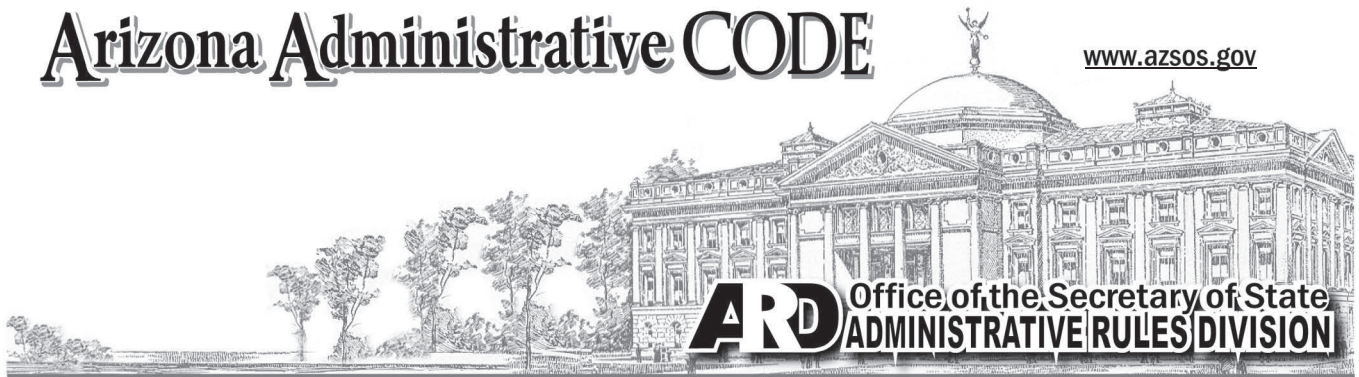


Arizona Administrative CODE

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7 A.A.C. 1

Supp. 23-1

TITLE 7. EDUCATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION, DIVISION OF SCHOOL FACILITIES

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
January 1, 2023 through March 31, 2023

[R7-1-101.](#) [Request for a Building Renewal Grant 2](#) [R7-1-201.](#) [Validation of Adjacent Ways Project 2](#)

Questions about these rules? Contact:

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This Chapter released in Supp. 23-1 is new.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 7. EDUCATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION, DIVISION OF SCHOOL FACILITIES

Authority: A.R.S. §§ 41-5702(A)(10) and 41-5731(K)

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Section
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Article 2, consisting of Section R7-1-201, made by final rulemaking at 29 A.A.R. 509 (February 3, 2023), effective March 10, 2023 (Supp. 23-1).

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R7-1-201. Validation of Adjacent Ways Project2

TITLE 7. EDUCATION

CHAPTER 1. DEPARTMENT OF ADMINISTRATION, DIVISION OF SCHOOL FACILITIES

ARTICLE 1. BUILDING RENEWAL GRANTS**R7-1-101. Request for a Building Renewal Grant**

- A.** A school district is eligible to request monies from the Building Renewal Grant Fund established under A.R.S. § 41-5731 if the building or part of a building for which monies are requested:
1. Is in the Division's database maintained under A.R.S. § 41-5702(A)(2);
 2. Is owned by the school district;
 3. Is used for student instruction or other academic purpose; and
 4. Has received routine preventative maintenance, as defined at A.R.S. § 41-5731(N), and the school district has submitted an annual preventative maintenance plan to the Division;
- B.** Grant request. To receive monies from the Building Renewal Grant Fund, a school district shall submit to the Division:
1. A complete and accurate request using a form that is available online. The school district shall ensure the following information is included in the request:
 - a. Identifying information.
 - i. Name of school district;
 - ii. Name and location of the building or part of a building for which monies are requested;
 - iii. Name, telephone number, and email address of the superintendent of the school district; and
 - iv. Name, telephone number, and email address of the school district contact person;
 - b. Project information.
 - i. A detailed description of the manner in which the building or part of a building referenced in subsection (B)(1)(a) fails to meet the Minimum School Facility Guidelines, established at 7 A.A.C. 6, Article 2;
 - ii. A summary of the conclusions from any completed professional study regarding the information provided under subsection (B)(1)(b)(i);
 - iii. Any citations by or reports from a governmental entity regarding the information provided under subsection (B)(1)(b)(i);
 - iv. Actions the school district proposes to take to address issues identified in subsection (B)(1)(b)(i) and that are consistent with A.R.S. § 41-5731(C);
 - v. Calculated cost of the actions proposed in subsection (B)(1)(b)(iv);
 - vi. A description of any local funding that will be used for the proposed project; and
 - vii. Amount of monies requested from the Building Renewal Grant Fund.
 2. The school district shall attach the following to the request:
 - a. A copy of any professional study referenced under subsection (B)(1)(b)(ii);
 - b. A copy of any citation or report referenced under subsection (B)(1)(b)(iii); and
 - c. A copy of any vendor bids, quotes, or proposals used to determine the cost under subsection (B)(1)(b)(v).
- C.** Technical assistance. As required under A.R.S. § 41-5702, the Division shall allow a school district to submit an incomplete request for monies from the Building Renewal Grant Fund and provide technical assistance to complete the request.
- D.** Division action on request for monies.

1. Within 15 days after receiving a request for monies submitted under subsection (B), the Division shall provide notice to the school district through the Division's grants management system of the Division's determination that the request:
 - a. Is complete or incomplete, or
 - b. The proposed project does not meet eligibility criteria. A school district may appeal a determination of ineligibility.
2. If the Division determines the submitted request is incomplete, the Division shall include in the notice provide under subsection (D)(1) a description the manner in which the request is incomplete, additional information needed, and the availability of technical assistance.
3. Except as provided under A.R.S. § 41-5702(A)(5)(h), the Division shall not act on a request for monies until the request is complete as described in subsection (B). If the school district fails to submit a complete request within 60 days after notice is provided under subsection (D)(2), the Division may deny the request.
4. When a request for monies is complete, the Division shall determine whether the need for monies is critical or non-critical as described in A.R.S. § 41-5731(G). The Division shall give priority to critical projects.
5. The Division shall distribute monies from the Building Renewal Grant Fund only after the Division and school district agree to the terms and conditions governing the grant of monies. Both the Division and school district shall comply with the agreed terms and conditions.
6. The Division shall distribute monies from the Building Renewal Grant Fund on a reimbursement basis. To be reimbursed for incurred expenses, a school district shall submit a complete and accurate financial report through the Division's grant management system. The Division shall reimburse the amount incurred within 20 days after a financial report is received in the Division's grants management system and accepted by the Division Administrator.
7. The Division shall provide status updates to the school district through the Division's grants management system.

Historical Note

New Section R7-1-101, made by final rulemaking at 29 A.A.R. 509 (February 3, 2023), effective March 10, 2023 (Supp. 23-1).

ARTICLE 2. VALIDATION OF ADJACENT WAYS PROJECT**R7-1-201. Validation of Adjacent Ways Project**

- A.** A school district that has monies from a special assessment on the taxable property in the school district for improvements necessary to ensure the safe ingress to and egress from school property to the public way may, as specified in A.R.S. § 15-995, use the monies for the following:
1. To construct, maintain, or improve a public way adjacent to a parcel of land owned or leased for school purposes by the school district;
 2. To construct sidewalks, sewers, utility lines, roadways, and other improvements along streets and intersections adjacent to a parcel of land owned or leased for school purposes by the school district;

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3. To ensure the safe ingress and egress of buses and fire equipment from the public way to a parcel of land owned or leased for school purposes by the school district; and
 4. To maintain fire and bus lanes, including signage and striping, on any parcel of land owned or leased for school purposes by the school district.
- B.** Before expending funds from the special assessment on an adjacent ways project, a school district shall file with the Division a complete and accurate description of the project using a form that is available online. The school district shall ensure the following information is included in the description:
1. Name and address of the school facility to be benefited by the project;
 2. Name of the school district;
 3. Name, telephone number, and email address of the school district superintendent;
 4. Name, telephone number, and email address of the school district contact person;
 5. A description of the proposed adjacent ways project including:
 - a. A designation of the category listed in subsection (A) applicable to the project; and
 - b. A summary of the conclusions from any completed professional study regarding need for the project; and
 6. Calculated cost of the proposed project.
- C.** A school district shall attach the following to the description filed under subsection (B):
1. A map showing the parcel of land owned or leased by the school district and the manner in which the proposed adjacent ways project will be placed on the parcel of land;
 2. A copy of any professional study referenced under subsection (B)(5); and
 3. A copy of any vendor bids, quotes, or proposals used to determine the cost provided under subsection (B)(6).
- D.** A school district that proposes an adjacent ways project with expenditures less than \$50,000 may begin the project after filing the complete and accurate description required under subsections (B) and (C).
- E.** Except as provided in subsection (D), the Division shall validate or invalidate a school district's proposed adjacent ways project within 60 days after receiving a complete filing under subsections (B) and (C). The Division shall validate a proposed adjacent ways project only if the Division determines the project:
1. Complies with all state laws relating to adjacent ways projects, and
 2. Does not contain work outside the scope of an adjacent ways project as described at A.R.S. § 15-995(A).

Historical Note

New Section R7-1-201, made by final rulemaking at 29 A.A.R. 509 (February 3, 2023), effective March 10, 2023 (Supp. 23-1).