure the charter school's public communications that make a statement concerning the charter school's academic performance, including the charter school's web site and promotional materials, accurately describe the charter school's most current annual achievement profile assigned by the Department; and
4. If notified the charter holder does not meet the minimum financial performance expectations, submit a financial performance response as described under R7-5-509.

D. If required, Board staff shall evaluate the financial performance response specified under R7-5-509.

E. The Board shall provide the charter holder with at least 72 hours' written notice of the date, time, and location of the public meeting at which the Board will consider whether to restore the charter to acceptable performance or revoke the charter. In making this decision, the Board shall consider all relevant factors including:

1. Whether the charter holder complied fully with the provisions of subsection (C);
2. Whether the charter holder failed to meet the minimum academic performance expectations based on student achievement measures specified in the Academic Performance Framework;
3. Whether the charter holder has demonstrated, under R7-5-508, sufficient progress toward achieving the minimum academic performance expectations;
4. Whether the charter holder meets the minimum financial performance expectations:
5. Whether the charter holder timely complied with Board requests for information and documents;
6. Whether the charter holder's historical compliance record indicates repeated or multiple breaches of its charter, other contractual agreements with the Board, federal or state law, or this Chapter; and
7. Any other factor the Board determines has a bearing on the charter holder's ability or willingness to comply with the provisions of its charter, other contractual agreements with the Board, federal and state law, and this Chapter.

F. If the Board decides to restore the charter to acceptable performance, the Board shall enter into a consent agreement with the charter holder as provided under R7-5-606. If the Board decides to revoke the charter, the Board shall issue a notice of intent to revoke the charter as provided under R7-5-607.

R7-5-603. Oversight of Charter Schools Assigned a Letter Grade of "D" by the Department

A. Within 30 days after the Department notifies a charter holder under A.R.S. § 15-241 that a charter school operated by the charter holder has been assigned a letter grade of "D," the charter holder shall:

1. Comply fully with A.R.S. § 15-241 by providing written notice to the parents or guardians of all students attending the school. The charter holder shall include the following in the notice:
   a. The Department has assigned the charter school a letter grade of "D;"
   b. The charter holder is required under A.R.S. § 15-241.02 to prepare an improvement plan within 90 days after the charter school was assigned a letter grade of "D;" and
   c. The charter holder is required to present the improvement plan to the Board at a public meeting;
2. Provide the Board a copy of the notice required under subsection (A)(1);
3. Provide the Board with a list of the names and mailing addresses of the parents or guardians of all students attending the school; and
4. Ensure the charter school's public communications that make a statement concerning the charter school's academic performance, including the charter school's web site and promotional materials, accurately describe the charter school's most current academic performance rating assigned by the Department.

B. The Board shall require a charter holder that fails to comply fully with subsection (A) to appear before the Board for consideration of the charter holder's noncompliance and may subject the charter holder to additional charter oversight.

C. Under A.R.S. § 15-241.02, the Board is required to revoke the charter of a charter school if the Board determines the improvement plan required under subsection (A)(1)(b) was not properly implemented.

R7-5-604. Civil Penalty for Fingerprinting Violation

A. After identifying a violation of A.R.S. §§ 15-183, 15-512 or both, Board staff shall provide the charter holder with written notice of noncompliance with statutory fingerprinting requirements and the date, time, and location of the Board meeting at which the Board will consider whether to impose a civil penalty under A.R.S. § 15-185.

B. If the Board determines a charter holder has failed to comply with the statutory fingerprinting requirements in A.R.S. §§ 15-183 or 15-512, the Board may impose a civil penalty of $1,000 per occurrence as provided under A.R.S. § 15-185.

C. Within 30 days after a civil penalty is imposed under subsection (B), the charter holder may submit to the Board a written appeal of the civil penalty. The charter holder shall include the following information in the written appeal:

1. Name and address of the appellant;

2. Concise statement of the reason for the appeal;
3. Relief sought; and
4. If the appellant will be represented by an attorney, the attorney's name, address, and telephone number.

D. The Board shall hold a hearing to consider the appeal within 60 days after receiving the appeal.

R7-5-605. Withholding State Funds

A. Under A.R.S. § 15-185, if the Board determines at a public meeting that a charter holder is not in compliance with its charter or federal or state law, the Board may request the Department to withhold up to 10 percent of the charter holder's monthly apportionment of state aid.

B. If the Board decides to request that the Department withhold part of the charter holder's monthly apportionment of state aid, the Board shall provide written notice to the charter holder. The Board shall include the following in the notice:
1. The reason the withholding is being imposed,
2. The percentage of the charter holder's monthly apportionment of state aid to be withheld,
3. The date on which the withholding will begin, and
4. Actions required by the charter holder before the full amount of state aid is restored.

C. If a percentage of the charter holder's monthly apportionment of state aid is withheld for six months and the charter holder has not completed the actions required under subsection (B)(4), the Board shall consider the charter holder's noncompliance and may subject the charter holder to additional charter oversight including issuing a notice of intent to revoke under R7-5-607.

D. If a percentage of the charter holder's monthly apportionment of state aid is withheld for failure to submit an audit for two months, the Board shall consider the charter holder's noncompliance and may subject the charter holder to additional charter oversight including issuing a notice of intent to revoke under R7-5-607.

E. When the Board determines the charter holder is in compliance with its charter and federal and state law, the Board shall request that the Department restore the full amount of state aid to the charter holder.

R7-5-606. Consent Agreement

A. If the Board determines that a charter holder is not in compliance with its charter, other contractual agreements with the Board, federal or state law, or this Chapter, the Board may enter into a consent agreement with the charter holder to resolve the noncompliance.

B. The Board shall include the following in a consent agreement:
1. The reason for the consent agreement;
2. The facts and conditions to which the Board and charter holder agreed;
3. The actions the charter holder must take to demonstrate compliance and avoid further charter oversight;
4. The time within which the charter holder is to complete the actions specified under subsection (B)(3); and
5. After approval by both the Board and charter holder, the signatures of both the Board president and charter representative.

R7-5-607. Revocation

A. If the Board determines that a charter holder is not in compliance with its charter, federal or state law, or this Chapter, the Board may issue a written notice of intent to revoke the charter as authorized under A.R.S. § 15-183.

B. When a charter holder receives a notice of intent to revoke and notice of hearing, the charter holder shall:
1. Within 48 hours after receiving the notice of intent to revoke and notice of hearing, provide written notice that includes the following to all staff and the parents or guardians of all students attending the school:
   a. A notice of intent to revoke has been received;
   b. The notice of intent to revoke may be inspected at the charter school location; and
   c. The date, time, and location of the hearing set with the Office of Administrative Hearings; and
2. Within 20 days after receiving the notice of intent to revoke, provide the Board with:
   a. A copy of the notice required under subsection (B)(1), and
   b. A list of the names and mailing addresses of the parents or guardians of all students attending the school.

C. Both the Board and charter holder shall appear for an administrative hearing before an administrative law judge at the Office of Administrative Hearings on the date provided in the notice of intent to revoke.

D. After the administrative hearing under subsection (C) and receipt of the decision of the administrative law judge, the Board shall hold a public meeting at which the Board shall:
1. Decide whether to accept, reject, or modify the decision of the administrative law judge; and
2. Take action on the charter.

NOTICES OF PROPOSED EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Exempt Rulemaking. An agency may be exempt from rulemaking standards outlined in the Arizona Administrative Procedures Act (APA).

An agency's exemption is listed in the Preamble of the rulemaking as specified under: A.R.S. §§ 41-1005 or 41-1057; or a specific statute; or if a rule is promulgated by the Corporation Commission, it is exempt from Attorney General review under a court decision as determined by the Commission.

If an agency determines it is exempt under the law or court decision, the law may still require publication of the Proposed Exempt Rulemaking in this section to solicit and review public comments on the rulemaking.

Some agencies, even though completely exempt, may still elect to follow certain provisions of the APA, such as circulating its exempt rulemaking for comment. If an agency chooses this option, our office encourages filing the notice with our office for publication in the *Register.*

Please note, if a statute dictates that an agency is completely exempt from the rulemaking process, the agency is authorized to file a Notice of Exempt Rulemaking.

In all cases, an agency must still follow the procedures as established by our office in order to have its rulemaking package published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed exempt rule should be directed to the agency proposing them. Refer to Item #5 of the Preamble to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXEMPT RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R17-39]

PREAMBLE

1. Article, Part or Section Affected (as applicable) **Rulemaking Action**
R2-20-702 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 16-940, *et seq.*
Implementing statute: A.R.S. § 16-956(C).

3. The effective date of the rules:
Not applicable

4. A list of all previous notices appearing in the *Register* addressing the exempt rule:
Notice of Proposed Exempt Rulemaking: 23 A.A.R. 658, March 24, 2017
Notice of Proposed Exempt Rulemaking: 23 A.A.R. 610, March 17, 2017

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Thomas M. Collins, Executive Director
Address: Citizens Clean Elections Commission
1616 W. Adams St., Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
Fax: (602) 364-3487
E-mail: thomas.collins@azcleanelections.gov

6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:
At the January 2017 Commission meeting, several Commissioners raised concerns with the tightening of Commission rules regarding expenditures to political parties and /or consultants. On February 23, 2017, the Commission approved for publication three options (A, B, and C) for proposed amendments to Commission rule R2-20-702 and a proposed new rule. This publication contains the Option C version of the rule amendments to R2-20-702. Options A and B and the proposed new rule R2-20-703.01were previously published in the *Administrative Register*. The following are the proposed amendments to the rule at issue:

R2-20-702. Use of Campaign Funds

Amends R2-20-702(B) to clarify that a participating candidate using Clean Elections funds cannot make an advance payment to political parties before an itemized receipt is provided. The amendment also clarifies that the political party may only receive payment for services actually used by the participating candidate and that no additional fees may be added. The expenditure may be deemed a contribution to the political party if the candidate or the party violates this rule.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may

obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:
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:
Not applicable

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:
On February 23, 2017, the Commission approved the proposed amendments for publication on the Commission's website and in the *Administrative Register.* The Commission is soliciting public comment until May 12, 2017. No action has been taken on the proposed amendments.

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 rules follows:

TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-702. Use of Campaign Funds

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-702. Use of Campaign Funds

A. No change

B. ~~A participating candidate's payment from a campaign account to a political committee or civic organization~~ entity is not a contribution ~~if the payment is reasonable in relation to the value received. Payment of customary charges for services rendered such as for printing voter or telephone lists, and payment of not more than $200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.~~

A participating candidate may:

1. Make a payment from the candidate's campaign bank account:
   a. To a political committee or civic organization including a person with tax exempt status under section 501(a) of the internal revenue code or an unincorporated association. The payment is not a contribution if the payment is reasonable in relation to the value received.
   b. For customary charges for services rendered, such as for printing and obtaining voter or telephone lists, shall be considered reasonable in relation to the value received.
   c. Of not more than $200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.
2. Not make an advanced payment to a political party for services such as consulting, communications, field employees, canvassers, mailers, auto-dialers, telephone town halls, electronic communications and other advertising purchases and other campaign services.
   a. Payment for such services may be rendered only upon receipt of an itemized and timely invoice identifying the value of the service provided directly to the participating candidate.
   b. Payment in the absence of an itemized invoice or advance payment for such services shall be deemed a contribution to the political party.
   c. Payment may be advanced for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the postage.
   d. Payment may be advanced for advertising that customarily requires pre-payment upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.
   e. A political party may not mark up or add any additional charge to the value of services provided to the particular candidate. All expenditures must be for the services used by the particular participating candidate.
   f. The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the

number of households to which a mailer was sent. Failure to provide this information within 7 days after a mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.

C. No change
1. No change
2. No change
3. No change
   a. No change
   b. No change
   c. No change
   d. No change
      i. No change
      ii. No change
   e. No change
   f. No change
   g. No change
   h. No change
4. No change

D. No change

E. No change
1. No change
2. No change

F. No change
1. No change
2. No change

G. No change
1. No change
2. No change
   a. No change
   b. No change
3. No change
   a. No change
   b. No change
4. No change

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.

NOTICES OF FINAL EXEMPT RULEMAKING
TITLE 7. EDUCATION
CHAPTER 2. STATE BOARD OF EDUCATION

[R17-29]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) — **Rulemaking Action**

R7-2-205	Amend
R7-2-607.01	New Section
R7-2-612	Amend
R7-2-614	Amend
R7-2-701	Amend
R7-2-705	Amend
R7-2-1304	Amend
R7-2-1307	Amend
R7-2-1308	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), 15-203(A)(14), 15-203(A)(20), 15-203(A)(23) and 15-203(A)(30)

Implementing statute: SB1208, codified as A.R.S. §§ 15-203(A)(14)(h) and 15-203(A)(27)

3. The effective date of the rules and the agency's reason it selected the effective date:

January 23, 2017

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:

A.R.S. § 15-203(A)(1) authorizes the Board to exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose. A.R.S. § 15-203(A)(20) authorizes the Board to impose disciplinary action for certificated individuals on a finding of immoral or unprofessional conduct; A.R.S. § 15-203(A)(23) authorizes the Board to adopt rules for the investigation of complaints alleging that a certificated person has engaged in immoral conduct; and A.R.S. § 15-203(A)(30) authorizes the Board to adopt rules regarding immoral or unprofessional conduct of certificated persons. Pursuant to this statutory authority, the Board adopted rulemaking changes regarding educator enforcement actions. Board rule R7-2-201 regarding advisory committees was amended on August 1, 2016 to allow the Board to establish ad hoc advisory committees for the purpose of providing advice and recommendations to the Board. Pursuant to this authority, the Board established the Certification Enforcement Actions Advisory Committee (CEAC). The CEAC held four meetings to discuss both legislative and rulemaking changes regarding certification enforcement actions, and as a result of these meetings, recommended the following changes to six Board rules: The amendments to R7-2-205 regarding Certification Review, Suspension and Revocation make technical and conforming changes and eliminate outdated language. The amendments to R7-2-701 regarding Adjudications and Definitions provide that a presiding officer shall oversee hearings of the Professional Practices Advisory Committee (PPAC). The amendments to R7-2-705 regarding Hearings and Evidence provide that at a hearing of the PPAC, the parties may submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence. The amendments to R7-2-1304 regarding Notification of Investigation provide that a certificated individual shall have 20 days from service by U.S.

mail of the notice of investigation to file a written response with the Board. The amendments to R7-2-1307 regarding Criminal Offenses provide that second-degree murder, manslaughter and aggravated assault are added to the list of offenses for which the Board shall revoke a certificate upon conviction, admission or plea agreement of the offense. The amendments to R7-2-1308 regarding Unprofessional and Immoral Conduct provide that application forms and certificates shall include the rules and statutes related to unprofessional and immoral conduct. The amendments to R7-2-1308 also provide that individuals applying for certificates shall certify that they have read and understood the rules and statutes related to unprofessional and immoral conduct and indicate whether they have been disciplined or are under investigation in another state for engaging in conduct that is immoral or unprofessional.

A.R.S. § 15-203(A)(14) authorizes the State Board to supervise and control the certification of educators. Under the No Child Left Behind Act (NCLB), secondary teachers assigned to core academic subject areas were required to be "highly qualified" by having a Bachelor's degree, full state certification, and demonstration of subject knowledge competency through one of the following: 1) a passing score on the appropriate subject knowledge exam, 2) verification of Highly Qualified status in another state, 3) a major/24 semester hours of coursework in the subject area, or 4) earned a minimum of 100 points on the AZ High Objective Uniform State Standard of Evaluation (HOUSSE) rubric in the content area, completed no later than June 30, 2007. Under the Every Student Succeeds Act (ESSA), teachers in Title I schools are required to be "appropriately certified" which is met through compliance with the certification requirements established by the State. Consequently, all teachers are required to pass a subject knowledge exam in order to be "appropriately certified" under ESSA and do not qualify as "appropriately certified" through the use of a HOUSSE rubric or 24 semester hours of college coursework in the subject area. In order to promote the retention of experienced and effective teachers who were teaching between 2007 and 2016 in core subject areas under a HOUSSE rubric or 24 semester hours of college coursework without passing a subject knowledge exam, the Board adopted R7-2-607.01 regarding Waivers of Subject Areas to allow teachers to become appropriately certified in a subject if they meet the following requirements: 1) verification from the Local Education Agency (LEA) that the teacher was highly qualified in the subject as defined by NCLB, 2) verification that the teacher's most recent evaluation was within the two highest performance classifications, and 3) submission of an application for certification to add the approved subject area on or before August 1, 2017.

The amendments to R7-2-612 delete redundancies found in the rule and replace the certificates for Agriculture, Business and Marketing, Family and Consumer Sciences, Health Careers, Industrial and Emerging Technologies and Education and Training with one provisional and one standard "CTE Field of Study" certificate. CTE Field of Study is defined as one of the above listed occupational areas. SB1208, codified in A.R.S. § 15-203(A)(14)(h), made a major change to the rules governing teacher certification. The law states standard certificates shall be renewed for at least eight years and may not require more than fifteen hours of continuing education credits each year to renew any certificate issued. Further, SB1208, codified in A.R.S. § 15-203(A)(27), states a comparable reciprocal educator certificate shall be issued to applicants who passed their state's subject knowledge and professional exams and who are in good standing with their state. Conforming changes to R7-2-619 regarding renewal requirements and R7-2-621 regarding reciprocity were adopted by the Board at its August 1, 2016 meeting. The amendments to R7-2-612 also amend the length of standard CTE teacher certifications from six years to eight years and delete Option D regarding reciprocity of provisional and standard CTE certificates to conform with changes in law.

The amendments to R7-2-614 create a student teaching intern certificate. This is an optional certificate and is not a requirement for participation in the student teaching capstone experience. The certificate contains the following provisions: 1) The certificate is optional and is valid for one year from date of initial issuance. It may be extended for one year at no cost to the applicant if all the requirements for issuance of the certificate are met. The effective date of the certificate is February 1, 2017 for placements beginning in the 2017-2018 school year; 2) A certificate holder may teach with verification of enrollment in the culminating student teaching capstone experience under the supervision of a program supervisor, verification documenting completed coursework with a minimum GPA of 3.0 on a 4.0 scale, a valid fingerprint clearance card and a passing score on the professional and subject knowledge portions of the Arizona Teacher Proficiency Assessment; 3) There must be approval by the Board of a written supervision plan from the educator preparation provider that includes verification of the education preparation provider's roles and responsibilities for the program supervisor and verification that onsite mentorship and induction be provided by the Local Education Agency (LEA); 4) A request for issuance of the certificate must originate from the district superintendent or charter school superintendent and the educator preparation provider; 5) Placement decisions of student teaching intern certificate holders shall only be based on collaborative agreements between the Board-approved educator preparation provider and the LEA; 6) In compliance with ESSA, student teacher intern certificate holders are ineligible to teach in a special education classroom unless they have already received their bachelor's degree from an accredited institution; and, 7) A student teaching intern certificate holder may apply for an Arizona teaching certificate after successful completion of a Board approved educator preparation program and submission of an institutional recommendation to ADE.

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:

The Board initiated rulemaking procedures for the proposed amendments regarding educator enforcement actions at its December 19, 2016 meeting. A public hearing was held regarding this rule on January 12, 2017. No public comment was received.

The Board initiated rulemaking procedures for the proposed amendments regarding educator enforcement actions at its December 19, 2016 meeting. A public hearing regarding R7-2-607.01 was held on January 12, 2017. No public comment was received.

At the November 2, 2016 meeting of the Certification Advisory Committee (CAC), the CAC voted unanimously to recommend to the Board the proposed amendments to R7-2-612 regarding CTE teaching certificates. The Board initiated rulemaking procedures for the amendments at its December 19, 2016 meeting. A public hearing was held regarding this rule on January 12, 2017. No public comment was received.

At the September 9, 2016 meeting of the Certification Advisory Committee (CAC), the Committee reviewed and provided feedback on a first draft of the student teaching intern certificate, pursuant to the proposed Board rule amendments to R7-2-614. Board staff drafted revisions based on their recommendations and sought technical review from the Department of Education (ADE). At the October 5, 2016 meeting of the CAC, the Committee offered additional revisions and recommended the Board open rulemaking on the proposed amendment to R7-2-614 regarding student teaching intern certificates. The Board opened rulemaking at its October 24, 2016 regular meeting. A public hearing was held on November 28, 2016 and changes to the certificate were made based on public feedback. At the December 19, 2016 Board meeting, the item was withdrawn to provide more time for the field to make additional comments and revisions to the rule. An additional public hearing was held regarding this rule on January 12, 2017. Favorable public comment was 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 2. STATE BOARD OF EDUCATION COMMITTEES

Section
R7-2-205. Certification Review, Suspension, and Revocation

ARTICLE 6. CERTIFICATION

Section
R7-2-607.01. Subject Areas – Waiver
R7-2-612. Career and Technical Education Teaching Certificates
R7-2-614. Other Teaching Certificates

ARTICLE 7. ADJUDICATIONS

Section
R7-2-701. Definitions
R7-2-705. Hearings and evidence

ARTICLE 13. CONDUCT

Section
R7-2-1304. Notification; Investigation
R7-2-1307. Criminal Offenses; Nonreviewable
R7-2-1308. Unprofessional and Immoral Conduct

ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES

R7-2-205. Certification Review, Suspension, and Revocation

A. Professional Practices Advisory Committees ("Committees") shall act in an advisory capacity to the State Board of Education ("Board") in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, and revocation, suspension, or surrender of certificates.

B. Committees shall each consist of seven members comprised of the following:
1. One elementary classroom teacher,
2. One secondary classroom teacher,
3. One principal,
4. One superintendent or assistant/associate superintendent,
5. Two lay members, one lay member who shall be a parent of a student currently attending public school in Arizona, and
6. One local Governing Board member.

C. Members appointed pursuant to subsections B(1), (2), (3) and (4) of this rule shall meet at least the following requirements:
1. Certified to teach in Arizona.
2. Currently employed in or retired from the education profession in the specific category of their appointment.
3. If currently employed, shall have been employed in this category for the three years immediately preceding their appointment.

D. Terms of the members
1. All regular terms shall be for four years except as set forth in subsection (E) below.
2. A member may be reappointed with Board approval.

E. The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C) above, and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.

F. The Committee shall:
1. Select from its members a Chairman and Vice-Chairman,
2. ~~Establish procedures for conducting business according to Robert's Rules of Order Revised.~~ A quorum shall be a majority of members of the Committee. A quorum is necessary to conduct business. An affirmative vote of the majority of the members present is needed to take action.
3. Hold meetings as needed to conduct hearings or other Committee business by call of the Chairman of the Committee. If the Chairman neglects or declines to call a meeting, then a majority of the Committee may call a meeting. The Board may call a meeting as required to conduct necessary business. Notice of any meeting shall be given to Committee members seven days prior to the meeting.
4. Recommend the removal of any member who is absent from three consecutive meetings.
5. Refer to R7-2-1308 to assist in determining whether the acts complained of constitute unprofessional conduct.
6. Conduct its business pursuant to R7-2-1301 et seq. and hearings pursuant to R7-2-701 et seq.

ARTICLE 6. CERTIFICATION

R7-2-607.01. Subject Areas – Waiver

Notwithstanding any other provision in this article, any individual with a valid Elementary or Secondary certificate, or a Special Education certificate that includes grades six through 12, issued prior to August 1, 2016 may add one or more approved areas to the certificate prior to August 1, 2017 without any additional requirements provided the individual received an evaluation in the top two levels of performance on the most recent teacher evaluation related to one or more of the subject areas and meets one of the following requirements:
1. The individual was teaching in one or more subject areas based on a verified Arizona High, Objective, Uniform, State Standard of Evaluation (HOUSSE) rubric as highly qualified to teach the subject area(s) as defined under the No Child Left Behind Act; or
2. The individual has completed of a minimum of 24 semester hours of courses in the subject area(s).

R7-2-612. Career and Technical Education Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607, and the renewal requirements in R7-2-619.

B. ~~A provisional career and technical education certificate shall be extended once for three years upon completion of one-half the required semester hours of courses for the standard career and technical education certificate in the same career and technical education area.~~

~~C.~~ For purposes of this rule, the following definitions apply:
1. "Agriculture" means agriculture, agriculture operations, and related sciences; natural resources and conservation; environmental design; landscape architecture; agricultural biological engineering; forest engineering, biological and biomedical sciences; parks, recreation and leisure facilities management; geological and earth sciences/geosciences; veterinary/animal health technician/veterinary assistant; environmental health; and veterinary medicine as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165), U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 01, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

2. "Business and Marketing" means computer and information sciences and support services; accounting and computer information services; business/commerce, general; business administration, management and operations; accounting; business operations support and assistant services; business/corporate communications; business/managerial economics; entrepreneurial and small business operations; finance and financial management services; hospitality administration/management; human resources management and services; international business; management information systems and services; management sciences and quantitative methods; marketing; real estate; taxation; insurance; general sales, merchandising and related marketing operations; specialized sales, merchandising and marketing operations; and business, management, marketing and related support services, other as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165), U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 52, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education, located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

3. "Career and Technical Education Field of Study" or "CTE Field of Study" means a field of study in any of the areas identified in subsections B(1), B(2), B(4), B(5), B(6) and B(7) relating to Agriculture, Business and Marketing, Family and Consumer Sciences, Health Careers, Industrial and Emerging Technologies or Education and Training.

~~3.~~4. "Education and Training" means all occupational areas of secondary education and teaching; junior high/intermediate/middle school education and teaching; elementary education and teaching; kindergarten/preschool education and teaching; early childhood education and teaching; adult education and teaching; and special education as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 13, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

~~4.~~5. "Family and Consumer Sciences" means culinary arts; kindergarten/preschool education and teaching; early childhood education and teaching; family and consumer sciences/human sciences; nutrition sciences; interior design; hospitality administration/management; fashion merchandising; fashion modeling; apparel and accessories marketing operations; tourism and travel services marketing operations; tourism promotion operations; and hospitality and recreation marketing operations as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 19, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education, located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

~~5.~~6. "Health Careers" means exercise physiology; kinesiology and exercise science; medical/clinical assistant; clinical/medical laboratory assistant; pharmacy technician/assistant; medical radiologic technology/science-radiation therapist; radiologic technology/science-radiographer; physician assistant; athletic training/trainer; clinical/medical laboratory technician; clinical laboratory science/medical technology/technologist; phlebotomy/phlebotomist; medicine; nursing/registered nurse; osteopathic medicine/osteopathy; pharmacy; physical therapy/therapist; and kinesiotherapy/kinesiotherapist as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Code 51, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

~~6.~~7. "Industrial and Emerging Technologies" means audiovisual communications technologies/technicians; graphic communications; cosmetology and personal grooming services; electrical engineering technologies/technicians; electromechanical instrumentation and maintenance technologies/technicians; environmental control technologies/technicians; industrial production technologies/technicians; quality control and safety technologies/technicians; mechanical engineering related technologies/technicians; mining and petroleum technologies/technicians; construction engineering technologies; engineering-related technologies; computer engineering technologies/technicians; drafting/design engineering technologies/technicians; security and protective services; mason/masonry; carpenters; electrical and power transmission installers; building/construction finishing, management and inspection; electrical/electronics maintenance and repair technology; heating, air conditioning, ventilation and refrigeration maintenance technology/technician; heavy/industrial equipment maintenance technologies; precision systems maintenance and repair technologies; vehicle maintenance and repair technologies; precision metal working; construction/heavy equipment/earthmoving equipment operation; design and visual communications, general; commercial and advertising art; industrial design; commercial photography; and visual performing arts as described in Classification of Instructional Programs: 2000 Edition: (NCES 2002-165) U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW, Washington, DC 20006: U.S. Government Printing Office, April 2002, CIP Codes 10, 12, 15, 41, 43, 46, 47, 48, 49, and 50, which is incorporated by reference and on file with the Arizona Department of Education and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies of the incorporated materials are available for review at the Arizona Department of Education located at 1535 W. Jefferson Street, Phoenix, AZ 85007 or may be ordered from the U.S. Department of Education, ED Pubs, P.O. Box 1398, Jessup, MD 20794-1398.

~~7.~~8. "Occupational Area" means employment in any of the areas identified in subsections ~~(C)(1) through (6)~~ B(1), B(2), B(4), B(5), B(6) and B(7) relating to Agriculture, Business and Marketing, Education and Training, Family and Consumer Sciences, Health Careers, or Industrial and Emerging Technologies.

~~8.~~9. "Professional Knowledge" means the art of teaching including the knowledge and skills necessary for instructional planning, delivery and evaluation in a career and technical education setting.

~~9.~~10. "Subject Knowledge" means the information, understanding and skills specific to the broad occupational area.

~~10.~~11. "Verified Work Experience" means written documentation from a current or former supervisor for paid or unpaid work, a current school superintendent, or the Department of Education Career and Technical Education Programmatic State Supervisor indicating that an applicant for a career and technical education certificate performed work in a business or industry setting related to the program to be taught as identified in subsections ~~(C)(1) through (6)~~ B(1), B(2), B(4), B(5), B(6) and B(7).

~~D.~~C. Provisional Career and Technical Education (CTE) Certificate – ~~Agriculture~~ CTE Field of Study – grades K through 12

1. The certificate is valid for three years and is not renewable but may be extended once upon completion of the following: ~~-~~
   a. One half of the required semester hours of courses, or the equivalent with Department-CTE approved professional development, toward the requirements for the Standard CTE certificate.
   b. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers or qualification for a waiver of this assessment.
2. The requirements ~~are~~ include all of the following:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety. ~~, and~~
   b. At least one ~~One~~ of the following options:
      i. Option A – Bachelor's degree in ~~agriculture or related sciences~~ the specified CTE field of study – requirements include all of the following:
         (1) A bachelor's or more advanced degree in ~~agriculture~~ the specified CTE field of study from an accredited institution~~,~~.
         (2) Thirty semester hours of courses in ~~agriculture~~ the specified CTE field of study. ~~, and~~
         (3) Two hundred forty clock hours of verified work experience in ~~agriculture~~ the specified CTE occupational area.
      ii. Option B – Valid non-CTE Arizona Provisional or Standard teaching certificate or an Arizona CTE teaching certificate in another ~~content area~~ CTE field of study– requirements include all of the following:
         (1) A valid Arizona provisional or standard teaching certificate for teachers in Birth through grade 12 issued pursuant to this Article~~,~~.
         (2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom~~;~~.
         (3) Three semester hours of courses in career and technical education methods or content in ~~agriculture~~ the specified CTE field of study. ~~, and~~
         (4) Two hundred forty clock hours of verified work experience in ~~agriculture~~ the specified CTE occupational area.
      iii. Option C – Business and industry professional – requirements include ~~Six~~six thousand clock hours of verified work experience in an ~~agriculture~~ occupational area.
      iv. Option D – ~~Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical agriculture education from another state.~~
      ~~v.~~ ~~Option E~~ – Bachelor's degree in ~~an agriculture~~ the specified CTE field of study ~~education~~ teacher preparation program – requirements include both of the following:
         (1) A bachelor's or more advanced degree that included completion of a teacher preparation program in the CTE field of study ~~in an agriculture education teacher preparation program~~ from an accredited institution, and
         (2) Two hundred forty clock hours of verified work experience in ~~an agriculture~~ the specified occupational area.

~~3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers, before the extension of the provisional career and technical education certificate – Agriculture. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~c. A current certificate from the National Board for Professional Teaching Standards.~~

3. Applicants who qualify under option A, option B, or option C may re-apply for the Provisional CTE certificate two months before its expiration date if they meet all of the following requirements:
   a. The certificate holder meets all requirements for the Standard CTE certificate except for two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate exhibiting satisfactory performance in the classroom; and
   b. The certificate holder submits verification that they did not teach for two years during the valid term of the Provisional CTE certificate.

E. Standard Career and Technical Education (CTE) Certificate – ~~Agriculture~~ CTE Field of Study – grades K through 12.

1. The certificate is valid for ~~six~~ eight years.
2. he requirements ~~are~~ include all of the following:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety. ~~, and~~

b. At least one ~~One~~ of the following options:

i. Option A – Bachelor's degree in ~~agriculture~~ the specified CTE field of study ~~or related sciences~~ – requirements include all of the following:

(1) Qualification under subsection (C)(2)(b)(i), Option A for the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE Field of Study;

(2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour. ~~, and~~

(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate ~~– Agriculture~~ in the specified CTE field of study exhibiting satisfactory performance in the classroom.

ii. Option B – Valid non-CTE Arizona Provisional or Standard teaching certificate or an Arizona CTE teaching certificate in another ~~content area~~ CTE field of study – requirements include all of the following:

(1) Qualification under subsection (C)(2)(b)(ii), Option B for the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study exhibiting satisfactory performance in the classroom;

(3) Twelve semester hours of courses in professional knowledge to include:

(a) Nine semester hours of subject knowledge courses in ~~agriculture~~ ~~subject knowledge~~ in the CTE field of study; and

(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

(4) An additional 240 clock hours of verified work experience in ~~an agriculture~~ the occupational area. Hours may have been accumulated before obtaining the provisional certification.

iii. Option C – Business and industry professional:

(1) Qualification under subsection D(2)(b)(iii), Option C for the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study;

(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study exhibiting satisfactory performance in the classroom; and

(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.

~~iv. Option D – Valid teaching certificate in career and technical education from another state:~~

~~(1) Qualification under Option D for the provisional career and technical education certificate – Agriculture; and~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate – Agriculture exhibiting satisfactory performance in the classroom.~~

~~v.~~ ~~Option E~~ iv. Option D – Bachelor's degree in ~~an Agriculture~~ the specified CTE field of study education teacher preparation program – requirements include all of the following:

(1) Qualification under subsection D(2)(b)(iv), Option ~~E~~ D for the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study;

(2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate ~~– Agriculture~~ in the specified CTE field of study. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

~~(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate – Agriculture exhibiting satisfactory performance in the classroom.~~

~~e. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~iii. A current certificate from the National Board for Professional Teaching Standards.~~

c. A passing score on the professional knowledge portion of the Arizona teacher proficiency assessment for secondary teachers or qualification for a waiver of this assessment.

3. An individual may also qualify for a standard career and technical education certificate in the specified CTE field of study pursuant to R7-2-621.

~~F. Provisional Career and Technical Education "CTE" Certificate - Business and Marketing - grades K through 12~~

~~1. The certificate is valid for three years.~~

~~2. The requirements are:~~

~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~

~~b. One of the following options:~~

~~i. Option A - Bachelor's degree business or marketing:~~

~~(1) A bachelor's or more advanced degree in business or marketing from an accredited institution,~~

~~(2) Thirty semester hours of courses in business or marketing, and~~

~~(3) Two hundred forty clock hours of verified work experience in a business or marketing occupational area.~~

~~ii. Option B - Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:~~

~~(1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;~~

~~(2) One of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a Pre-K-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;~~

~~(3) Three semester hours of courses in career and technical education methods or content in business or marketing; and~~

~~(4) Two hundred forty clock hours of verified work experience in a business or marketing occupational area.~~

~~iii. Option C - Business and industry professional: Six thousand clock hours of verified work experience in a business or marketing occupational area.~~

~~iv. Option D - Valid teaching certificate in career and technical education from another state: A valid teaching certificate in business education, marketing education, career and technical business education or career and technical marketing education from another state.~~

~~v. Option E - Bachelor's degree in business or marketing education teacher preparation program:~~

~~(1) A bachelor's or more advanced degree in a business or marketing education teacher preparation program from an accredited institution, and~~

~~(2) Two hundred forty clock hours of verified work experience in a business or marketing occupational area.~~

~~3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Business and Marketing. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~c. A current certificate from the National Board for Professional Teaching Standards.~~

~~G. Standard Career and Technical Education (CTE) Certificate - Business and Marketing - grades K through 12~~

~~1. The certificate is valid for six years.~~

~~2. The requirements are:~~

~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~

~~b. One of the following options:~~

~~i. Option A - Bachelor's degree in business and marketing:~~

~~(1) Qualification under Option A for the provisional career and technical education certificate - Business and Marketing; and~~

~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Business and Marketing exhibiting satisfactory performance in the classroom.~~

~~ii. Option B - Valid non-CTE Arizona teaching certificate or Arizona CTE teaching certificate in another area:~~

~~(1) Qualification under Option B for the provisional career and technical education certificate - Business and Marketing;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom;~~

~~(3) Twelve semester hours of courses in professional knowledge to include:~~

~~(a) Nine semester hours of courses in business or marketing subject knowledge; and~~

~~(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, classroom management, educational philosophy, instructional design/methodology, or assessment/evaluation. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(4) An additional 240 clock hours of verified work experience in a business or marketing occupational area. Hours may have been accumulated before obtaining the provisional certification.~~

~~iii. Option C - Business and industry professional:~~

~~(1) Qualification under Option C for the provisional career and technical education certificate - Business and Marketing;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom; and~~

~~(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.~~

~~iv. Option D - Valid teaching certificate in career and technical education from another state:~~

~~(1) Qualification under Option D for the provisional career and technical education certificate - Business and Marketing; and~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom.~~

~~v. Option E - Bachelor's degree in a business or marketing education teacher preparation program:~~

~~(1) Qualification under Option E for the provisional career and technical education certificate - Business and Marketing;~~

~~(2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Business and Marketing exhibiting satisfactory performance in the classroom.~~

~~e. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~iii. A current certificate from the National Board for Professional Teaching Standards.~~

~~**H.** Provisional Career and Technical Education (CTE) Certificate - Family and Consumer Sciences - grades K through 12~~

~~1. The certificate is valid for three years.~~

~~2. The requirements are:~~

~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~

~~b. One of the following options:~~

~~i. Option A – Bachelor's degree in family and consumer sciences:~~
~~(1) A bachelor's degree or more advanced degree in family and consumer sciences from an accredited institution,~~
~~(2) Thirty semester hours of courses in family and consumer sciences, and~~
~~(3) Two hundred forty clock hours of verified work experience in a family and consumer sciences occupational area.~~
~~ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:~~
~~(1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;~~
~~(2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;~~
~~(3) Three semester hours of courses in career and technical education methods or content in family and consumer sciences; and~~
~~(4) Two hundred forty clock hours of verified work experience in a family and consumer sciences occupational area.~~
~~iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in a family and consumer sciences occupational area.~~
~~iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical family and consumer sciences education from another state.~~
~~v. Option E – Bachelor's degree in family and consumer sciences education teacher preparation program:~~
~~(1) A bachelor's or more advanced degree in a family and consumer sciences education teacher preparation program from an accredited institution, and~~
~~(2) Two hundred forty clock hours of verified work experience in a family and consumer sciences occupational area.~~

~~3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate – Family and Consumer Sciences. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~
~~a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~
~~b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~
~~c. A current certificate from the National Board for Professional Teaching Standards.~~

~~I. Standard Career and Technical Education (CTE) Certificate – Family and Consumer Sciences – grades K through 12~~
~~1. The certificate is valid for six years.~~
~~2. The requirements are:~~
~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~
~~b. One of the following options:~~
~~i. Option A – Bachelor's degree in family and consumer sciences:~~
~~(1) Qualification under Option A for the provisional career and technical education certificate – Family and Consumer Sciences;~~
~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate – Family and Consumer Sciences. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~
~~(3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate – Family and Consumer Sciences exhibiting satisfactory performance in the classroom.~~
~~ii. Option B – Valid non-CTE Arizona teaching certificate or Arizona CTE teaching certificate in another area:~~
~~(1) Qualification under Option B for the provisional career and technical education certificate – Family and Consumer Sciences;~~
~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate – Family and Consumer Sciences exhibiting satisfactory performance in the classroom;~~
~~(3) Twelve semester hours of courses in professional knowledge to include:~~
~~(a) Nine semester hours of courses in family and consumer sciences subject knowledge; and~~
~~(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate – Family and Consumer Sciences. Twelve semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~
~~(4) An additional 240 clock hours of verified work experience in a family and consumer sciences occupational area. Hours may have been accumulated before obtaining the provisional certification.~~
~~iii. Option C – Business and industry professional:~~

(1) Qualification under Option C for the provisional career and technical education certificate - Family and Consumer Sciences;
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom; and

(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour.

iv. Option D - Valid teaching certificate in career and technical education from another state:
(1) Qualification under Option D for the provisional career and technical education certificate - Family and Consumer Sciences; and
(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom.

v. Option E - Bachelor's degree in family and consumer sciences education teacher preparation program:
(1) Qualification under Option E for the provisional career and technical education certificate - Family and Consumer Sciences;
(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and
(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Family and Consumer Sciences exhibiting satisfactory performance in the classroom.

e. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,
ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or
iii. A current certificate from the National Board for Professional Teaching Standards.

J. Provisional Career and Technical Education (CTE) Certificate - Health Careers - grades K-through 12
1. The certificate is valid for three years.
2. The requirements are:
a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
b. One of the following options:
i. Option A - Bachelor's degree in health careers:
(1) A bachelor's or more advanced degree in a biological science, health science, physical science, or nursing from an accredited institution;
(2) Thirty semester hours of courses in health careers; and
(3) Two hundred forty clock hours of verified work experience in a health careers occupational area.
ii. Option B - Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
(1) A valid provisional or standard teaching certificate issued pursuant to this Article;
(2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
(3) Three semester hours of courses in career and technical education methods or content in health careers; and
(4) Two hundred forty clock hours of verified work experience a health careers occupational area.
iii. Option C - Business and industry professional: Six thousand clock hours of verified work experience in a health career occupational area.
iv. Option D - Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical health careers education from another state.
v. Option E - Bachelor's degree in health careers education teacher preparation program:
(1) A bachelor's or more advanced degree in a health careers education teacher preparation program from an accredited institution, and
(2) Two hundred forty clock hours of verified work experience in a health careers occupational area.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate -

~~Health Careers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~c. A current certificate from the National Board for Professional Teaching Standards.~~

~~**K.** Standard Career and Technical Education (CTE) Certificate - Health Careers - grades K through 12~~

~~1. The certificate is valid for six years.~~

~~2. The requirements are:~~

~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~

~~b. One of the following options:~~

~~i. Option A - Bachelor's degree in health careers:~~

~~(1) Qualification under Option A for the provisional career and technical education certificate - Health Careers;~~

~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom.~~

~~ii. Option B - Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:~~

~~(1) Qualification under Option B for the provisional career and technical education certificate - Health Careers;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom;~~

~~(3) Twelve semester hours of courses in professional knowledge to include:~~

~~(a) Nine semester hours of courses in health careers subject knowledge; and~~

~~(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. Twelve semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(4) An additional 240 hours of verified work experience in a health careers occupational area.~~

~~iii. Option C - Business and industry professional:~~

~~(1) Qualification under Option C for the provisional career and technical education certificate - Health Careers;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom; and~~

~~(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour.~~

~~iv. Option D - Valid teaching certificate in career and technical education from another state:~~

~~(1) Qualification under Option D for the provisional career and technical education certificate - Health Careers; and~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom.~~

~~v. Option E - Bachelor's degree in health careers education teacher preparation program:~~

~~(1) Qualification under Option E for the provisional career and technical education certificate - Health Careers;~~

~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Health Careers exhibiting satisfactory performance in the classroom.~~

~~e. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~iii. A current certificate from the National Board for Professional Teaching Standards.~~

~~L. Provisional Career and Technical Education (CTE) Certificate - Industrial and Emerging Technologies - grades K through 12~~

~~1. The certificate is valid for three years.~~

~~2. The requirements are:~~

~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~

~~b. One of the following options:~~

~~i. Option A - Bachelor's degree in industrial or emerging technologies:~~

~~(1) A bachelor's or more advanced degree in Industrial Arts or Industrial Technology Education or emerging technology areas from an accredited institution,~~

~~(2) Thirty semester hours of courses in industrial or emerging technologies, and~~

~~(3) Two hundred forty clock hours of verified work experience in an industrial or emerging technology occupational area.~~

~~ii. Option B - Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:~~

~~(1) A valid Arizona provisional or standard teaching certificate issued pursuant to this Article;~~

~~(2) One year of the most recent teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;~~

~~(3) Three semester hours of courses in career and technical education methods or content in an industrial or emerging technology occupational area; and~~

~~(4) Two hundred forty clock hours of verified work experience in an industrial or emerging technology occupational area.~~

~~iii. Option C - Business and industry professional: Six thousand clock hours of verified work experience in an industrial or emerging technology occupational area.~~

~~iv. Option D - Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical industrial arts education, career and technical industrial technology education or emerging technologies from another state.~~

~~v. Option E - Bachelor's degree in industrial and emerging technologies education teacher preparation program:~~

~~(1) A bachelor's or more advanced degree in an industrial or emerging technologies education teacher preparation program from an accredited institution, and~~

~~(2) Two hundred forty clock hours of verified work experience in an industrial or emerging technologies occupational area.~~

~~3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Industrial and Emerging Technologies. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application;~~

~~b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application; or~~

~~c. A current certificate from the National Board for Professional Teaching Standards.~~

~~M. Standard Career and Technical Education (CTE) Certificate - Industrial and Emerging Technologies - grades K through 12~~

~~1. The certificate is valid for six years.~~

~~2. The requirements are:~~

~~a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and~~

~~b. One of the following options:~~

~~i. Option A - Bachelor's degree in industrial or emerging technologies:~~

~~(1) Qualification under Option A for the provisional career and technical education certificate - Industrial and Emerging Technologies Careers;~~

~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be~~

~~obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Industrial and Emerging Technology exhibiting satisfactory performance in the classroom.~~

~~ii. Option B - Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:~~

~~(1) Qualification under Option B for the provisional career and technical education certificate - Industrial and Emerging Technologies;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom;~~

~~(3) Twelve semester hours of courses in professional knowledge to include:~~

~~(a) Nine semester hours of courses in Industrial and Emerging Technologies subject knowledge; and~~

~~(b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(4) An additional 240 clock hours of verified work experience in an industrial or emerging technologies occupational area. Hours may have been accumulated before obtaining the provisional certification.~~

~~iii. Option C - Business and industry professional:~~

~~(1) Qualification under Option C for the provisional career and technical education certificate - Industrial and Emerging Technologies;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom; and~~

~~(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.~~

~~iv. Option D - Valid teaching certificate in career and technical education from another state:~~

~~(1) Qualification under Option D for the provisional career and technical education certificate - Industrial and Emerging Technologies; and~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom.~~

~~v. Option E - Bachelor's degree in industrial or emerging technologies education teacher preparation program:~~

~~(1) Qualification under Option E for the provisional career and technical education certificate - Industrial and Emerging Technologies;~~

~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Industrial and Emerging Technologies exhibiting satisfactory performance in the classroom.~~

~~e. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application;~~

~~ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~iii. A current certificate from the National Board for Professional Teaching Standards.~~

~~N. Provisional Career and Technical Education (CTE) Certificate - Education and Training - grades K through 12~~

~~1. The certificate is valid for three years.~~

2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree:
         (1) A bachelor's or more advanced degree in education or training field from an accredited institution;
         (2) Thirty semester hours of courses in education or training, and
         (3) Two hundred forty clock hours of verified work experience in an education or training occupational area.
      ii. Option B – Valid non-CTE Arizona teaching certificate or an Arizona CTE teaching certificate in another content area:
         (1) A valid Arizona teaching certificate issued pursuant to this Article;
         (2) One year of the most recent teacher evaluations conducted by a certificated administrator, or the administrator's designee, in a PreK-12 school setting and issued during the term of the Arizona teaching certificate exhibiting satisfactory performance in the classroom;
         (3) Three semester hours of courses in career and technical education methods or content in education and training; and
         (4) Two hundred forty clock hours of verified work experience in an education or training occupational area.
      iii. Option C – Business and industry professional: Six thousand clock hours of verified work experience in an education or training occupational area.
      iv. Option D – Valid teaching certificate in career and technical education from another state: A valid teaching certificate in career and technical education or an education or training area from another state.
      v. Option E – Bachelor's degree in education or training teacher preparation program:
         (1) A bachelor's or more advanced degree in an education or training teacher preparation program from an accredited institution, and
         (2) Two hundred forty clock hours of verified work experience in an education or training occupational area.
3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers before the extension of the provisional career and technical education certificate - Education and Training. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:
   a. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application;
   b. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or
   c. A current certificate from the National Board for Professional Teaching Standards.

O. Standard Career and Technical Education (CTE) Certificate - Education and Training – grades K through 12
1. The certificate is valid for six years.
2. The requirements are:
   a. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
   b. One of the following options:
      i. Option A – Bachelor's degree in education and training:
         (1) Qualification under Option A for the provisional career and technical education certificate - Education and Training;
         (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and
         (3) Two years of teacher evaluations approved by a certified administrator, or the administrator's designee, in a CTE school setting and issued during the term of the Arizona provisional CTE teaching certificate - Education and Training exhibiting satisfactory performance in the classroom;
      ii. Option B – Valid non-CTE Arizona teaching certificate or Arizona teaching certificate in another content area:
         (1) Qualification under Option B for the provisional career and technical education certificate - Education and Training;
         (2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom;
         (3) Twelve semester hours of courses in professional knowledge to include:
      (a) Nine semester hours of courses in education and training subject knowledge; and
      (b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. Twelve semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and

~~(4) An additional 240 clock hours of verified work experience in an education and training occupational area. Hours may have been accumulated before obtaining the provisional certification.~~

~~iii. Option C – Business and industry professional:~~

~~(1) Qualification under Option C for the provisional career and technical education certificate - Education and Training;~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom; and~~

~~(3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or career and technical education classroom management. Fifteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour.~~

~~iv. Option D – Valid teaching certificate in career and technical education from another state:~~

~~(1) Qualification under Option D for the provisional career and technical education certificate - Education and Training; and~~

~~(2) Two years of teacher evaluation(s) approved by a certificated administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom.~~

~~v. Option E – Bachelor's degree in education and training teacher preparation program:~~

~~(1) Qualification under Option E for the provisional career and technical education certificate - Education and Training;~~

~~(2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. Eighteen semester hours may be obtained through Department CTE approved professional development. Fifteen clock hours equals one semester hour; and~~

~~(3) Two years of teacher evaluation(s) approved by a certified administrator, or the administrator's designee, in a secondary CTE school setting and issued during the term of the provisional career and technical education certificate - Education and Training exhibiting satisfactory performance in the classroom.~~

~~e. A passing score on the Professional Knowledge portion of the Arizona Teacher Proficiency Assessment for secondary teachers. The Professional Knowledge assessment shall be waived for applicants who submit verification of one of the following:~~

~~i. A passing score on a comparable Professional Knowledge examination from another state or agency taken within the past seven years. Submit the original score report at time of application,~~

~~ii. A passing score on a comparable Professional Knowledge examination from another state or agency taken more than seven years ago and five years of full-time teaching experience within the past seven years. Submit the original score report and a letter on official letterhead from the District Superintendent or Personnel Director to verify teaching experience at time of application, or~~

~~iii. A current certificate from the National Board for Professional Teaching Standards.~~

R7-2-614. Other Teaching Certificates

A. Except as noted, all certificates are subject to the general certification provisions in R7-2-607.

B. Substitute Certificate – PreK-12

1. The certificate is valid for six years and renewable by reapplication.
2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.
3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.
5. The requirement for issuance is a bachelor's degree and a valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. Substitute certificates previously issued as valid for life under this rule shall remain valid for life.
7. A person holding only a substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent has provided verification to the Department of Education that the position is continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that a highly qualified and employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.

C. Emergency Substitute Certificate – PreK-12

1. The certificate is valid for one school year or part thereof. The expiration date shall be the following July 1.
2. The certificate entitles the holder to substitute only in the district that verifies that an emergency employment situation exists.
3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.
4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year.

5. The requirements for initial issuance are:
   a. High school diploma, General Education diploma, or associate's degree;
   b. Verification from the school district superintendent that an emergency employment situation exists; and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. The requirements for each reissuance are:
   a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement,
   b. Verification from the school district superintendent that an emergency employment situation exists, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

D. Emergency Teaching Certificate – birth through grade 12
1. The emergency teaching certificate is valid one school year or part thereof. The expiration date shall be the following July 1. An emergency teaching certificate shall not be issued more than three times to an individual. An individual that receives an intern certificate and does not complete the requirements for a provisional certificate shall not be eligible for an emergency certificate.
2. The emergency teaching certificate entitles the holder to enter into a teaching contract.
3. Emergency teaching certificates shall be issued for early childhood, elementary, secondary, and special education certificates required by A.R.S. § 15-502(B), and required endorsements.
4. The emergency teaching certificate entitles the holder to teach only in the district or charter school that verifies that an emergency employment situation exists.
5. The requirements for initial issuance are:
   a. A bachelor's degree,
   b. Verification from the school district superintendent or charter school administrator that an emergency employment situation exists,
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety,
   d. Verification from the school district superintendent or charter school administrator that the following requirements have been met and that a highly qualified and employable candidate was not found:
      i. The position was advertised on a statewide basis and with at least three career placement offices of higher education institutions, and
      ii. The district or charter school is participating in any available Board approved alternative path to certification program(s). This requirement may be waived if a district superintendent or charter school administrator provides evidence that an alternative path to certification program is either not available or not capable of alleviating the emergency employment situation.
6. In addition to the requirements listed in subsection (D)(5) the requirements for reissuance shall include six semester hours of education courses completed since the last issuance of the emergency teaching certificate.

E. Teaching Intern Certificate – PreK-12
1. Except as noted, the teaching intern certificate is subject to the general certification provisions in R7-2-607.
2. The certificate is valid for one year from the date of initial issuance and may be extended yearly for no more than two consecutive years at no cost to the applicant if the provisions in subsection (E)(6) are met.
3. The teaching intern certificate entitles the holder to enter into a teaching contract while completing the requirements for an Arizona provisional teaching certificate. During the valid period of the intern certificate the holder may teach in any subject area in which the holder has passed the appropriate Arizona Teacher Proficiency Assessment. Teaching intern certificate holders who teach in a Structured English Immersion classroom shall hold a valid Provisional or full Structured English Immersion Endorsement, an English as a Second Language Endorsement, or a Bilingual Endorsement. The candidate shall be enrolled in a Board authorized alternative path to certification program or a Board approved educator preparation program.
4. An individual is not eligible to hold the teaching intern certificate more than once in a five year period.
5. The requirements for initial issuance of the teaching intern certificate are:
   a. A bachelor's degree or higher from an accredited institution;
   b. A passing score on one or more subject knowledge portions of the Arizona Teacher Proficiency Assessment that corresponds to the applicant's teaching assignment(s);
   c. Verification of enrollment in a Board approved alternative path to certification program, or a Board approved educator preparation program; and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
6. The requirements for the extension of the intern teaching certificate are:
   a. The teaching intern certificate outlined in subsection (E)(5),
   b. Official transcripts documenting the completion of required coursework,
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety; and
7. The holder of the teaching intern certificate may apply for an Arizona Provisional Teaching Certificate upon completion of the following:
   a. Successful completion of a Board authorized alternative path to certification program or a Board approved educator preparation program. This shall include satisfactory completion of a field experience or capstone experience of no less than one full academic year. The field experience or capstone experience shall include performance evaluations in a manner that is consistent with policies for the applicable alternative professional preparation program, as described pursuant to R7-2-604.04(B)(5),
   b. A passing score on the required professional knowledge portion of the Arizona Teacher Proficiency Assessment;
   c. The submission of an application for the provisional teaching certificate to the Department,

d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and

8. Placement decisions of teaching intern certificate holders shall only be based on agreements between the educator preparation provider, the provider's partner organizations and the local education agency except as otherwise provided in R7-2-614(E).

F. Adult Education Certificates

1. The adult education certificates are issued for individuals teaching in the areas of Adult Basic Education, Adult Secondary Education, English Language Acquisition for Adults, or Citizenship.
2. Provisional Adult Education Certificate.
   a. The certificate is valid for three years and is not renewable.
   b. The requirement for issuance is a valid fingerprint clearance card issued by the Arizona Department of Public Safety and a bachelor's degree or three years of experience as a teacher, tutor, or aide in an adult education program or in grades K through 12. Up to two years of experience may be waived by postsecondary academic credit, with 30 semester hours equivalent to one year of experience.
3. Standard Adult Education Certificate.
   a. The certificate is valid for six years.
   b. The requirements are:
      i. One year of part-time or full-time teaching experience under a provisional adult education certificate, verified by an adult education program administrator;
      ii. Completion of 10 clock hours in a professional development program described in R7-2-619(B) since the issuance of the provisional adult education certificate; and
      iii. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
   c. The renewal requirements are completion of 60 clock hours in a professional development program, described in R7-2-619(B).

G. Junior Reserve Officer Training Corps Teaching Certificate – grades nine through 12

1. The certificate is valid for six years and is renewable upon application.
2. The certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
3. The requirements are:
   a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching,
   b. Verification by the district that the applicant meets the work experience required by the respective military service, and
   c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

H. Athletic coaching certificate – grades seven through 12

1. The certificate is valid for six years.
2. The certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
3. The requirements are:
   a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
   b. Completion of 15 semester hours of courses which shall include at least three semester hours in courses related to each of the following:
      i. Methods of coaching,
      ii. Anatomy and physiology,
      iii. Sports psychology,
      iv. Adolescent psychology, and
      v. The prevention and treatment of athletic injuries;
   c. Two hundred fifty hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; and
   d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
4. Renewal requirements are:
   a. Completion of 60 clock hours in a professional development program described in R7-2-619(B),
   b. Valid certification in first aid and CPR.

I. Provisional Foreign Teacher Teaching Certificate

1. This certificate is required for a teacher or professor from any foreign country, state, territory or possession of the United States contracted through the foreign teacher exchange program as authorized by federal statutes enacted by the Congress of the United States or other foreign teacher recruitment programs approved by the United States Department of State.
2. This certificate is valid for one year and may be extended yearly for up to two additional years upon request by the contracting governing board. The contracting teacher shall submit a letter of intent to hire to the Arizona Department of Education on official letterhead signed by the Superintendent or Director of Human Resources.
3. The requirements are:
   a. Verification that training and background comply with the comparable Arizona teaching certificate as provided in R7-2-608, R7-2-609(B)(2), R7-2-610(B)(2), R7-2-611(C)(3), (E)(3), (G)(2), (I)(2), (K)(2), (M)(2), R7-2-612(D)(2), (F)(2), (H)(2), (J)(2), or (L)(2) and R7-2-613.
   b. Holds a valid fingerprint Clearance Card issued by the Arizona Department of Public Safety.
   c. Demonstrates fluency in English as verified by the Test of English as a Foreign Language (TOEFL) or other English proficiency tests approved by the Board.

d. The passing score by the Test of English as a Foreign Language (TOEFL) or other English proficiency tests approved by the Board shall be determined by the Board using the results of validity and reliability studies. The passing score for each assessment shall be reviewed by the Board at least every three years.

4. A prospective teacher seeking to instruct in a language other than English may furnish a letter for submission to the Arizona Department of Education, on official letterhead, signed by the dean or designee of the home university to verify mastery of the purposed language of instruction. The Arizona Department of Education shall review and may approve submissions for the prospective teacher's exemption to the American Council of the Teaching of Foreign Languages Exam.

J. Native American Language Certificate

1. The certificate is optional and issued to individuals to teach only a Native American language in grades preK-12.
2. The certificate is valid for six years.
3. The requirements are:
   a. A valid IVP fingerprint clearance card issued by the Arizona Department of Public Safety.
   b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.
4. The renewal requirements are completion of 60 clock hours in a professional development program, described in R7-2-619(B).

K. Student Teaching Intern Certificate – PreK-12. This subsection becomes effective on February 1, 2017 for placements beginning in the 2017-2018 school year.

1. The student teaching intern certificate is optional and is not a requirement for participation in a student teaching capstone experience.
2. The certificate entitles the holder to perform teaching duties under the supervision of a program supervisor as defined in R7-2-604(14) and is only valid in the school district or charter school requesting the certificate.
3. The certificate is valid for one year from date of initial issuance and may be extended for one year at no cost to the applicant if the provisions in subsection (K)(4) are met.
4. The requirements are:
   a. Verification of enrollment in the culminating student teaching capstone experience of a Board approved educator preparation program (EPP) pursuant to R7-2-604.01,
   b. Verification documenting completed coursework with a minimum GPA of 3.0 on a 4.0 scale or the equivalent,
   c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
   d. A passing score on the subject knowledge portion of the Arizona Teacher Proficiency Assessment that corresponds to the teaching certificate the student teaching intern is pursuing,
   e. A request for issuance of the student teaching intern certificate from the district superintendent or charter school superintendent and the EPP.
   f. Verification from the educator preparation provider that a written supervision plan, approved by the Board, includes the following:
      i. the educator preparation provider's roles and responsibilities for the Program Supervisor, and
      ii. the onsite mentorship and induction provided by the Local Education Agency (LEA).
   g. A valid fingerprint card issued by the Arizona Department of Public Safety.
5. Placement decisions of student teaching intern certificate holders shall only be based on collaborative agreements between the Board approved educator preparation provider and the LEA. Notwithstanding any other provision, a student teaching intern certificate holder may not teach in a special education classroom unless the certificate holder has a bachelor's degree.
6. The holder of the student teaching certificate may apply for an Arizona Teaching Certificate upon completion of the following:
   a. Successful completion of a Board approved EPP.
   b. The submission of an application, and all required documentation including an institutional recommendation, for the Arizona teaching certificate to the Department.

ARTICLE 7. ADJUDICATIONS

R7-2-701. Definitions

In this Article, unless the context otherwise specifies:

1. "Board" means the State Board of Education.
2. "Chairman" means the chairperson of the Professional Practices Advisory Committee, established pursuant to R7-2-205.
3. "Contested case" means any proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by the State Board of Education after an opportunity for hearing.
4. "Department" means the Department of Education.
5. "Hearing body" means the Board or the Professional Practices Advisory Committee.
6. "Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
7. "Person" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.
8. "PPAC" means the Professional Practices Advisory Committee, established pursuant to R7-2-205 to conduct hearings related to certification or recertification matters regarding immoral conduct, unprofessional conduct, unfitness to teach and revocation, suspension or surrender of certificates.
9. "Presiding officer" means a hearing officer, with either a minimum of three years of verified experience in the practice of law or a minimum of one year of verified experience in conducting hearings, who shall oversee hearings in regard to certification or recertification matters related to immoral conduct, unprofessional conduct, unfitness to teach, and revocation, suspension, or surrender of certificates.

~~9.~~10.“Pupil” means any student enrolled in an Arizona public or private school. “Pupil” also means any student who was enrolled in an Arizona public or private school at the time of the events which are the subject of a proceeding and who is still of minor age.
~~10.~~11.“Victim” means any person who has been previously identified pursuant to state law as a victim in a criminal proceeding which is the basis for a contested case.

R7-2-705. Hearings and evidence

A. Parties may participate in the hearing in person or through an attorney.

B. ~~Upon request of either party, the~~The presiding officer may schedule a prehearing conference. The purpose of a prehearing conference shall be to narrow issues, attempt settlement, address evidentiary issues or for any other purpose deemed necessary by the presiding officer. The presiding officer or hearing body may require that the parties submit proposed findings of fact and conclusions of law prior to the hearing or at the close of evidence.

C. A hearing in a contested case shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A party to such proceedings may be represented by counsel and shall have the right to submit evidence in open hearing and conduct cross examination. Hearings may be held in any location determined by the hearing body.

D. Copies of documentary evidence may be received in the discretion of the presiding officer. Upon request, the parties shall be given an opportunity to compare the copy with the original.

E. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the hearing body. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The hearing body’s experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

ARTICLE 13. CONDUCT

R7-2-1304. Notification; Investigation

The certificated individual shall have ~~15~~20 days from ~~receipt~~ service by U.S. mail of the ~~complaint~~ notice of investigation to file a written response with the Board.

R7-2-1307. Criminal Offenses; Nonreviewable

A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:
1. Sexual abuse of a minor;
2. Incest;
3. First-degree murder;
4. Second-degree murder;
5. Manslaughter;
~~4.~~6. Sexual assault;
~~5.~~7. Sexual exploitation of a minor;
~~6.~~8. Commercial sexual exploitation of a minor;
~~7.~~9. A dangerous crime against children as defined in A.R.S. § 13-604.01;
~~8.~~10. Armed robbery;
11. Aggravated assault;
~~9.~~12. Sexual conduct with a minor;
~~10.~~13. Molestation of a child;
~~11.~~14. Exploitation of minors involving drug offenses.

B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.

R7-2-1308. Unprofessional and Immoral Conduct

A. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall:
1. Make reasonable efforts to protect pupils from conditions harmful to learning, health, or safety;
2. Account for all funds collected from pupils, parents, or school personnel;
3. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
4. Abide by copyright restrictions, security, or administration procedures for a test or assessment.

B. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. and individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq. shall not:
1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
2. Deliberately suppress or distort information or facts relevant to a pupil’s academic progress;
3. Misrepresent or falsify pupil, classroom, school, or district-level data from the administration of a test or assessment;
4. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
5. Use professional position or relationships with pupils, parents, or colleagues for improper personal gain or advantage;
6. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;
7. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
8. Accept gratuities or gifts that influence judgment in the exercise of professional duties;
9. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;

10. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. § 13-3401;
11. Make any sexual advance towards a pupil or child, either verbal, written, or physical;
12. Engage in sexual activity, a romantic relationship, or dating of a pupil or child;
13. Submit fraudulent requests for reimbursement of expenses or for pay;
14. Use school equipment to access pornographic, obscene, or illegal materials; or
15. Engage in conduct which would discredit the teaching profession.

C. Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.

D. Procedures for making allegations, complaints, and investigation of unprofessional or immoral conduct shall be as set forth in this Article.

E. Application forms and certificates shall include the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law.

F. Individuals applying for certificates issued by the Board pursuant to R7-2-601 et seq shall certify:

1. That they have read and understood the rules and statutes related to unprofessional and immoral conduct, including resignation from a contracted position without authorization and duties to report as required by law; and
2. Whether they have been disciplined or are under investigation in another state for engaging in conduct that is immoral or unprofessional.

GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2017-02

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

[M17-23]

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2017, as a notice to the public regarding state agencies' rulemaking activities.

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations;

WHEREAS, all government agencies of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
   a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
   b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
   c. To prevent a significant threat to the public health, peace, or safety.
   d. To avoid violating a court order or federal law that would result in sanctions by a court of the federal government against an agency for failure to conduct the rulemaking action.
   e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
   f. To comply with a state statutory requirement.
   g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
   h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
   i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
   j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. All directors of state agencies subject to this Order shall engage their respective regulated or stakeholder communities to solicit comment on which rules the regulated community believes to be overly burdensome and not necessary to protect consumers, public health, or public safety. Each agency shall submit a report regarding the aforementioned information to the Governor's Office no later than September 1, 2017.
4. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.

6. This Executive Order expires on December 31, 2017.

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 Eleventh day of January in the Year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

ATTEST:
Michele Reagan
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See "General Information" in the front of each issue for more information).

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

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PSM# = Proposed Summary renumbered Section
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FSMR = Final Summary repealed Section
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PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section
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SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section
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PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section
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SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section
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FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
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EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
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REJECTION OF RULES
RJ = Rejected by the Attorney General

TERMINATION OF RULES
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TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

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RULE 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.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

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

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.

Deadline Date (paper only) Friday, 5:00 p.m.	*Register* Publication Date	Oral Proceeding may be scheduled on or after
October 14, 2016	November 4, 2016	December 5, 2016
October 21, 2016	November 11, 2016	December 12, 2016
October 28, 2016	November 18, 2016	December 19, 2016
November 4, 2016	November 25, 2016	December 26, 2016
November 11, 2016	December 2, 2016	January 2, 2017
November 18, 2016	December 9, 2016	January 9, 2017
November 25, 2016	December 16, 2016	January 16, 2017
December 2, 2016	December 23, 2016	January 23, 2017
December 9, 2016	December 30, 2016	January 30, 2017
December 16, 2016	January 6, 2017	February 6, 2017
December 23, 2016	January 13, 2017	February 13, 2017
December 30, 2016	January 20, 2017	February 20, 2017
January 6, 2017	January 27, 2017	February 27, 2017
January 13, 2017	February 3, 2017	March 6, 2017
January 20, 2017	February 10, 2017	March 13, 2017
January 27, 2017	February 17, 2017	March 20, 2017
February 3, 2017	February 24, 2017	March 27, 2017
February 10, 2017	March 3, 2017	April 3, 2017
February 17, 2017	March 10, 2017	April 10, 2017
February 24, 2017	March 17, 2017	April 17, 2017
March 3, 2017	March 24, 2017	April 24, 2017
March 10, 2017	March 31, 2017	May 1, 2017
March 17, 2017	April 7, 2017	May 8, 2017
March 24, 2017	April 14, 2017	May 15, 2017
March 31, 2017	April 21, 2017	May 22, 2017
April 7, 2017	April 28, 2017	May 30, 2017
April 14, 2017	May 5, 2017	June 5, 2017
April 21, 2017	May 12, 2017	June 12, 2017

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 5 p.m. 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.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2017

[M16-300]

DEADLINE FOR PLACEMENT ON AGENDA	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 22, 2016	Tuesday December 20, 2016	Wednesday December 28, 2016	Wednesday January 4, 2017
Tuesday December 27, 2016	Tuesday January 24, 2017	Tuesday January 31, 2017	Tuesday February 7, 2017
Tuesday January 24, 2017	Tuesday February 21, 2017	Tuesday February 28, 2017	Tuesday March 7, 2017
Tuesday February 21, 2017	Tuesday March 21, 2017	Tuesday March 28, 2017	Tuesday April 4, 2017
Tuesday March 21, 2017	Tuesday April 18, 2017	Tuesday April 25, 2017	Tuesday May 2, 2017
Tuesday April 25, 2017	Tuesday May 23, 2017	Wednesday May 31, 2017	Tuesday June 6, 2017
Tuesday May 23, 2017	Tuesday June 20, 2017	Tuesday June 27, 2017	Thursday July 6, 2017
Tuesday June 20, 2017	Tuesday July 18, 2017	Tuesday July 25, 2017	Tuesday August 1, 2017
Tuesday July 25, 2017	Tuesday August 22, 2017	Tuesday August 29, 2017	Wednesday September 6, 2017
Tuesday August 22, 2017	Tuesday September 19, 2017	Tuesday September 26, 2017	Tuesday October 3, 2017
Tuesday September 26, 2017	Tuesday October 24, 2017	Tuesday October 31, 2017	Tuesday November 7, 2017
Tuesday October 24, 2017	Tuesday November 21, 2017	Tuesday November 28, 2017	Tuesday December 5, 2017
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday December 27, 2017	Wednesday January 3, 2018

*Materials must be submitted by **5 P.M.** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.