

COMMITTEE ON EDUCATION  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1042  
(Reference to Senate engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 15-183, Arizona Revised Statutes, is amended to  
3 read:

4 15-183. Charter schools; application; requirements; immunity;  
5 exemptions; renewal of application; reprisal; fee;  
6 funds; annual reports

7 A. An applicant seeking to establish a charter school shall submit a  
8 written application to a proposed sponsor as prescribed in subsection C of  
9 this section. The application, application process and application time  
10 frames shall be posted on the sponsor's website and shall include the  
11 following, as specified in the application adopted by the sponsor:

- 12 1. A detailed educational plan.
- 13 2. A detailed business plan.
- 14 3. A detailed operational plan.
- 15 4. Any other materials required by the sponsor.

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

19 C. The sponsor of a charter school may be either the state board of  
20 education, the state board for charter schools, a university under the  
21 jurisdiction of the Arizona board of regents, a community college district  
22 or a group of community college districts, subject to the following  
23 requirements:

1           1. An applicant may not submit an application for sponsorship to any  
2 person or entity other than those prescribed in this subsection.

3           2. The applicant may submit the application to the state board of  
4 education or the state board for charter schools. Notwithstanding any  
5 other law, neither the state board for charter schools nor the state board  
6 of education shall grant a charter to a school district governing board for  
7 a new charter school ~~that begins initial operations after June 30, 2013~~ or  
8 for the conversion of an existing district public school to a charter  
9 school ~~that begins initial operations after June 30, 2013~~. The state board  
10 of education or the state board for charter schools may approve the  
11 application if the application meets the requirements of this article and  
12 may approve the charter if the proposed sponsor determines, within its sole  
13 discretion, that the applicant is sufficiently qualified to operate a  
14 charter school and that the applicant is applying to operate as a separate  
15 charter holder by considering factors such as whether:

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

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

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

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

24           (e) It is reconstituting an existing school site population at the  
25 same or new site.

26           (f) It is reconstituting an existing grade configuration from a  
27 prior charter holder with at least one grade remaining on the original site  
28 with the other grade or grades moving to a new site. The state board of  
29 education or the state board for charter schools may approve any charter  
30 schools transferring charters. If the state board of education or the  
31 state board for charter schools rejects the preliminary application, the  
32 state board of education or the state board for charter schools shall

1 notify the applicant in writing of the reasons for the rejection and of  
2 suggestions for improving the application. An applicant may submit a  
3 revised application for reconsideration by the state board of education or  
4 the state board for charter schools. The applicant may request, and the  
5 state board of education or the state board for charter schools may  
6 provide, technical assistance to improve the application.

7 3. The applicant may submit the application to a university under  
8 the jurisdiction of the Arizona board of regents, a community college  
9 district or a group of community college districts. A university, a  
10 community college district or a group of community college districts shall  
11 not grant a charter to a school district governing board for a new charter  
12 school ~~that begins initial operations after June 30, 2013~~ or for the  
13 conversion of an existing district public school to a charter school ~~that~~  
14 ~~begins initial operations after June 30, 2013~~. A university, a community  
15 college district or a group of community college districts may approve the  
16 application if it meets the requirements of this article and if the  
17 proposed sponsor determines, in its sole discretion, that the applicant is  
18 sufficiently qualified to operate a charter school.

19 4. Each applicant seeking to establish a charter school shall submit  
20 a full set of fingerprints to the approving agency for the purpose of  
21 obtaining a state and federal criminal records check pursuant to section  
22 41-1750 and Public Law 92-544. If an applicant will have direct contact  
23 with students, the applicant shall possess a valid fingerprint clearance  
24 card that is issued pursuant to title 41, chapter 12, article 3.1. The  
25 department of public safety may exchange this fingerprint data with the  
26 federal bureau of investigation. The criminal records check shall be  
27 completed before the issuance of a charter.

28 5. All persons engaged in instructional work directly as a  
29 classroom, laboratory or other teacher or indirectly as a supervisory  
30 teacher, speech therapist or principal shall have a valid fingerprint  
31 clearance card that is issued pursuant to title 41, chapter 12, article  
32 3.1, unless the person is a volunteer or guest speaker who is accompanied

1 in the classroom by a person with a valid fingerprint clearance card. A  
2 charter school shall not employ a teacher whose certificate has been  
3 surrendered or revoked, unless the teacher's certificate has been  
4 subsequently reinstated by the state board of education. All other  
5 personnel shall be fingerprint checked pursuant to section 15-512, or the  
6 charter school may require those personnel to obtain a fingerprint  
7 clearance card issued pursuant to title 41, chapter 12, article 3.1.  
8 Before employment, the charter school shall make documented, good faith  
9 efforts to contact previous employers of a person to obtain information and  
10 recommendations that may be relevant to a person's fitness for employment  
11 as prescribed in section 15-512, subsection F. The charter school shall  
12 notify the department of public safety if the charter school or sponsor  
13 receives credible evidence that a person who possesses a valid fingerprint  
14 clearance card is arrested for or is charged with an offense listed in  
15 section 41-1758.03, subsection B. A PERSON WHO IS EMPLOYED AT A CHARTER  
16 SCHOOL THAT HAS MET THE REQUIREMENTS OF THIS PARAGRAPH IS NOT REQUIRED TO  
17 MEET ANY ADDITIONAL REQUIREMENTS THAT ARE ESTABLISHED BY THE DEPARTMENT OF  
18 EDUCATION OR THAT MAY BE ESTABLISHED BY RULE BY THE STATE BOARD OF  
19 EDUCATION. THE STATE BOARD OF EDUCATION MAY NOT ADOPT RULES THAT EXCEED  
20 THE REQUIREMENTS FOR PERSONS QUALIFIED TO TEACH IN CHARTER SCHOOLS  
21 PRESCRIBED IN TITLE I OF THE EVERY STUDENT SUCCEEDS ACT (P.L. 114-95) OR  
22 THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004 (P.L.  
23 108-446). Charter schools may hire personnel ~~that~~ WHO have not yet  
24 received a fingerprint clearance card if proof is provided of the  
25 submission of an application to the department of public safety for a  
26 fingerprint clearance card and if the charter school that is seeking to  
27 hire the applicant does all of the following:

28 (a) Documents in the applicant's file the necessity for hiring and  
29 placement of the applicant before receiving a fingerprint clearance card.

30 (b) Ensures that the department of public safety completes a  
31 statewide criminal records check on the applicant. A statewide criminal  
32 records check shall be completed by the department of public safety every

1 one hundred twenty days until the date that the fingerprint check is  
2 completed or the fingerprint clearance card is issued or denied.

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

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

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

11 (f) Verifies the fingerprint status of the applicant with the  
12 department of public safety.

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

17 7. If a charter school operator is not already subject to a public  
18 meeting or hearing by the municipality in which the charter school is  
19 located, the operator of a charter school shall conduct a public meeting at  
20 least thirty days before the charter school operator opens a site or sites  
21 for the charter school. The charter school operator shall post notices of  
22 the public meeting in at least three different locations that are within  
23 three hundred feet of the proposed charter school site.

24 8. A person who is employed by a charter school or who is an  
25 applicant for employment with a charter school, who is arrested for or  
26 charged with a nonappealable offense listed in section 41-1758.03,  
27 subsection B and who does not immediately report the arrest or charge to  
28 the person's supervisor or potential employer is guilty of unprofessional  
29 conduct and the person shall be immediately dismissed from employment with  
30 the charter school or immediately excluded from potential employment with  
31 the charter school.

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

5           (a) Surrender any certificates issued by the department of  
6 education.

7           (b) Notify the person's employer or potential employer of the  
8 conviction.

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

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

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

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

18           1. Ensure compliance with federal, state and local rules,  
19 regulations and statutes relating to health, safety, civil rights and  
20 insurance. The department of education shall publish a list of relevant  
21 rules, regulations and statutes to notify charter schools of their  
22 responsibilities under this paragraph.

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

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

30           4. Ensure that it designs a method to measure pupil progress toward  
31 the pupil outcomes adopted by the state board of education pursuant to  
32 section 15-741.01, including participation in the Arizona instrument to

1 measure standards test and the nationally standardized norm-referenced  
2 achievement test as designated by the state board and the completion and  
3 distribution of an annual report card as prescribed in chapter 7, article 3  
4 of this title.

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

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

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

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

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

7           F. A charter school shall keep in the personnel file of all current  
8 employees who provide instruction to pupils at the charter school  
9 information about the employee's educational and teaching background and  
10 experience in a particular academic content subject area. A charter school  
11 shall inform parents and guardians of the availability of the information  
12 and shall make the information available for inspection on request of  
13 parents and guardians of pupils enrolled at the charter school. This  
14 subsection does not require any charter school to release personally  
15 identifiable information in relation to any teacher or employee, including  
16 the teacher's or employee's address, salary, social security number or  
17 telephone number.

18           G. The charter of a charter school may be amended at the request of  
19 the governing body of the charter school and on the approval of the  
20 sponsor.

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

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

24           1. At least eighteen months before the expiration of the charter,  
25 the sponsor shall notify the charter school that the charter school may  
26 apply for renewal and shall make the renewal application available to the  
27 charter school. A charter school that elects to apply for renewal shall  
28 file a complete renewal application at least fifteen months before the  
29 expiration of the charter. A sponsor shall give written notice of its  
30 intent not to renew the charter school's request for renewal to the charter  
31 school at least twelve months before the expiration of the charter. The  
32 sponsor shall make data used in making renewal decisions available to the



1 school and the public and shall provide a public report summarizing the  
2 evidence basis for each decision. The sponsor may deny the request for  
3 renewal if, in its judgment, the charter holder has failed to do any of the  
4 following:

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

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

9 (c) Complete the obligations of the contract.

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

12 2. A charter operator may apply for early renewal. At least nine  
13 months before the charter school's intended renewal consideration, the  
14 operator of the charter school shall submit a letter of intent to the  
15 sponsor to apply for early renewal. The sponsor shall review fiscal audits  
16 and academic performance data for the charter school that are annually  
17 collected by the sponsor, review the current contract between the sponsor  
18 and the charter school and provide the qualifying charter school with a  
19 renewal application. On submission of a complete application, the sponsor  
20 shall give written notice of its consideration of the renewal application.  
21 The sponsor may deny the request for early renewal if, in the sponsor's  
22 judgment, the charter holder has failed to do any of the following:

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

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

27 (c) Complete the obligations of the contract.

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

30 3. A sponsor shall review a charter at five-year intervals using a  
31 performance framework adopted by the sponsor and may revoke a charter at  
32 any time if the charter school breaches one or more provisions of its

1 charter or if the sponsor determines that the charter holder has failed to  
2 do any of the following:

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

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

7 (c) Comply with this article or any provision of law from which the  
8 charter school is not exempt.

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

13 5. At least sixty days before the effective date of the proposed  
14 revocation, the sponsor shall give written notice to the operator of the  
15 charter school of its intent to revoke the charter. Notice of the  
16 sponsor's intent to revoke the charter shall be delivered personally to the  
17 operator of the charter school or sent by certified mail, return receipt  
18 requested, to the address of the charter school. The notice shall  
19 incorporate a statement of reasons for the proposed revocation of the  
20 charter. The sponsor shall allow the charter school at least sixty days to  
21 correct the problems associated with the reasons for the proposed  
22 revocation of the charter. The final determination of whether to revoke  
23 the charter shall be made at a public hearing called for such purpose.

24 J. The charter may be renewed for successive periods of twenty  
25 years.

26 K. A charter school that is sponsored by the state board of  
27 education, the state board for charter schools, a university, a community  
28 college district or a group of community college districts may not be  
29 located on the property of a school district unless the district governing  
30 board grants this authority.

31 L. A governing board or a school district employee who has control  
32 over personnel actions shall not take unlawful reprisal against another

1 employee of the school district because the employee is directly or  
2 indirectly involved in an application to establish a charter school. A  
3 governing board or a school district employee shall not take unlawful  
4 reprisal against an educational program of the school or the school  
5 district because an application to establish a charter school proposes the  
6 conversion of all or a portion of the educational program to a charter  
7 school. For the purposes of this subsection, "unlawful reprisal" means an  
8 action that is taken by a governing board or a school district employee as  
9 a direct result of a lawful application to establish a charter school and  
10 that is adverse to another employee or an education program and:

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

13 (a) Disciplinary or corrective action.

14 (b) Detail, transfer or reassignment.

15 (c) Suspension, demotion or dismissal.

16 (d) An unfavorable performance evaluation.

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

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

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

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

24 (a) Suspension or termination of the program.

25 (b) Transfer or reassignment of the program to a less favorable  
26 department.

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

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

30 M. Charter schools shall secure insurance for liability and property  
31 loss. The governing body of a charter school that is sponsored by the  
32 state board of education or the state board for charter schools may enter

1 into an intergovernmental agreement or otherwise contract to participate in  
2 an insurance program offered by a risk retention pool established pursuant  
3 to section 11-952.01 or 41-621.01 or the charter school may secure its own  
4 insurance coverage. The pool may charge the requesting charter school  
5 reasonable fees for any services it performs in connection with the  
6 insurance program.

7 N. Charter schools do not have the authority to acquire property by  
8 eminent domain.

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

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

15 Q. The sponsor of a charter school shall establish procedures to  
16 conduct administrative hearings on determination by the sponsor that  
17 grounds exist to revoke a charter. Procedures for administrative hearings  
18 shall be similar to procedures prescribed for adjudicative proceedings in  
19 title 41, chapter 6, article 10. Except as provided in section 41-1092.08,  
20 subsection H, final decisions of the state board of education and the state  
21 board for charter schools from hearings conducted pursuant to this  
22 subsection are subject to judicial review pursuant to title 12, chapter 7,  
23 article 6.

24 R. The sponsoring entity of a charter school shall have oversight  
25 and administrative responsibility for the charter schools that it  
26 sponsors. In implementing its oversight and administrative  
27 responsibilities, the sponsor shall ground its actions in evidence of the  
28 charter holder's performance in accordance with the performance framework  
29 adopted by the sponsor. The performance framework shall be publicly  
30 available, shall be placed on the sponsoring entity's website and shall  
31 include:

1           1. The academic performance expectations of the charter school and  
2 the measurement of sufficient progress toward the academic performance  
3 expectations.

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

6           3. Intervention and improvement policies.

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

9           T. All property accumulated by a charter school shall remain the  
10 property of the charter school.

11           U. Charter schools may not locate a school on property that is less  
12 than one-fourth mile from agricultural land regulated pursuant to section  
13 3-365, except that the owner of the agricultural land may agree to comply  
14 with the buffer zone requirements of section 3-365. If the owner agrees in  
15 writing to comply with the buffer zone requirements and records the  
16 agreement in the office of the county recorder as a restrictive covenant  
17 running with the title to the land, the charter school may locate a school  
18 within the affected buffer zone. The agreement may include any  
19 stipulations regarding the charter school, including conditions for future  
20 expansion of the school and changes in the operational status of the school  
21 that will result in a breach of the agreement.

22           V. A transfer of a charter to another sponsor, a transfer of a  
23 charter school site to another sponsor or a transfer of a charter school  
24 site to a different charter shall be completed before the beginning of the  
25 fiscal year that the transfer is scheduled to become effective. An entity  
26 that sponsors charter schools may accept a transferring school after the  
27 beginning of the fiscal year if the transfer is approved by the  
28 superintendent of public instruction. The superintendent of public  
29 instruction shall have the discretion to consider each transfer during the  
30 fiscal year on a ~~case-by-case~~ CASE-BY-CASE basis. A charter holder seeking  
31 to transfer sponsors shall comply with the current charter terms regarding  
32 assignment of the charter. A charter holder transferring sponsors shall

1 notify the current sponsor that the transfer has been approved by the new  
2 sponsor.

3 W. Notwithstanding subsection V of this section, a charter holder on  
4 an improvement plan must notify parents or guardians of registered students  
5 of the intent to transfer the charter and the timing of the proposed  
6 transfer. On the approved transfer, the new sponsor shall enforce the  
7 improvement plan but may modify the plan based on performance.

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

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

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

30 AA. The sponsor of a charter school shall modify previously approved  
31 curriculum requirements for a charter school that wishes to participate in

1 the board examination system prescribed in chapter 7, article 6 of this  
2 title.

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

7 CC. Notwithstanding subsection Y of this section, a sponsor of  
8 charter schools may charge a new charter application processing fee to any  
9 applicant. The application fee shall fully cover the cost of application  
10 review and any needed technical assistance. Authorizers may approve  
11 policies that allow a portion of the fee to be returned to the applicant  
12 whose charter is approved.

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

15 EE. Pursuant to the prescribed graduation requirements adopted by  
16 the state board of education, the governing body of a charter school  
17 operating a high school may approve a rigorous computer science course that  
18 would fulfill a mathematics course required for graduation from high  
19 school. The governing body may approve a rigorous computer science course  
20 only if the rigorous computer science course includes significant  
21 mathematics content and the governing body determines the high school where  
22 the rigorous computer science course is offered has sufficient capacity,  
23 infrastructure and qualified staff, including competent teachers of  
24 computer science.

25 FF. A charter school may permit the use of school property,  
26 including school buildings, grounds, buses and equipment, by any person,  
27 group or organization for any lawful purpose, including a recreational,  
28 educational, political, economic, artistic, moral, scientific, social,  
29 religious or other civic or governmental purpose. The charter school may  
30 charge a reasonable fee for the use of the school property.

31 GG. A charter school and its employees, including the governing  
32 body, or chief administrative officer, are immune from civil liability with

1 respect to all decisions made and actions taken to allow the use of school  
2 property, unless the charter school or its employees are guilty of gross  
3 negligence or intentional misconduct. This subsection does not limit any  
4 other immunity provisions that are prescribed by law.

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

8 1. The current number of charters authorized and the number of  
9 schools operated by authorized charter holders.

10 2. The academic and operational performance of the sponsor's charter  
11 portfolio as measured by the sponsor's adopted performance framework.

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

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

17 II. The auditor general shall prescribe the format for the annual  
18 report required by subsection HH of this section and may require that the  
19 annual report be submitted electronically. The auditor general shall  
20 review the submitted annual reports to ensure that the reports include the  
21 required items in subsection HH of this section and shall make the annual  
22 reports available ~~upon~~ ON request. If the auditor general finds  
23 significant noncompliance or if a sponsor fails to submit the annual report  
24 required by subsection HH of this section, on or before December 31 of each  
25 year the auditor general shall report to the governor, the president of the  
26 senate, the speaker of the house of representatives and the chairs of the  
27 senate and house education committees or their successor committees, and  
28 the legislature shall consider revoking the sponsor's authority to sponsor  
29 charter schools."

30 Renumber to conform

31 Page 2, line 7, after the first "certification" strike remainder of line

32 Strike lines 8 and 9



1 Page 2, line 10, strike "prescribed for the certification of teachers trained in  
2 this state"

3 Line 36, after "(ii)" insert "IF APPLICABLE,"

4 Page 11, line 37, after the period insert:

5 "C."

6 Reletter to conform

7 Page 12, line 19, after "B" insert "OR C"

8 Between lines 27 and 28, insert:

9 "Sec. 5. Title 15, chapter 5, article 3, Arizona Revised Statutes,  
10 is amended by adding sections 15-553 and 15-554, to read:

11 15-553. School districts and charter schools; alternative  
12 preparation program providers; teacher  
13 certification; rules

14 A. IN ADDITION TO ANY OTHER ALTERNATIVE PREPARATION PROGRAM PROVIDER  
15 PATH APPROVED BY THE STATE BOARD OF EDUCATION, A SCHOOL DISTRICT OR CHARTER  
16 SCHOOL MAY APPLY TO THE STATE BOARD OF EDUCATION FOR AUTHORITY TO APPROVE  
17 THE CERTIFICATION OF TEACHERS AS AN ALTERNATIVE PREPARATION PROGRAM  
18 PROVIDER PURSUANT TO THIS SECTION AND SECTION 15-203, SUBSECTION A,  
19 PARAGRAPH 14, SUBDIVISION (a).

20 B. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES, POLICIES AND  
21 PROCEDURES TO BE ADMINISTERED BY THE DEPARTMENT OF EDUCATION. THE RULES  
22 MAY NOT BE MORE RESTRICTIVE OR REQUIRE MORE THAN IS PRESCRIBED IN THIS  
23 SUBSECTION. THE RULES SHALL FACILITATE THE APPROVAL AND CERTIFICATION  
24 PROCESS PURSUANT TO THIS SECTION AND PROVIDE FOR ALL OF THE FOLLOWING:

25 1. THE SUPERINTENDENT OF A SCHOOL DISTRICT OR THE PRINCIPAL OF A  
26 CHARTER SCHOOL MUST VERIFY THAT THE APPLICANT FOR CERTIFICATION HAS MADE  
27 SATISFACTORY PROGRESS AND ACHIEVEMENT WITH STUDENTS.

28 2. A SCHOOL DISTRICT OR CHARTER SCHOOL MUST SUBMIT DATA SUPPORTING  
29 THE EFFICACY OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S TEACHER TRAINING  
30 PROGRAM. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY CONTRACT WITH A  
31 THIRD-PARTY PROVIDER TO PROVIDE THE TEACHER TRAINING PROGRAM AND MAY USE  
32 THAT PROGRAM'S EFFICACY DATA TO MEET THE REQUIREMENTS OF THIS PARAGRAPH.

1           3. A TEACHER MAY NOT RECEIVE A CERTIFICATE PURSUANT TO THIS SECTION  
2 UNTIL THE TEACHER HAS BEEN IN THE CLASSROOM FOR AT LEAST ONE FULL YEAR AND  
3 STUDENT DATA HAS BEEN SUBMITTED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL  
4 CONFIRMING THAT THE TEACHER'S STUDENTS, AT THE END OF THE SCHOOL YEAR,  
5 EITHER ARE PERFORMING AT GRADE LEVEL OR HAVE ACHIEVED AT LEAST ONE YEAR OF  
6 ACADEMIC GROWTH AS DETERMINED BY THE STATE BOARD OF EDUCATION.

7           4. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ADOPT STUDENT ACHIEVEMENT  
8 REQUIREMENTS THAT EXCEED THE STUDENT ACHIEVEMENT REQUIREMENTS PRESCRIBED BY  
9 THE STATE BOARD FOR OBTAINING CERTIFICATION.

10          5. AN APPLICANT FOR CERTIFICATION PURSUANT TO THIS SECTION MUST HOLD  
11 AT LEAST A BACHELOR'S DEGREE FROM AN ACCREDITED UNIVERSITY AND MEET  
12 BACKGROUND AND FINGERPRINT CLEARANCE CARD REQUIREMENTS PURSUANT TO SECTION  
13 15-534.

14          6. A TEACHER PURSUING CERTIFICATION PURSUANT TO THIS SECTION IS NOT  
15 SUBJECT TO THE TESTING REQUIREMENTS PRESCRIBED IN SECTION 15-533.

16          C. ON THE SUBMISSION OF VERIFICATION FROM A SCHOOL DISTRICT OR  
17 CHARTER SCHOOL THAT THE REQUIREMENTS PRESCRIBED IN THIS SECTION HAVE BEEN  
18 MET, THE STATE BOARD SHALL ISSUE A STANDARD TEACHING CERTIFICATE TO THE  
19 TEACHER PURSUANT TO SECTION 15-203.

20          D. A SCHOOL DISTRICT MAY EMPLOY AND ENROLL EMERGENCY TEACHER  
21 CERTIFICATION HOLDERS WITH A BACHELOR'S DEGREE INTO ITS ALTERNATIVE  
22 PREPARATION PROGRAM.

23           15-554. Alternative preparation program providers; approval by  
24                                   state board; teacher certification

25          A. NOTWITHSTANDING SECTION 15-203, SUBSECTION A, PARAGRAPH 14,  
26 SUBDIVISION (a), THE STATE BOARD OF EDUCATION, WITHIN SIXTY DAYS AFTER  
27 RECEIVING AN APPLICATION, SHALL AUTOMATICALLY APPROVE WITHOUT ANY  
28 ADDITIONAL REQUIREMENTS AN ALTERNATIVE PREPARATION PROGRAM PROVIDER THAT  
29 MEETS ALL OF THE FOLLOWING:

30           1. IS A NONPROFIT ORGANIZATION UNDER SECTION 501(c)(3) OF THE  
31 INTERNAL REVENUE CODE.

1           2. WAS INITIALLY FOUNDED WITH SUPPORT THROUGH A GRANT FROM THE  
2           UNITED STATES DEPARTMENT OF EDUCATION.

3           3. OPERATES IN MULTIPLE STATES.

4           4. HAS BEEN IN OPERATION FOR MORE THAN TEN YEARS.

5           5. REQUIRES PARTICIPANTS TO POSSESS A BACHELOR'S DEGREE.

6           B. A PARTICIPANT THAT COMPLETES AN ALTERNATIVE PREPARATION PROGRAM  
7           APPROVED PURSUANT TO THIS SECTION IS ELIGIBLE TO APPLY FOR A STANDARD  
8           CERTIFICATION PURSUANT TO SECTION 15-203."

9           Renumber to conform

10          Amend title to conform

          And, as so amended, it do pass

PAUL BOYER  
CHAIRMAN

1042EDUCATION  
03/06/2017  
12:32 PM  
H: rca