



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

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

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R15-95]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
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:
3. The effective date of the rules and the agency's reason it selected the effective date:
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:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
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:



- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
N/A
- 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):  
N/A
- 11. A summary of the comments made regarding the rule and the agency response to them:  
A public hearing was held May 8, 2013. No comments were received.
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
N/A
- 13. Incorporations by reference and their location in the rules:  
N/A
- 14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:  
N/A
- 15. The full text of the 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
R7-2-701.	Definitions
R7-2-703.	Contested cases; notice; hearing records

ARTICLE 2. STATE BOARD OF EDUCATION COMMITTEES

- R7-2-205. Certification Review, Suspension, and Revocation**
- A. ~~The Professional Practices Advisory Committees (“Committees”)~~ **Committees (“Committees”)** shall act in an advisory capacity to the State Board of Education (“Board”) in regard to certification or recertification unfitness to teach, and revocation, suspension, or surrender of certificates.
  - B. ~~The Committee~~ **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. ~~Selection of members~~ **Members of the Committee** appointed pursuant to subsections (B)(1), (2), (3) and (4) of this rule, ~~except for lay members, shall be from highly competent educators who shall meet at least the following requirements:~~
    1. Certified to teach in Arizona ~~(except the local Governing Board member).~~
    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. Appointment to the Committee from the specific categories will be recommended to the entire Board by a three-member subcommittee appointed by the President of the Board.~~
  - ~~E.D.~~ **Terms of the members**
    1. All regular terms shall be for four years except as set forth in subsection (FE) below.
    2. A member may be reappointed with Board approval.
  - ~~F.E.~~ **The Board may remove any member from the Committee. All vacancies shall be filled as prescribed in subsections (C) and (D) above, and those persons appointed to fill vacancies shall serve to complete the term of the person replaced.**
  - ~~G.F.~~ **The Committee shall:**
    1. Select from its members a Chairman; and Vice-Chairman, ~~and Secretary.~~



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 the Code of Ethics of the American Association of School Administrators and the National Education Association~~ 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 7. ADJUDICATIONS**

**R7-2-701. Definitions**

In this Article, unless the context otherwise specifies:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. “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.

**R7-2-703. Contested cases; notice; hearing records**

- A. No change
- B. No change
  1. No change
  2. No change
  3. No change
  4. No change
- C. A reasonable effort shall be made to notify a victim of the time, place and nature of the hearing, and that the victim may submit a victim impact statement to be included as part of the record in a contested case.
- ~~C.D.~~ Opportunity shall be afforded all parties to respond and present evidence and argument on the issues involved.
- ~~D.E.~~ The Board may dispose of any contested case by decision or approved stipulation, agreed settlement, consent agreement or by default.
- ~~E.F.~~ A hearing before a hearing body in a contested case or any part thereof shall be recorded manually or by a recording device and shall be transcribed on request of any party, unless otherwise provided by law. The cost of such transcript shall be paid by the party making the request, unless otherwise provided by law or unless assessment of the cost is waived by the Board.
- ~~F.G.~~ The hearing body may reschedule the hearing, maintaining due regard for the interests of justice and the orderly and prompt conduct of the proceedings.
- ~~G.H.~~ The record in a contested case shall include:
  1. All pleadings, motions and interlocutory rulings.
  2. Evidence received or considered.
  3. A statement of matters officially noticed.
  4. Objections and offers of proof and rulings thereon.
  5. Proposed findings of fact and conclusions of law and exceptions thereto.
  6. Any decision, opinion, recommendation or report of the hearing body.
  7. All staff memoranda, other than privileged communications, or data submitted to the hearing body in connection with its consideration of the case.
  8. A victim impact statement, if submitted by the victim.
- ~~H.I.~~ Findings of fact shall be based exclusively on the evidence and on matters officially noticed.





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

N/A

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

N/A

**15. The full text of the rule follows:**

**TITLE 7. EDUCATION**

**CHAPTER 2. STATE BOARD OF EDUCATION**

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS**

Section

R7-2-301.

Minimum Course of Study and Competency Goals for Students in the Common Schools

R7-2-302.

Minimum Course of Study and Competency Requirements for Graduation from High school

**ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS**

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

A. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change

B. No change

- 1. No change
- 2. No change

C. No change

D. No change

- 1. No change
- 2. No change

E. ~~Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to ARS §15-808. Delivery of distance education. In addition to traditional methods of course delivery, courses may also be offered through distance education. Distance education does not include correspondence courses. Distance education is defined as instructional learning arrangements in which the distance education instructor and the student are separated geographically. Instruction is delivered by means of telecommunications technologies such as satellite, microwave, telephone, cable, fiber optics. The instruction supplements or comprises the entire course content and provides for two-way interactive communications between the instructor and the student during the time of the instruction. Communication or interaction occurs through the use of technologies such as voice, video or computer-mediated communications.~~

- 1. ~~Distance education providers shall register with the Department of Education and satisfy the following requirements:~~
  - a. ~~Be regionally accredited or affiliated with a regionally accredited institution as listed in R7-2-601(G) or by a regional accrediting association as listed in R7-2-601(C).~~
  - b. ~~Validate that the instructor of the distance education program:~~
    - i. ~~Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or~~
    - ii. ~~Possesses a current teaching certificate from the recognized certifying authority of the sending location valid for the level and subject of the instruction to be taught; or~~
    - iii. ~~Is employed by or affiliated with, in the content area of instruction, a regionally accredited institution as listed in R7-2-601(G).~~
- 2. ~~Distance education may be used as a part of the instructional program. School districts shall ensure that:~~
  - a. ~~Only those distance education providers registered with the Department of Education are used to provide distance education; and~~
  - b. ~~The teaching partners who assist the students in receiving the instruction onsite have instructional and technical facilitator training and are supervised by an individual certified pursuant to R7-2-603.~~



- E.** Alternative Demonstration of Competency. Upon request of the student, the local school district governing board or charter school shall provide the opportunity for a student in grades seven and eight to demonstrate competency in the subject areas listed in subsection (A) above in lieu of classroom time.

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

The Board prescribes the minimum course of study and competency requirements as outlined in subsections (1) through (5) and receipt of a passing score on the reading, mathematics, and writing portions of the AIMS (Arizona's Instrument to Measure Standards) assessment for the graduation of pupils from high school or issuance of a high school diploma, effective for the graduation class of 2013.

1. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - c. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
2. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
3. Online and distance education courses may be offered by the local governing board or charter school if the course is provided through an Arizona Online Instruction Program established pursuant to ARS §15-808. In addition to traditional methods of course delivery, courses may also be offered through distance education. Distance education does not include correspondence courses. Distance education is defined as instructional learning arrangements in which the distance education instructor and the student are separated geographically. Instruction is delivered by means of telecommunications technologies such as satellite, microwave, telephone, cable, fiber optics. The instruction supplements or comprises the entire course content and provides for two-way interactive communications between the instructor and the student during the time of the instruction. Communication or interaction occurs through the use of technologies such as voice, video or computer-mediated communications.
  - a. ~~Distance education providers shall register with the Department of Education and satisfy the following requirements:~~
    - i. ~~Be accredited or affiliated with an accredited institution as defined in R7-2-601, and~~
    - ii. ~~Validate that the instructor of the distance education program:~~
      - (1) ~~Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or~~
      - (2) ~~Possesses a current teaching certificate from the recognized certifying authority of the sending location valid for the level and subject of the instruction to be taught; or~~
      - (3) ~~Is employed by or affiliated with, in the content area of instruction, an accredited institution as defined in R7-2-601.~~
  - b. ~~Distance education may be used as a part of the instructional program. School districts shall ensure that:~~
    - i. ~~Only those distance education providers registered with the Department of Education are used to provide distance education; and~~
    - ii. ~~The teaching partners who assist the students in receiving the instruction onsite have instructional and technical facilitator training and are supervised by an individual certified pursuant to R7-2-601 et seq.~~
4. No change
  - a. No change
  - b. No change
  - c. No change
5. No change
  - a. No change



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

N/A

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

N/A

**15. The full text of the rule follows:**

## TITLE 7. EDUCATION

## CHAPTER 2. STATE BOARD OF EDUCATION

## ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section	
R7-2-307.	High School Equivalency Diplomas
R7-2-308.	Adult Education

## ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

**R7-2-307. High School Equivalency Diplomas**

- A.** No change
1. No change
  2. "Department" means the ~~GED~~ Adult Education Services Division of the Arizona Department of Education.
  3. "~~GED~~ Equivalency Test" means ~~the General Educational Development Test developed by the GEDTS and administered at an official GED Testing Center.~~ A High School Equivalency Test approved by the State Board of Education.
  4. "~~GED~~ High School Equivalency Testing Center" means a testing center established by the Department for the purpose of administering ~~GED~~ High School Equivalency tests and providing ~~GED~~ High School Equivalency testing services pursuant to the requirements established by ~~GEDTS~~ a State Board approved testing provider and state jurisdictional rules.
  5. "~~GEDTS~~" means ~~the GED Testing Service, Washington, D.C.~~
  - 6-5. "USAFI" means the United States Armed Forces Institute.
- B.** Eligibility requirements. Any individual who is 16 years of age or older and who has officially been withdrawn from school may take a ~~GED~~ High School Equivalency Test.
1. Individuals shall be required to provide the ~~GED~~ High School Equivalency Testing Center with positive identification and proof of age, and
  2. No change
    - a. No change
    - b. No change
- C.** No change
1. Meets the eligibility requirements specified in subsection (B) and has received passing scores on ~~the GED~~ a High School Equivalency Test; or
  2. Is a member of the U.S. Armed Forces and has received passing scores on ~~the GED~~ a High School Equivalency Test through USAFI or DANTES provided that the individual's last high school enrollment was in an Arizona high school. Individuals who have taken ~~the GED~~ a High School Equivalency Test through USAFI or DANTES shall send their military permanent record and application card to DANTES with a request that the official ~~GED~~ High School Equivalency Test scores and application card be forwarded to the Department; or
  3. Has received passing scores on ~~the GED~~ a High School Equivalency Test taken at ~~GEDTS~~ an approved testing provider's site, provided that the Department receives an official transcript directly from ~~GEDTS~~ the approved testing provider.
- D.** The Department shall keep a record of test scores for each individual who has taken the ~~GED~~ a High School Equivalency Test.
- E.** No change
1. The State Board of Education will deposit, pursuant to A.R.S. §§ 35-146 and 35-147, fees collected under this Section in the ~~GED~~ High School Equivalency Testing Revenue Account within the Arizona Department of Education budget, to be used to offset costs of providing these services.
  2. No change
  3. No change
    - a. No change
    - b. Applicant submits a completed Fee Waiver Request Form, available from the State ~~GED~~ High School Equivalency Testing Office or from any official ~~GED~~ High School Equivalency Testing Center.



- c. No change
  - i. No change
  - ii. No change
  - iii. No change
  - iv. No change

**R7-2-308. Adult Education**

- A.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
- B.** No change
  - 1. No change
  - 2. No change
  - 3. No change
- C.** No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 2. No change
  - 3. No change
- D.** No change
  - 1. No change
  - 2. No change
  - 3. No change
- E.** No change
- F.** No change
- G.** No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
    - d. Equip students with the knowledge prerequisite for satisfactory achievement of the General Educational Development test on a High School Equivalency Test approved by the State Board of Education.
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
- H.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
- I.** No change





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

N/A

**15. The full text of the rule follows:**

**TITLE 7. EDUCATION**

**CHAPTER 2. STATE BOARD OF EDUCATION**

**ARTICLE 8. COMPLIANCE**

Section

R7-2-809. ~~Repealed~~ Emergency Administration of Auto-Injectable Epinephrine

**ARTICLE 8. COMPLIANCE**

**R7-2-809. ~~Repealed~~ Emergency Administration of Auto-Injectable Epinephrine**

**A. Applicability. This rule applies to:**

1. Any school district or charter school that voluntarily chooses to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.
2. All school districts and charter schools when required to stock auto-injectable epinephrine pursuant to A.R.S. § 15-157.

**B. Definitions. The following definitions are applicable to this rule:**

1. “Anaphylactic shock” is a severe systemic allergic reaction, resulting from exposure to an allergen, which may result in death.
2. “Auto-injectable epinephrine” means a disposable drug delivery device that is easily transportable and contains a premeasured single dose of epinephrine used to treat anaphylactic shock.
3. “Standing order” means a prescription protocol or instructions issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13, or a doctor of osteopathy licensed pursuant to title 32, chapter 17, for non-individual specific epinephrine.

**C. Annual training in the administration of auto-injectable epinephrine.**

1. Each school district and charter school shall designate at least two school personnel, in addition to any school nurse or athletic trainer, for each school site who shall be required to receive annual training in the proper administration of auto-injectable epinephrine in cases of anaphylactic shock pursuant to standing order.
2. Training in the administration of auto-injectable epinephrine shall be conducted in accordance with minimum standards and curriculum developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education.
3. At a minimum, training shall include procedures to follow when responding to anaphylactic shock, including direction regarding summoning appropriate emergency care, and documenting, tracking and reporting of the event.
4. Training shall also include standards and procedures for acquiring a supply of at least two juvenile doses and two adult doses of auto-injectable epinephrine, restocking auto-injectable epinephrine upon use or expiration, and storing all auto-injectable epinephrine at room temperature and in secure, easily accessible locations on school sites.
5. Training shall be conducted by a regulated health care professional, whose competencies include the administration of auto-injectable epinephrine, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.
6. School districts and charter schools shall maintain and make available upon request a list of those school personnel authorized and trained to administer auto-injectable epinephrine pursuant to a standing order.

**D. Annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.**

1. Each school district and charter school shall require all school site personnel to receive an annual training on the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs.
2. Training shall be conducted in accordance with minimum training standards developed by the Arizona Department of Health Services in consultation with the Arizona Department of Education and shall follow the most current guidelines issued by the American Academy of Pediatrics.
3. Training shall be conducted by a regulated health care professional whose competencies include the recognition of anaphylactic shock symptoms and procedures to follow when anaphylactic shock occurs, including but not limited to a licensed school nurse, certified emergency medical technician or licensed athletic trainer.



- E.** Procedures for annually requesting a standing order for auto-injectable epinephrine.
1. Each school district or charter school shall obtain a standing order from its designated district or charter school physician licensed pursuant to Title 32, chapter 13 or 17, and if no such physician is available to provide a standing order, from the chief medical officer of the department of health services or the chief medical officer of a county health department.
  2. Standing orders shall be renewed annually and upon the change of any designated school district or charter school physician.
  3. Standing orders shall identify the appropriate dosage of auto-injectable epinephrine to administer based upon weight and the frequency at which auto-injectable epinephrine may be administered if symptoms persist or return.
- F.** Procedures for the administration of auto-injectable epinephrine in emergency situations.
1. All school districts and charters schools shall adopt procedures for the emergency administration of auto-injectable epinephrine by designated trained personnel.
  2. Procedures shall address, at a minimum, the following requirements:
    - a. Determining if symptoms indicate possible anaphylactic shock.
    - b. Selecting the appropriate dosage of auto-injectable epinephrine to administer pursuant to a standing order.
    - c. Injecting epinephrine via auto-injector pursuant to a standing order, noting the time and dose given.
    - d. Calling 911 to advise that anaphylactic shock is suspected and epinephrine was administered.
    - e. Keeping the person stable until emergency responders arrive.
    - f. Advising school medical personnel and administration of the incident.
    - g. Repeating dose pursuant to a standing order when symptoms persist and emergency responders have not arrived.
    - h. Providing emergency responders with used epinephrine auto-injector labeled with name, date and time administered.
    - i. Assuring that parents/guardians have been notified and advised to promptly alert student's primary care physician of the incident.
    - j. Completing written documentation of the incident, detailing who administered the injection, the rationale for administering the injection, the approximate time of the injection(s), and notifications made to school administration, emergency responders, the student's parents/guardians, and the doctor or chief medical officer who issued the standing order.
    - k. Ordering replacement dose(s) of auto-injectable epinephrine.
    - l. Reviewing any incident involving emergency administration of epinephrine to determine the adequacy of response.
- G.** All school districts and charter schools shall report to the Arizona department of health services all incidents of use of auto-injectable epinephrine pursuant to this rule in the format prescribed by the Arizona department of health services.