

Fifty-seventh Legislature
First Regular Session

COMMITTEE ON EDUCATION
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2074
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.05, to read:

4 15-120.05. School officers; children with disabilities;
5 required training; definition

6 A. EACH SCHOOL DISTRICT OR CHARTER SCHOOL THAT EMPLOYS ONE OR MORE
7 OFFICERS ON ONE OR MORE SCHOOL CAMPUSES, INCLUDING INDIRECT EMPLOYMENT
8 THROUGH THE SCHOOL SAFETY PROGRAM PURSUANT TO SECTION 15-154, SHALL TRAIN
9 EACH OFFICER HOW TO RECOGNIZE AND EFFECTIVELY INTERACT WITH CHILDREN WITH
10 DISABILITIES AS DEFINED IN SECTION 15-761.

11 B. FOR THE PURPOSES OF THIS SECTION, "OFFICER" INCLUDES:

12 1. A PEACE OFFICER.

13 2. A FULL-AUTHORITY RESERVE PEACE OFFICER WHO IS CERTIFIED BY THE
14 ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

15 3. AN INDIVIDUAL WHO IS EMPLOYED BY THE SCHOOL DISTRICT OR CHARTER
16 SCHOOL IN THE INDIVIDUAL'S OFF-DUTY CAPACITY AS AN OFFICER DESCRIBED IN
17 PARAGRAPH 1 OR 2 OF THIS SUBSECTION.

18 4. AN INDIVIDUAL WHO WAS PREVIOUSLY EMPLOYED AS A PEACE OFFICER IN
19 THIS STATE AND WHO RETIRED IN GOOD STANDING.

20 5. A JUVENILE PROBATION OFFICER.

21 Sec. 2. Section 15-154, Arizona Revised Statutes, is amended to
22 read:

23 15-154. School safety program; purpose; program proposals;
24 requirements; annual report; public records
25 exemption; definitions

26 A. The school safety program is established within the department
27 of education to support, promote and enhance safe and effective learning
28 environments for all students by supporting the costs of placing school
29 resource officers, juvenile probation officers, SCHOOL SAFETY OFFICERS,
30 school counselors and school social workers on school campuses. THE
31 SCHOOL SAFETY PROGRAM MAY ALSO SUPPORT THE COSTS OF PURCHASING SAFETY
32 TECHNOLOGY, SAFETY TRAINING AND INFRASTRUCTURE IMPROVEMENTS FOR SCHOOL
33 CAMPUSES AS PROVIDED IN SUBSECTION D OF THIS SECTION. A school district

1 or charter school may apply to participate in the school safety program as
2 provided in this section for up to three fiscal years by submitting by
3 April 15 a program proposal to the department of education. A school
4 district or charter school that receives approval for a three-year program
5 under this subsection may annually submit a modified spending plan for its
6 approved program.

7 B. A program proposal submitted by a school district or charter
8 school for supporting the costs of placing school resource officers, ~~or~~
9 juvenile probation officers OR SCHOOL SAFETY OFFICERS, or ~~both~~ ANY
10 COMBINATION OF THESE OFFICERS, on a school campus shall contain:

11 1. A detailed description of the school safety needs of the charter
12 school or school district.

13 2. A PLAN TO PROVIDE THE CURRENT SCHOOL BUILDING BLUEPRINTS, FLOOR
14 PLANS AND SCHOOL SAFETY ASSESSMENTS FOR EACH SCHOOL SITE TO THE LOCAL LAW
15 ENFORCEMENT AGENCY, EMERGENCY MEDICAL SERVICES PROVIDER AND FIRE
16 DEPARTMENT THAT PROVIDES SERVICES TO THE SCHOOL SITE.

17 ~~2.~~ 3. A plan for implementing a law-related education program or a
18 plan that demonstrates the existence of a law-related education program as
19 a school safety prevention strategy.

20 ~~3.~~ 4. A plan to use trained school resource officers, ~~or~~ juvenile
21 probation officers OR SCHOOL SAFETY OFFICERS, OR ANY COMBINATION OF THESE
22 OFFICERS, in the school, ~~or both~~.

23 5. A PLAN TO TRAIN SCHOOL RESOURCE OFFICERS, JUVENILE PROBATION
24 OFFICERS OR SCHOOL SAFETY OFFICERS, OR ANY COMBINATION OF THESE OFFICERS,
25 ON THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, CIVIL RIGHTS AND
26 ADOLESCENT MENTAL HEALTH ISSUES.

27 ~~4.~~ 6. If the school district or charter school has already
28 participated in the school safety program, information on the success,
29 compliance and implementation of the most recent grant.

30 C. A program proposal submitted by a school district or charter
31 school for supporting the costs of placing school counselors or school
32 social workers, or both, on a school campus shall contain:

33 1. A detailed description of the school safety needs of the charter
34 school or school district.

35 2. A PLAN TO PROVIDE THE CURRENT SCHOOL BUILDING BLUEPRINTS, FLOOR
36 PLANS AND SCHOOL SAFETY ASSESSMENTS FOR EACH SCHOOL SITE TO THE LOCAL LAW
37 ENFORCEMENT AGENCY, EMERGENCY MEDICAL SERVICES PROVIDER AND FIRE
38 DEPARTMENT THAT PROVIDES SERVICES TO THE SCHOOL SITE.

39 ~~2.~~ 3. A plan for implementing a school guidance and counseling
40 program that includes the following:

41 (a) A detailed description of the relationship between the school
42 counselor or the SCHOOL social worker, or both, and local community
43 resources.

44 (b) A plan for using school counselor and school social worker
45 services in the school, or both.

46 (c) A detailed description of the methods for evaluating the
47 effectiveness of the school guidance and counseling plan.

48 (d) Policies on confidentiality under the school guidance and
49 counseling plan.

1 (e) Policies on notifying parents and other family members of
2 issues or concerns as identified in the school guidance and counseling
3 plan.

4 (f) A detailed description of the school's, school district's or
5 charter school's referral procedures to the appropriate community entities
6 and state agencies.

7 ~~3.~~ 4. If the school district or charter school has already
8 participated in the school safety program, information on the success,
9 compliance and implementation of the most recent approved program
10 proposal.

11 D. IF A SCHOOL DISTRICT OR CHARTER SCHOOL WHOSE PROGRAM PROPOSAL
12 PURSUANT TO SUBSECTION B OR C OF THIS SECTION WAS APPROVED BY THE STATE
13 BOARD OF EDUCATION CANNOT PLACE ONE OR MORE OF THE SCHOOL RESOURCE
14 OFFICERS, JUVENILE PROBATION OFFICERS, SCHOOL SAFETY OFFICERS, SCHOOL
15 COUNSELORS OR SCHOOL SOCIAL WORKERS, OR ANY COMBINATION OF THESE
16 INDIVIDUALS, AS INCLUDED IN THE APPROVED PROGRAM PROPOSAL, THE SCHOOL
17 DISTRICT OR CHARTER SCHOOL MAY SUBMIT AN ALTERNATIVE PROGRAM PROPOSAL FOR
18 SUPPORTING THE COSTS OF PURCHASING SAFETY TECHNOLOGY, SAFETY TRAINING AND
19 INFRASTRUCTURE IMPROVEMENTS FOR ITS SCHOOL CAMPUS OR CAMPUSES. AN
20 ALTERNATIVE PROGRAM PROPOSAL SUBMITTED PURSUANT TO THIS SUBSECTION SHALL
21 CONTAIN:

22 1. A DETAILED DESCRIPTION OF THE SAFETY NEEDS OF THE SCHOOL
23 DISTRICT OR CHARTER SCHOOL.

24 2. A DETAILED DESCRIPTION OF THE PROPOSED EXPENDITURES AND CAPITAL
25 IMPROVEMENTS, INCLUDING:

26 (a) THE SAFETY NEEDS THAT EACH PROPOSED EXPENDITURE WILL ADDRESS.

27 (b) THE SPECIFIC TECHNOLOGY OR TRAINING PROGRAM THAT THE SCHOOL
28 DISTRICT OR CHARTER SCHOOL SEEKS TO ACQUIRE.

29 (c) FOR INFRASTRUCTURE IMPROVEMENTS, ALL COSTS ASSOCIATED WITH THE
30 IMPROVEMENTS, INCLUDING ARCHITECTURAL AND ENGINEERING FEES, SAFETY
31 EVALUATIONS AND EQUIPMENT FOR SECURING ENTRANCES AND EXITS.

32 3. ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT OF EDUCATION.

33 ~~D.~~ E. The department of education shall review and administer the
34 school resource officers, ~~and~~ juvenile probation officers AND SCHOOL
35 SAFETY OFFICERS program proposals in cooperation with the courts, law
36 enforcement agencies and law-related education providers awarded a
37 contract pursuant to section 41-2534, subject to review and approval by
38 the state board of education. The department of education shall use
39 relevant crime statistics to assess the needs of each program proposal and
40 shall visit school districts and charter schools that submit program
41 proposals in order to verify the information contained in the program
42 proposals. The department of education shall contract to provide
43 guidelines, curricula and support resources for school resource officers,
44 ~~and~~ juvenile probation officers AND SCHOOL SAFETY OFFICERS to use in
45 implementing a law-related education program.

46 ~~E.~~ F. The department of education shall review and administer the
47 school counselors and school social workers program proposals in
48 cooperation with school administrators, principals, teachers, parents and
49 community mental health professionals. The department of education shall

1 use relevant school-level academic, social and emotional statistics to
2 assess the needs of each program proposal and shall visit school districts
3 and charter schools that submit program proposals in order to verify the
4 information contained in the program proposals.

5 G. THE DEPARTMENT OF EDUCATION SHALL REVIEW AND ADMINISTER THE
6 SAFETY TECHNOLOGY, SAFETY TRAINING AND INFRASTRUCTURE IMPROVEMENTS PROGRAM
7 PROPOSALS. THE DEPARTMENT SHALL USE RELEVANT CRIME STATISTICS TO ASSESS
8 THE NEEDS OF EACH PROGRAM PROPOSAL AND MAY VISIT SCHOOL DISTRICTS AND
9 CHARTER SCHOOLS THAT SUBMIT PROGRAM PROPOSALS IN ORDER TO VERIFY THE
10 INFORMATION CONTAINED IN THE PROGRAM PROPOSALS. THE DEPARTMENT MAY
11 APPROVE ALL OR PART OF A SAFETY TECHNOLOGY, SAFETY TRAINING OR
12 INFRASTRUCTURE IMPROVEMENT PROGRAM PROPOSAL.

13 ~~F.~~ H. The department of education, subject to the review and
14 approval of the state board of education, shall distribute monies to the
15 school districts and charter schools that are in compliance with program
16 requirements PRESCRIBED IN THIS SECTION AND IN SECTION 15-154.02 and whose
17 program proposals have been approved by the state board of education.

18 ~~G.~~ I. The department of education shall review program proposals
19 submitted by school districts and charter schools for participation in the
20 school safety program and shall select school sites that are eligible to
21 receive funding based on school safety needs pursuant to this section.
22 The department of education may prioritize program proposals for school
23 resource officer, ~~and~~ juvenile probation officer AND SCHOOL SAFETY OFFICER
24 grants to school districts and charter schools that have agreements to
25 share the cost of the school resource officer, ~~or~~ juvenile probation
26 officer OR SCHOOL SAFETY OFFICER with a law enforcement agency or the
27 courts.

28 ~~H.~~ J. The department of education shall evaluate the effectiveness
29 of all the approved program proposals submitted pursuant to subsections B,
30 ~~and~~ C AND D of this section within the school safety program and report on
31 the activities of the program and the participants in the school safety
32 program to the president of the senate, the speaker of the house of
33 representatives and the governor on or before November 1 of each year and
34 shall provide a copy of this report to the secretary of state. The
35 evaluation and report shall include survey results from participating
36 schools and data from participating schools on the impact of participating
37 in the school safety program. The department shall establish data
38 guidelines for school safety program participants to follow in reporting
39 pursuant to this subsection.

40 ~~I.~~ K. The school safety program established by this section shall
41 include a school safety program guidance manual adopted by the department
42 of education that requires a dispute resolution process to be included in
43 the service agreement between a school district or charter school that
44 submitted a program proposal and received a school resource officer grant
45 OR SCHOOL SAFETY OFFICER GRANT from the school safety program and the law
46 enforcement agency that provides services to the school district or
47 charter school.

1 ~~J.~~ L. Any appropriations that are made to the department of
2 education for the approved program proposals within the school safety
3 program are exempt from the provisions of section 35-190 relating to
4 lapsing of appropriations. All monies that are not used for an approved
5 program proposal within the school safety program during the fiscal year
6 for which the monies were appropriated revert to the department of
7 education for distribution to the program in the following fiscal year.

8 ~~K.~~ M. Monies received by a school district or charter school under
9 the SCHOOL SAFETY program shall be spent to implement the approved program
10 proposals.

11 ~~L.~~ N. The auditor general shall include the school safety program
12 as part of its ongoing sunset review of agencies and programs.

13 O. NOTWITHSTANDING ANY OTHER LAW, SCHOOL BUILDING BLUEPRINTS AND
14 FLOOR PLANS ARE NOT PUBLIC RECORDS AND ARE EXEMPT FROM TITLE 39,
15 CHAPTER 1.

16 ~~M.~~ P. For the purposes of this section:

17 1. "Law-related education" means interactive education to equip
18 children and youth with knowledge and skills pertaining to the law, school
19 safety and effective citizenship.

20 2. "Law-related education program" means a program designed to
21 provide children and youth with knowledge, skills and activities
22 pertaining to the law and legal process and to promote law-abiding
23 behavior with the purpose of preventing children and youth from engaging
24 in delinquency or violence and enabling them to become productive
25 citizens.

26 3. "School counselor" means a professional educator who holds a
27 valid school counselor certificate issued by the department of education.

28 4. "School guidance and counseling program" means a counseling
29 program that supports, promotes and enhances the academic, personal,
30 social, emotional and career development of all students.

31 5. "School resource officer" means ANY OF THE FOLLOWING:

32 (a) A peace officer. ~~OT~~

33 (b) A full-authority reserve peace officer who is certified by the
34 Arizona peace officer standards and training board.

35 (c) AN INDIVIDUAL WHO WAS PREVIOUSLY EMPLOYED AS A PEACE OFFICER IN
36 THIS STATE, WHO RETIRED IN GOOD STANDING AND WHO IS ASSIGNED TO
37 PARTICIPATE IN THE SCHOOL SAFETY PROGRAM BY A LAW ENFORCEMENT AGENCY
38 PURSUANT TO SECTION 15-155.

39 6. "SCHOOL SAFETY OFFICER" MEANS A SCHOOL RESOURCE OFFICER WHO IS
40 WORKING IN AN OFF-DUTY CAPACITY.

41 ~~6.~~ 7. "School social worker" means a professional educator who
42 holds a valid school social worker certificate issued by the department of
43 education.

1 Sec. 3. Title 15, chapter 1, article 5, Arizona Revised Statutes,
2 is amended by adding section 15-154.02, to read:

3 15-154.02. Emergency response plans; school safety
4 assessments; approved providers; triennial
5 safety assessments

6 A. EACH SCHOOL DISTRICT AND CHARTER SCHOOL THAT RECEIVES MONIES
7 PURSUANT TO SECTION 15-154 FOR AN APPROVED SCHOOL SAFETY PROGRAM SHALL DO
8 BOTH OF THE FOLLOWING:

9 ~~1. [IN CONJUNCTION WITH LOCAL LAW ENFORCEMENT AGENCIES AND~~
10 ~~EMERGENCY RESPONSE AGENCIES, DEVELOP AN EMERGENCY RESPONSE PLAN FOR EACH~~
11 ~~SCHOOL SITE IN ACCORDANCE WITH MINIMUM STANDARDS DEVELOPED JOINTLY BY THE~~
12 ~~DEPARTMENT OF EDUCATION AND THE DIVISION OF EMERGENCY MANAGEMENT WITHIN~~
13 ~~THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS. A SCHOOL DISTRICT MAY~~
14 ~~USE] [DEVELOP] AN EMERGENCY RESPONSE PLAN [DEVELOPED] PURSUANT TO SECTION~~
15 ~~15-341, SUBSECTION A, PARAGRAPH 31 [OR SECTION 15-183, SUBSECTION E,~~
16 ~~PARAGRAPH 10] TO SATISFY THE REQUIREMENTS PRESCRIBED IN THIS PARAGRAPH.~~

17 2. ~~[ANNUALLY] [EVERY FIVE YEARS.]~~ CONTRACT WITH A SCHOOL SAFETY
18 ASSESSMENT PROVIDER FROM THE LIST COMPILED PURSUANT TO SUBSECTION B OF
19 THIS SECTION TO CONDUCT A SCHOOL SAFETY ASSESSMENT, INCLUDING AN
20 ASSESSMENT OF THE PHYSICAL SECURITY OF EACH SCHOOL SITE AND A REVIEW OF
21 THE EMERGENCY RESPONSE PLAN FOR EACH SCHOOL SITE.

22 B. THE DEPARTMENT OF EDUCATION SHALL COMPILE A LIST OF APPROVED
23 SCHOOL SAFETY ASSESSMENT PROVIDERS AND SHALL MAKE THE LIST AVAILABLE TO
24 SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT PARTICIPATE IN THE SCHOOL SAFETY
25 PROGRAM ESTABLISHED BY SECTION 15-154.

26 C. EVERY THREE YEARS, THE DEPARTMENT OF EDUCATION SHALL SELECT A
27 RANDOM SAMPLE OF SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT ARE
28 PARTICIPATING IN THE SCHOOL SAFETY PROGRAM ESTABLISHED BY SECTION 15-154
29 AND SHALL CONDUCT A SAFETY ASSESSMENT OF THE SELECTED SCHOOL DISTRICTS AND
30 CHARTER SCHOOLS. THE DEPARTMENT SHALL PROVIDE A COPY OF THE SAFETY
31 ASSESSMENT RESULTS TO THE RESPECTIVE SCHOOL DISTRICT'S GOVERNING BOARD OR
32 CHARTER SCHOOL'S GOVERNING BODY AND THE ADMINISTRATORS OF EACH SCHOOL SITE
33 THAT WAS ASSESSED.

34 Sec. 4. Section 15-155, Arizona Revised Statutes, is amended to
35 read:

36 15-155. School safety program; funding

37 A. The department of education shall cooperate with the county
38 school superintendent, the county sheriff and the local chief of police to
39 allow a law enforcement agency, with the consent of the school, to assign
40 a peace officer, ~~or a full-authority~~ FULL-AUTHORITY RESERVE PEACE OFFICER
41 WHO IS CERTIFIED BY THE Arizona peace officer standards and training board
42 ~~certified reserve peace officer~~ OR AN INDIVIDUAL WHO WAS PREVIOUSLY
43 EMPLOYED AS A PEACE OFFICER IN THIS STATE AND WHO RETIRED IN GOOD STANDING
44 to participate in the school safety program in each school in the
45 county. The cost of the peace officer is a state charge that is funded by
46 the department of education, except for agreements to share the cost of
47 the school resource officer pursuant to section 15-154, subsection ~~6~~ I.

1 B. In cooperation with the department of education and the county
2 school superintendent and with the consent of the school, the presiding
3 judge of the juvenile court may assign juvenile probation officers to
4 participate in the school safety program in each school in the county.
5 The cost of juvenile probation officers is a state charge that is funded
6 by the department of education, except for agreements to share the cost of
7 the juvenile probation officer pursuant to section 15-154, subsection
8 ~~I~~.

9 Section 5. Section 15-183, Arizona Revised Statutes, is amended to
10 read:

11 15-183. Charter schools; application; requirements; immunity;
12 exemptions; renewal of application; reprisal; fee;
13 funds; annual reports

14 A. An applicant seeking to establish a charter school shall apply
15 in writing to a proposed sponsor as prescribed in subsection C of this
16 section. The application, application process and application time frames
17 shall be posted on the sponsor's website and shall include the following,
18 as specified in the application adopted by the sponsor:

- 19 1. A detailed educational plan.
- 20 2. A detailed business plan.
- 21 3. A detailed operational plan.
- 22 4. Any other materials required by the sponsor.

23 B. The sponsor of a charter school may contract with a public body,
24 private person or private organization for the purpose of establishing a
25 charter school pursuant to this article.

26 C. The sponsor of a charter school may be either the state board of
27 education, the state board for charter schools, a university under the
28 jurisdiction of the Arizona board of regents, a community college district
29 or a group of community college districts, subject to the following
30 requirements:

31 1. An applicant may not apply for sponsorship to any person or
32 entity other than those prescribed in this subsection.

33 2. The applicant may apply to the state board of education or the
34 state board for charter schools. Notwithstanding any other law, neither
35 the state board for charter schools nor the state board of education shall
36 grant a charter to a school district governing board for a new charter
37 school or for the conversion of an existing district public school to a
38 charter school. The state board of education or the state board for
39 charter schools may approve the application if the application meets the
40 requirements of this article and may approve the charter if the proposed
41 sponsor determines, within its sole discretion, that the applicant is
42 sufficiently qualified to operate a charter school and that the applicant
43 is applying to operate as a separate charter holder by considering factors
44 such as whether:

45 (a) The schools have separate governing bodies, governing body
46 membership, staff, facilities and student population.

47 (b) Daily operations are carried out by different administrators.

48 (c) The applicant intends to have an affiliation agreement for the
49 purpose of providing enrollment preferences.

1 (d) The applicant's charter management organization has multiple
2 charter holders serving varied grade configurations on one physical site
3 or nearby sites serving one community.

4 (e) The applicant is reconstituting an existing school site
5 population at the same or new site.

6 (f) The applicant is reconstituting an existing grade configuration
7 from a prior charter holder with at least one grade remaining on the
8 original site with the other grade or grades moving to a new site. The
9 state board of education or the state board for charter schools may
10 approve any charter schools transferring charters. If the state board of
11 education or the state board for charter schools rejects the preliminary
12 application, the state board of education or the state board for charter
13 schools shall notify the applicant in writing of the reasons for the
14 rejection and of suggestions for improving the application. An applicant
15 may submit a revised application for reconsideration by the state board of
16 education or the state board for charter schools. The applicant may
17 request, and the state board of education or the state board for charter
18 schools may provide, technical assistance to improve the application.

19 3. The applicant may submit the application to a university under
20 the jurisdiction of the Arizona board of regents, a community college
21 district or a group of community college districts. A university, a
22 community college district or a group of community college districts shall
23 not grant a charter to a school district governing board for a new charter
24 school or for the conversion of an existing district public school to a
25 charter school. A university, a community college district or a group of
26 community college districts may approve the application if it meets the
27 requirements of this article and if the proposed sponsor determines, in
28 its sole discretion, that the applicant is sufficiently qualified to
29 operate a charter school.

30 4. Each applicant seeking to establish a charter school shall
31 submit a full set of fingerprints to the approving agency for the purpose
32 of obtaining a state and federal criminal records check pursuant to
33 section 41-1750 and Public Law 92-544. If an applicant will have direct
34 contact with students, the applicant shall possess a valid fingerprint
35 clearance card that is issued pursuant to title 41, chapter 12,
36 article 3.1. The department of public safety may exchange this
37 fingerprint data with the federal bureau of investigation. The criminal
38 records check shall be completed before the issuance of a charter.

39 5. All persons engaged in instructional work directly as a
40 classroom, laboratory or other teacher or indirectly as a supervisory
41 teacher, speech therapist or principal and all charter representatives,
42 charter school governing body members and officers, directors, members and
43 partners of the charter holder shall have a valid fingerprint clearance
44 card that is issued pursuant to title 41, chapter 12, article 3.1, unless
45 the person is a volunteer or guest speaker who is accompanied in the
46 classroom by a person with a valid fingerprint clearance card. A charter
47 school shall not employ in any position that requires a valid fingerprint
48 clearance card a person against whom the state board of education has
49 taken disciplinary action as prescribed in section 15-505 or whose

1 certificate has been suspended, surrendered or revoked, unless the
2 person's certificate has been subsequently reinstated by the state board
3 of education. All other personnel shall be fingerprint checked pursuant
4 to section 15-512, or the charter school may require those personnel to
5 obtain a fingerprint clearance card issued pursuant to title 41,
6 chapter 12, article 3.1. Before employment, the charter school shall make
7 documented, good faith efforts to contact previous employers of a person
8 to obtain information and recommendations that may be relevant to the
9 person's fitness for employment as prescribed in section 15-512,
10 subsection F, including checking the educator information system that is
11 maintained by the department of education pursuant to section 15-505. The
12 charter school shall notify the department of public safety if the charter
13 school or sponsor receives credible evidence that a person who possesses a
14 valid fingerprint clearance card is arrested for or is charged with an
15 offense listed in section 41-1758.03, subsection B. A person who is
16 employed at a charter school that has met the requirements of this
17 paragraph is not required to meet any additional requirements that are
18 established by the department of education or that may be established by
19 rule by the state board of education. The state board of education may
20 not adopt rules that exceed the requirements for persons who are qualified
21 to teach in charter schools prescribed in title I of the every student
22 succeeds act (P.L. 114-95) or the individuals with disabilities education
23 improvement act of 2004 (P.L. 108-446). Charter schools may hire
24 personnel who have not yet received a fingerprint clearance card if proof
25 is provided of the submission of an application to the department of
26 public safety for a fingerprint clearance card and if the charter school
27 that is seeking to hire the applicant does all of the following:

28 (a) Documents in the applicant's file the necessity for hiring and
29 placing the applicant before the applicant receives a fingerprint
30 clearance card.

31 (b) Ensures that the department of public safety completes a
32 statewide criminal records check on the applicant. A statewide criminal
33 records check shall be completed by the department of public safety every
34 one hundred twenty days until the date that the fingerprint check is
35 completed or the fingerprint clearance card is issued or denied.

36 (c) Obtains references from the applicant's current employer and
37 the two most recent previous employers except for applicants who have been
38 employed for at least five years by the applicant's most recent employer.

39 (d) Provides general supervision of the applicant until the date
40 that the fingerprint card is obtained.

41 (e) Completes a search of criminal records in all local
42 jurisdictions outside of this state in which the applicant has lived in
43 the previous five years.

44 (f) Verifies the fingerprint status of the applicant with the
45 department of public safety.

46 6. A charter school that complies with the fingerprinting
47 requirements of this section shall be deemed to have complied with section
48 15-512 and is entitled to the same rights and protections provided to
49 school districts by section 15-512.

1 7. If a charter school operator is not already subject to a public
2 meeting or hearing by the municipality in which the charter school is
3 located, the operator of a charter school shall conduct a public meeting
4 at least thirty days before the charter school operator opens a site or
5 sites for the charter school. The charter school operator shall post
6 notices of the public meeting in at least three different locations that
7 are within three hundred feet of the proposed charter school site.

8 8. A person who is employed by a charter school or who is an
9 applicant for employment with a charter school, who is arrested for or
10 charged with a nonappealable offense listed in section 41-1758.03,
11 subsection B and who does not immediately report the arrest or charge to
12 the person's supervisor or potential employer is guilty of unprofessional
13 conduct and the person shall be immediately dismissed from employment with
14 the charter school or immediately excluded from potential employment with
15 the charter school.

16 9. A person who is employed by a charter school and who is
17 convicted of any nonappealable offense listed in section 41-1758.03,
18 subsection B or is convicted of any nonappealable offense that amounts to
19 unprofessional conduct under section 15-550 shall immediately do all of
20 the following:

21 (a) Surrender any certificates issued by the department of
22 education.

23 (b) Notify the person's employer or potential employer of the
24 conviction.

25 (c) Notify the department of public safety of the conviction.

26 (d) Surrender the person's fingerprint clearance card.

27 D. An entity that is authorized to sponsor charter schools pursuant
28 to this article has no legal authority over or responsibility for a
29 charter school sponsored by a different entity. This subsection does not
30 apply to the state board of education's duty to exercise general
31 supervision over the public school system pursuant to section 15-203,
32 subsection A, paragraph 1.

33 E. The charter of a charter school shall do all of the following:

34 1. Ensure compliance with federal, state and local rules,
35 regulations and statutes relating to health, safety, civil rights and
36 insurance. The department of education shall publish a list of relevant
37 rules, regulations and statutes to notify charter schools of their
38 responsibilities under this paragraph.

39 2. Ensure that it is nonsectarian in its programs, admission
40 policies and employment practices and all other operations.

41 3. Ensure that it provides a comprehensive program of instruction
42 for at least a kindergarten program or any grade between grades one and
43 twelve, except that a school may offer this curriculum with an emphasis on
44 a specific learning philosophy or style or certain subject areas such as
45 mathematics, science, fine arts, performance arts or foreign language.

46 4. Ensure that it designs a method to measure pupil progress toward
47 the pupil outcomes adopted by the state board of education pursuant to
48 section 15-741.01, including participation in the statewide assessment and
49 the nationally standardized norm-referenced achievement test as designated

1 by the state board and the completion and distribution of an annual report
2 card as prescribed in chapter 7, article 3 of this title.

3 5. Ensure that, except as provided in this article and in its
4 charter, it is exempt from all statutes and rules relating to schools,
5 governing boards and school districts.

6 6. Ensure that, except as provided in this article, it is subject
7 to the same financial and electronic data submission requirements as a
8 school district, including the uniform system of financial records as
9 prescribed in chapter 2, article 4 of this title, procurement rules as
10 prescribed in section 15-213 and audit requirements. The auditor general
11 shall conduct a comprehensive review and revision of the uniform system of
12 financial records to ensure that the provisions of the uniform system of
13 financial records that relate to charter schools are in accordance with
14 commonly accepted accounting principles used by private business. A
15 school's charter may include exceptions to the requirements of this
16 paragraph that are necessary as determined by the university, the
17 community college district, the group of community college districts, the
18 state board of education or the state board for charter schools. The
19 department of education or the office of the auditor general may conduct
20 financial, program or compliance audits.

21 7. Ensure compliance with all federal and state laws relating to
22 the education of children with disabilities in the same manner as a school
23 district.

24 8. Ensure that it provides for a governing body for the charter
25 school that is responsible for the policy decisions of the charter school.
26 Notwithstanding section 1-216, if there is a vacancy or vacancies on the
27 governing body, a majority of the remaining members of the governing body
28 constitute a quorum for the transaction of business, unless that quorum is
29 prohibited by the charter school's operating agreement.

30 9. Ensure that it provides a minimum of one hundred eighty
31 instructional days before June 30 of each fiscal year unless it is
32 operating on an alternative calendar approved by its sponsor. The
33 superintendent of public instruction shall adjust the apportionment
34 schedule accordingly to accommodate a charter school utilizing an
35 alternative calendar.

36 10. ENSURE THAT THE CHARTER SCHOOL, IN CONJUNCTION WITH LOCAL LAW
37 ENFORCEMENT AGENCIES AND EMERGENCY RESPONSE AGENCIES, DEVELOP AN EMERGENCY
38 RESPONSE PLAN FOR EACH SCHOOL IN ACCORDANCE WITH MINIMUM STANDARDS
39 DEVELOPED JOINTLY BY THE DEPARTMENT OF EDUCATION AND THE DIVISION OF
40 EMERGENCY MANAGEMENT WITHIN THE DEPARTMENT OF EMERGENCY AND MILITARY
41 AFFAIRS. ANY EMERGENCY RESPONSE PLAN DEVELOPED PURSUANT TO THIS PARAGRAPH
42 MUST ADDRESS HOW THE SCHOOL AND EMERGENCY RESPONDERS WILL COMMUNICATE WITH
43 AND PROVIDE ASSISTANCE TO STUDENTS WITH DISABILITIES.

44 F. A charter school shall collect and maintain information about
45 each teacher's educational and teaching background and experience in a
46 particular academic content subject area. A charter school shall either
47 post the information on the charter school's website or make the
48 information available for inspection on request of parents and guardians
49 of pupils enrolled at the charter school. This subsection does not

1 require any charter school to release personally identifiable information
2 in relation to any teacher, including the teacher's address, salary,
3 social security number or telephone number.

4 G. The charter of a charter school may be amended at the request of
5 the governing body of the charter school and on the approval of the
6 sponsor.

7 H. Charter schools may contract, sue and be sued.

8 I. The charter is effective for fifteen years from the first day of
9 the fiscal year as specified in the charter, subject to the following:

10 1. At least eighteen months before the charter expires, the sponsor
11 shall notify the charter school that the charter school may apply for
12 renewal and shall make the renewal application available to the charter
13 school. A charter school that elects to apply for renewal shall file a
14 complete renewal application at least fifteen months before the charter
15 expires. A sponsor shall give written notice of its intent not to renew
16 the charter school's request for renewal to the charter school at least
17 twelve months before the expiration of the charter. The sponsor shall
18 make data used in making renewal decisions available to the school and the
19 public and shall provide a public report summarizing the evidence basis
20 for each decision. The sponsor may deny the request for renewal if, in
21 its judgment, the charter holder has failed to do any of the following:

22 (a) Meet or make sufficient progress toward the academic
23 performance expectations set forth in the performance framework.

24 (b) Meet the operational performance expectations set forth in the
25 performance framework or any improvement plans.

26 (c) Meet the financial performance expectations set forth in the
27 performance framework or any improvement plans.

28 (d) Complete the obligations of the contract.

29 (e) Comply with this article or any provision of law from which the
30 charter school is not exempt.

31 2. A charter operator may apply for early renewal. At least nine
32 months before the charter school's intended renewal consideration, the
33 operator of the charter school shall submit a letter of intent to the
34 sponsor to apply for early renewal. The sponsor shall review fiscal
35 audits and academic performance data for the charter school that are
36 annually collected by the sponsor, review the current contract between the
37 sponsor and the charter school and provide the qualifying charter school
38 with a renewal application. On submission of a complete application, the
39 sponsor shall give written notice of its consideration of the renewal
40 application. The sponsor may deny the request for early renewal if, in
41 the sponsor's judgment, the charter holder has failed to do any of the
42 following:

43 (a) Meet or make sufficient progress toward the academic
44 performance expectations set forth in the performance framework.

45 (b) Meet the operational performance expectations set forth in the
46 performance framework or any improvement plans.

47 (c) Meet the financial performance expectations set forth in the
48 performance framework or any improvement plans.

49 (d) Complete the obligations of the contract.

1 (e) Comply with this article or any provision of law from which the
2 charter school is not exempt.

3 3. A sponsor shall review a charter at five-year intervals using a
4 performance framework adopted by the sponsor and may revoke a charter at
5 any time if the charter school breaches one or more provisions of its
6 charter or if the sponsor determines that the charter holder has failed to
7 do any of the following:

8 (a) Meet or make sufficient progress toward the academic
9 performance expectations set forth in the performance framework.

10 (b) Meet the operational performance expectations set forth in the
11 performance framework or any improvement plans.

12 (c) Meet the financial performance expectations set forth in the
13 performance framework or any improvement plans.

14 (d) Comply with this article or any provision of law from which the
15 charter school is not exempt.

16 4. In determining whether to renew or revoke a charter holder, the
17 sponsor must consider making sufficient progress toward the academic
18 performance expectations set forth in the sponsor's performance framework
19 as one of the most important factors.

20 5. Before the sponsor adopts a determination of intent to revoke a
21 charter, the charter holder shall have at least thirty days to address the
22 problems, as necessary or applicable, associated with the reason or
23 reasons for the determination of intent to revoke. The sponsor is not
24 required to provide the charter holder with thirty days to correct the
25 problems associated with the reason or reasons for adopting a
26 determination of intent to revoke if the reason or reasons cannot be
27 remedied, including a failure to submit required financial audits pursuant
28 to subsection E, paragraph 6 of this section and section 15-914, or for a
29 matter of health or safety, or both. Before the sponsor adopts a
30 determination of intent to revoke a charter, the sponsor shall give
31 written notice to the charter holder that includes the reason or reasons
32 for the sponsor's consideration to revoke the charter. Notice may be
33 provided by electronic means or by United States mail and is effective on
34 the date of email or, if sent by United States mail, the earlier of the
35 date of receipt by the charter holder or within five days after the notice
36 is mailed. The determination of whether to proceed to revocation shall be
37 made at a public meeting called for that purpose.

38 J. The charter may be renewed for successive periods of twenty
39 years.

40 K. A charter school that is sponsored by the state board of
41 education, the state board for charter schools, a university, a community
42 college district or a group of community college districts may not be
43 located on the property of a school district unless the district governing
44 board grants this authority.

45 L. A governing board or a school district employee who has control
46 over personnel actions shall not take unlawful reprisal against another
47 employee of the school district because the employee is directly or
48 indirectly involved in an application to establish a charter school. A
49 governing board or a school district employee shall not take unlawful

1 reprisal against an educational program of the school or the school
2 district because an application to establish a charter school proposes to
3 convert all or a portion of the educational program to a charter school.
4 For the purposes of this subsection, "unlawful reprisal" means an action
5 that is taken by a governing board or a school district employee as a
6 direct result of a lawful application to establish a charter school and
7 that is adverse to another employee or an education program and:

8 1. With respect to a school district employee, results in one or
9 more of the following:

10 (a) Disciplinary or corrective action.

11 (b) Detail, transfer or reassignment.

12 (c) Suspension, demotion or dismissal.

13 (d) An unfavorable performance evaluation.

14 (e) A reduction in pay, benefits or awards.

15 (f) Elimination of the employee's position without a reduction in
16 force by reason of lack of monies or work.

17 (g) Other significant changes in duties or responsibilities that
18 are inconsistent with the employee's salary or employment classification.

19 2. With respect to an educational program, results in one or more
20 of the following:

21 (a) Suspension or termination of the program.

22 (b) Transfer or reassignment of the program to a less favorable
23 department.

24 (c) Relocation of the program to a less favorable site within the
25 school or school district.

26 (d) Significant reduction or termination of funding for the
27 program.

28 M. Charter schools shall secure insurance for liability and
29 property loss. The governing body of a charter school that is sponsored
30 by the state board of education or the state board for charter schools may
31 enter into an intergovernmental agreement or otherwise contract to
32 participate in an insurance program offered by a risk retention pool
33 established pursuant to section 11-952.01 or 41-621.01 or the charter
34 school may secure its own insurance coverage. The pool may charge the
35 requesting charter school reasonable fees for any services it performs in
36 connection with the insurance program.

37 N. Charter schools do not have the authority to acquire property by
38 eminent domain.

39 O. A sponsor, including members, officers and employees of the
40 sponsor, is immune from personal liability for all acts done and actions
41 taken in good faith within the scope of its authority.

42 P. Charter school sponsors and this state are not liable for the
43 debts or financial obligations of a charter school or persons who operate
44 charter schools.

45 Q. The sponsor of a charter school shall establish procedures to
46 conduct administrative hearings on determination by the sponsor that
47 grounds exist to revoke a charter. Procedures for administrative hearings
48 shall be similar to procedures prescribed for adjudicative proceedings in
49 title 41, chapter 6, article 10. Except as provided in section

1 41-1092.08, subsection H, final decisions of the state board of education
2 and the state board for charter schools from hearings conducted pursuant
3 to this subsection are subject to judicial review pursuant to title 12,
4 chapter 7, article 6.

5 R. The sponsoring entity of a charter school shall have oversight
6 and administrative responsibility for the charter schools that it
7 sponsors. In implementing its oversight and administrative
8 responsibilities, the sponsor shall ground its actions in evidence of the
9 charter holder's performance in accordance with the performance framework
10 adopted by the sponsor. The performance framework shall be publicly
11 available, shall be placed on the sponsoring entity's website and shall
12 include:

13 1. The academic performance expectations of the charter school and
14 the measurement of sufficient progress toward the academic performance
15 expectations.

16 2. The operational expectations of the charter school, including
17 adherence to all applicable laws and obligations of the charter contract.

18 3. The financial expectations of the charter school.

19 4. Intervention and improvement policies.

20 S. Charter schools may pledge, assign or encumber their assets to
21 be used as collateral for loans or extensions of credit.

22 T. All property accumulated by a charter school shall remain the
23 property of the charter school.

24 U. Charter schools may not locate a school on property that is less
25 than one-fourth mile from agricultural land regulated pursuant to section
26 3-365, except that the owner of the agricultural land may agree to comply
27 with the buffer zone requirements of section 3-365. If the owner agrees
28 in writing to comply with the buffer zone requirements and records the
29 agreement in the office of the county recorder as a restrictive covenant
30 running with the title to the land, the charter school may locate a school
31 within the affected buffer zone. The agreement may include any
32 stipulations regarding the charter school, including conditions for future
33 expansion of the school and changes in the operational status of the
34 school that will result in a breach of the agreement.

35 V. A transfer of a charter to another sponsor, a transfer of a
36 charter school site to another sponsor or a transfer of a charter school
37 site to a different charter shall be completed before the beginning of the
38 fiscal year that the transfer is scheduled to become effective. An entity
39 that sponsors charter schools may accept a transferring school after the
40 beginning of the fiscal year if the transfer is approved by the
41 superintendent of public instruction. The superintendent of public
42 instruction shall have the discretion to consider each transfer during the
43 fiscal year on a case-by-case basis. A charter holder seeking to transfer
44 sponsors shall comply with the current charter terms regarding assignment
45 of the charter. A charter holder transferring sponsors shall notify the
46 current sponsor that the transfer has been approved by the new sponsor.

47 W. Notwithstanding subsection V of this section, a charter holder
48 on an improvement plan must notify parents or guardians of registered
49 students of the intent to transfer the charter and the timing of the

1 proposed transfer. On the approved transfer, the new sponsor shall
2 enforce the improvement plan but may modify the plan based on performance.

3 X. Notwithstanding subsection Y of this section, the state board
4 for charter schools shall charge a processing fee to any charter school
5 that amends its contract to participate in Arizona online instruction
6 pursuant to section 15-808. The charter Arizona online instruction
7 processing fund is established consisting of fees collected and
8 administered by the state board for charter schools. The state board for
9 charter schools shall use monies in the fund only for processing contract
10 amendments for charter schools participating in Arizona online
11 instruction. Monies in the fund are continuously appropriated.

12 Y. The sponsoring entity may not charge any fees to a charter
13 school that it sponsors unless the sponsor has provided services to the
14 charter school and the fees represent the full value of those services
15 provided by the sponsor. On request, the value of the services provided
16 by the sponsor to the charter school shall be demonstrated to the
17 department of education.

18 Z. Charter schools may enter into an intergovernmental agreement
19 with a presiding judge of the juvenile court to implement a law-related
20 education program as defined in section 15-154. The presiding judge of
21 the juvenile court may assign juvenile probation officers to participate
22 in a law-related education program in any charter school in the county.
23 The cost of juvenile probation officers who participate in the program
24 implemented pursuant to this subsection shall be funded by the charter
25 school.

26 AA. The sponsor of a charter school shall modify previously
27 approved curriculum requirements for a charter school that wishes to
28 participate in the board examination system prescribed in chapter 7,
29 article 6 of this title.

30 BB. If a charter school decides not to participate in the board
31 examination system prescribed in chapter 7, article 6 of this title,
32 pupils enrolled at that charter school may earn a Grand Canyon diploma by
33 obtaining a passing score on the same board examinations.

34 CC. Notwithstanding subsection Y of this section, a sponsor of
35 charter schools may charge a new charter application processing fee to any
36 applicant. The application fee shall fully cover the cost of application
37 review and any needed technical assistance. Authorizers may approve
38 policies that allow a portion of the fee to be returned to the applicant
39 whose charter is approved.

40 DD. A charter school may choose to provide a preschool program for
41 children with disabilities pursuant to section 15-771.

42 EE. Pursuant to the prescribed graduation requirements adopted by
43 the state board of education, the governing body of a charter school
44 operating a high school may approve a rigorous computer science course
45 that would fulfill a mathematics course required for graduation from high
46 school. The governing body may approve a rigorous computer science course
47 only if the rigorous computer science course includes significant
48 mathematics content and the governing body determines the high school
49 where the rigorous computer science course is offered has sufficient

1 capacity, infrastructure and qualified staff, including competent teachers
2 of computer science.

3 FF. A charter school may allow the use of school property,
4 including school buildings, grounds, buses and equipment, by any person,
5 group or organization for any lawful purpose, including a recreational,
6 educational, political, economic, artistic, moral, scientific, social,
7 religious or other civic or governmental purpose. The charter school may
8 charge a reasonable fee for the use of the school property.

9 GG. A charter school and its employees, including the governing
10 body, or chief administrative officer, are immune from civil liability
11 with respect to all decisions made and actions taken to allow the use of
12 school property, unless the charter school or its employees are guilty of
13 gross negligence or intentional misconduct. This subsection does not
14 limit any other immunity provisions that are prescribed by law.

15 HH. Sponsors authorized pursuant to this section shall submit an
16 annual report to the auditor general on or before October 1. The report
17 shall include:

18 1. The current number of charters authorized and the number of
19 schools operated by authorized charter holders.

20 2. The academic, operational and financial performance of the
21 sponsor's charter portfolio as measured by the sponsor's adopted
22 performance framework.

23 3. For the prior year, the number of new charters approved, the
24 number of charter schools closed and the reason for the closure.

25 4. The sponsor's application, amendment, renewal and revocation
26 processes, charter contract template and current performance framework as
27 required by this section.

28 II. The auditor general shall prescribe the format for the annual
29 report required by subsection HH of this section and may require that the
30 annual report be submitted electronically. The auditor general shall
31 review the submitted annual reports to ensure that the reports include the
32 required items in subsection HH of this section and shall make the annual
33 reports available on request. If the auditor general finds significant
34 noncompliance or if a sponsor fails to submit the annual report required
35 by subsection HH of this section, on or before December 31 of each year
36 the auditor general shall report to the governor, the president of the
37 senate, the speaker of the house of representatives and the chairs of the
38 senate and house education committees or their successor committees, and
39 the legislature shall consider revoking the sponsor's authority to sponsor
40 charter schools.

41 Enroll and engross to conform

42 Amend title to conform

And, as so amended, it do pass

MATT GRESS
CHAIRMAN

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