

POLICY #006

ARIZONA STATE BOARD OF EDUCATION RULEMAKING PROCEDURES ADOPTED AUGUST 12, 2005 AS AMENDED AUGUST 1, 2016.

A. Definitions. In this Section, the following definitions apply, unless the context otherwise requires:

1. "Board" means the Arizona State Board of Education.
2. "Rule" means a statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the Board. Rule includes the amendment or repeal of a prior rule.
3. "Rulemaking" means the process for formulation and adoption of a rule.
4. "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.
5. "Agenda item" means a specified matter listed on an agenda included as part of the public notice of a Board meeting pursuant to A.R.S. 38-431.02.

B. Procedures

1. All proposed rules shall be presented in writing in a format consistent with the requirements of the Arizona Rulemaking Manual published by the Office of the Secretary of State and as a specifically identified agenda item for review at a meeting of the Board. At this meeting the Board shall: a. Provide opportunity for public comment regarding the proposed rule or amendment; b. Provide a second opportunity for public comment. This may be restricted to written comments or a public hearing when persons may present oral arguments on the proposed rule. If a public hearing is to be held notice shall be provided which will indicate the date, time and place of the hearing. This hearing shall be held no sooner than twenty days from the date the proposed rule or amendment was first presented to the Board. The Board, a member of the Board or the Board's Executive Director shall preside at this hearing.
2. At a subsequent meeting of the Board the proposed rule or amendment shall be presented in writing in a format consistent with the requirements of the Arizona Rulemaking Manual published by the Office of the Secretary of State for consideration. The proposed rule or amendment may include modifications as a result of Board member, staff or public input.
3. At every meeting when the Board considers the adoption of proposed rules or amendments the Board shall be provided with a copy of the proposed rule or amendment and a memorandum summarizing the written and oral public

comments. The Board shall also receive an acknowledgement that the proposed rule or amendment has been reviewed by the Board's legal counsel.

4. The Board may, at its discretion, postpone consideration of a proposed rule or amendment.

5. The Executive Director of the Board shall cause copies of proposed rules or amendments to be available to each person who makes a timely request. A charge for the actual cost of providing a copy of the proposed rule or amendment may be assessed in accordance with Title 39 of the Arizona Revised Statutes.

6. Unless otherwise stipulated by the Board, rules established according to this subsection shall be effective immediately upon Board approval.

C. Emergency Rulemaking Procedures

1. The Board may adopt a proposed rule or amendment as an emergency measure if the Board determines that the rule is necessary to do any of the following:

- a. Protect the public health, safety or welfare.
- b. Comply with deadlines in amendments to an agency's governing law or federal programs.
- c. Avoid violation of federal law or regulation or other state law.
- d. Avoid an imminent budget reduction.
- e. Avoid serious prejudice to the public interest or the interest of the parties concerned.

2. Upon a finding by the Board that a rule or amendment to an existing rule is necessary as an emergency measure, the proposed rule or amendment may be adopted by the Board by adhering to the following procedures:

- a. The proposed rule or amendment shall be presented in writing as a specifically identified agenda item for review at a properly posted meeting of the Board. At this meeting the Board shall provide opportunity for public comment regarding the proposed rule or amendment;
- b. At a subsequent meeting of the Board the proposed rule or amendment shall be presented in writing for consideration. The Board shall also receive an acknowledgement that the proposed rule or amendment has been reviewed by the Board's legal counsel. The proposed rule or amendment may include modifications as a result of Board member, staff or public input. At this meeting the Board shall provide opportunity for public comment regarding the proposed rule or amendment.

3. Unless otherwise stipulated by the Board, rules established according to this subsection shall be effective immediately upon Board approval.

D. All rules adopted by the Board shall be submitted to the Secretary of State's Office for publication.