

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# SENATE BILL 1256

AN ACT

AMENDING SECTIONS 15-183 AND 15-771, ARIZONA REVISED STATUTES; RELATING TO  
PRESCHOOL PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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 fund

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 shall include a detailed business plan for the  
10 charter school and may include a mission statement for the charter school, a  
11 description of the charter school's organizational structure and the  
12 governing body, a financial plan for the first three years of operation of  
13 the charter school, a description of the charter school's hiring policy, the  
14 name of the charter school's applicant or applicants and requested sponsor, a  
15 description of the charter school's facility and the location of the school,  
16 a description of the grades being served and an outline of criteria designed  
17 to measure the effectiveness of the school.

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

21 C. The sponsor of a charter school may be either a school district  
22 governing board, the state board of education, the state board for charter  
23 schools, a university under the jurisdiction of the Arizona board of regents,  
24 a community college district with enrollment of more than fifteen thousand  
25 full-time equivalent students or a group of community college districts with  
26 a combined enrollment of more than fifteen thousand full-time equivalent  
27 students, subject to the following requirements:

28 1. For charter schools that submit an application for sponsorship to a  
29 school district governing board:

30 (a) An applicant for a charter school may submit its application to a  
31 school district governing board, which shall either accept or reject  
32 sponsorship of the charter school within ninety days. An applicant may  
33 submit a revised application for reconsideration by the governing board. If  
34 the governing board rejects the application, the governing board shall notify  
35 the applicant in writing of the reasons for the rejection. The applicant may  
36 request, and the governing board may provide, technical assistance to improve  
37 the application.

38 (b) In the first year that a school district is determined to be out  
39 of compliance with the uniform system of financial records, within fifteen  
40 days of the determination of noncompliance, the school district shall notify  
41 by certified mail each charter school sponsored by the school district that  
42 the school district is out of compliance with the uniform system of financial  
43 records. The notification shall include a statement that if the school  
44 district is determined to be out of compliance for a second consecutive year,

1 the charter school will be required to transfer sponsorship to another entity  
2 pursuant to subdivision (c) of this paragraph.

3 (c) In the second consecutive year that a school district is  
4 determined to be out of compliance with the uniform system of financial  
5 records, within fifteen days of the determination of noncompliance, the  
6 school district shall notify by certified mail each charter school sponsored  
7 by the school district that the school district is out of compliance with the  
8 uniform system of financial records. A charter school that receives a  
9 notification of school district noncompliance pursuant to this subdivision  
10 shall file a written sponsorship transfer application within forty-five days  
11 with the state board of education, the state board for charter schools or the  
12 school district governing board if the charter school is located within the  
13 geographic boundaries of that school district. A charter school that  
14 receives a notification of school district noncompliance may request an  
15 extension of time to file a sponsorship transfer application, and the state  
16 board of education, the state board for charter schools or a school district  
17 governing board may grant an extension of not more than an additional thirty  
18 days if good cause exists for the extension. The state board of education  
19 and the state board for charter schools shall approve a sponsorship transfer  
20 application pursuant to this paragraph.

21 (d) A school district governing board shall not grant a charter to a  
22 charter school that is located outside the geographic boundaries of that  
23 school district.

24 (e) A school district that has been determined to be out of compliance  
25 with the uniform system of financial records during either of the previous  
26 two fiscal years shall not sponsor a new or transferring charter school.

27 2. The applicant may submit the application to the state board of  
28 education or the state board for charter schools. The state board of  
29 education or the state board for charter schools may approve the application  
30 if the application meets the requirements of this article and may approve the  
31 charter if the proposed sponsor determines, within its sole discretion, that  
32 the applicant is sufficiently qualified to operate a charter school and that  
33 the applicant is applying to operate as a separate charter holder by  
34 considering factors such as whether:

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

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

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

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

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

1 (f) It is reconstituting an existing grade configuration from a prior  
2 charter holder with at least one grade remaining on the original site with  
3 the other grade or grades moving to a new site.

4 The state board of education or the state board for charter schools may  
5 approve any charter schools transferring charters. The state board of  
6 education and the state board for charter schools shall approve any charter  
7 schools transferring charters from a school district that is determined to be  
8 out of compliance with the uniform system of financial records pursuant to  
9 this section, but may require the charter school to sign a new charter that  
10 is equivalent to the charter awarded by the former sponsor. If the state  
11 board of education or the state board for charter schools rejects the  
12 preliminary application, the state board of education or the state board for  
13 charter schools shall notify the applicant in writing of the reasons for the  
14 rejection and of suggestions for improving the application. An applicant may  
15 submit a revised application for reconsideration by the state board of  
16 education or the state board for charter schools. The applicant may request,  
17 and the state board of education or the state board for charter schools may  
18 provide, technical assistance to improve the application.

19 3. The applicant may submit the application to a university under the  
20 jurisdiction of the Arizona board of regents, a community college district or  
21 a group of community college districts. A university, a community college  
22 district or a group of community college districts may approve the  
23 application if it meets the requirements of this article and if the proposed  
24 sponsor determines, in its sole discretion, that the applicant is  
25 sufficiently qualified to operate a charter school.

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

35 5. All persons engaged in instructional work directly as a classroom,  
36 laboratory or other teacher or indirectly as a supervisory teacher, speech  
37 therapist or principal shall have a valid fingerprint clearance card that is  
38 issued pursuant to title 41, chapter 12, article 3.1, unless the person is a  
39 volunteer or guest speaker who is accompanied in the classroom by a person  
40 with a valid fingerprint clearance card. A charter school shall not employ a  
41 teacher whose certificate has been revoked for a violation of section 15-507  
42 or 15-550 or for any offense that placed a pupil in danger. All other  
43 personnel shall be fingerprint checked pursuant to section 15-512. Before  
44 employment, the charter school shall make documented, good faith efforts to  
45 contact previous employers of a person to obtain information and

1 recommendations that may be relevant to a person's fitness for employment as  
2 prescribed in section 15-512, subsection F. The charter school shall notify  
3 the department of public safety if the charter school or sponsor receives  
4 credible evidence that a person who possesses a valid fingerprint clearance  
5 card is arrested for or is charged with an offense listed in section  
6 41-1758.03, subsection B. Charter schools may hire personnel that have not  
7 yet received a fingerprint clearance card if proof is provided of the  
8 submission of an application to the department of public safety for a  
9 fingerprint clearance card and if the charter school that is seeking to hire  
10 the applicant does all of the following:

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

13 (b) Ensures that the department of public safety completes a statewide  
14 criminal records check on the applicant. A statewide criminal records check  
15 shall be completed by the department of public safety every one hundred  
16 twenty days until the date that the fingerprint check is completed.

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

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

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

25 (f) Verifies the fingerprint status of the applicant with the  
26 department of public safety.

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

31 7. If a charter school operator is not already subject to a public  
32 meeting or hearing by the municipality in which the charter school is  
33 located, the operator of a charter school shall conduct a public meeting at  
34 least thirty days before the charter school operator opens a site or sites  
35 for the charter school. The charter school operator shall post notices of  
36 the public meeting in at least three different locations that are within  
37 three hundred feet of the proposed charter school site.

38 8. A person who is employed by a charter school or who is an applicant  
39 for employment with a charter school, who is arrested for or charged with a  
40 nonappealable offense listed in section 41-1758.03, subsection B and who does  
41 not immediately report the arrest or charge to the person's supervisor or  
42 potential employer is guilty of unprofessional conduct and the person shall  
43 be immediately dismissed from employment with the charter school or  
44 immediately excluded from potential employment with 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 is  
3 convicted of any nonappealable offense that amounts to unprofessional conduct  
4 under section 15-550 shall immediately do all of the following:

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

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

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

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

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

15          E. The charter of a charter school shall ensure the following:

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

21           2. That it is nonsectarian in its programs, admission policies and  
22 employment practices and all other operations.

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

28           4. That it designs a method to measure pupil progress toward the pupil  
29 outcomes adopted by the state board of education pursuant to section  
30 15-741.01, including participation in the Arizona instrument to measure  
31 standards test and the nationally standardized norm-referenced achievement  
32 test as designated by the state board and the completion and distribution of  
33 an annual report card as prescribed in chapter 7, article 3 of this title.

34           5. That, except as provided in this article and in its charter, it is  
35 exempt from all statutes and rules relating to schools, governing boards and  
36 school districts.

37           6. That, except as provided in this article, it is subject to the same  
38 financial and electronic data submission requirements as a school district,  
39 including the uniform system of financial records as prescribed in chapter 2,  
40 article 4 of this title, procurement rules as prescribed in section 15-213  
41 and audit requirements. The auditor general shall conduct a comprehensive  
42 review and revision of the uniform system of financial records to ensure that  
43 the provisions of the uniform system of financial records that relate to  
44 charter schools are in accordance with commonly accepted accounting  
45 principles used by private business. A school's charter may include

1 exceptions to the requirements of this paragraph that are necessary as  
2 determined by the district governing board, the state board of education or  
3 the state board for charter schools. The department of education or the  
4 office of the auditor general may conduct financial, program or compliance  
5 audits.

6 7. Compliance with all federal and state laws relating to the  
7 education of children with disabilities in the same manner as a school  
8 district.

9 8. That it provides for a governing body for the charter school that  
10 is responsible for the policy decisions of the charter school.  
11 Notwithstanding section 1-216, if there is a vacancy or vacancies on the  
12 governing body, a majority of the remaining members of the governing body  
13 constitute a quorum for the transaction of business, unless that quorum is  
14 prohibited by the charter school's operating agreement.

15 9. That it provides a minimum of one hundred seventy-five  
16 instructional days before June 30 of each fiscal year unless it is operating  
17 on an alternative calendar approved by its sponsor. The superintendent of  
18 public instruction shall adjust the apportionment schedule accordingly to  
19 accommodate a charter school utilizing an alternative calendar.

20 F. The charter of a charter school shall include a description of the  
21 charter school's personnel policies, personnel qualifications and method of  
22 school governance and the specific role and duties of the sponsor of the  
23 charter school. A charter school shall keep on file the resumes of all  
24 current and former employees who provide instruction to pupils at the charter  
25 school. Resumes shall include an individual's educational and teaching  
26 background and experience in a particular academic content subject area. A  
27 charter school shall inform parents and guardians of the availability of the  
28 resume information and shall make the resume information available for  
29 inspection on request of parents and guardians of pupils enrolled at the  
30 charter school. Nothing in this subsection shall be construed to require any  
31 charter school to release personally identifiable information in relation to  
32 any teacher or employee, including the teacher's or employee's address,  
33 salary, social security number or telephone number.

34 G. The charter of a charter school may be amended at the request of  
35 the governing body of the charter school and on the approval of the sponsor.

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

37 I. An approved plan to establish a charter school is effective for  
38 fifteen years from the first day of the fiscal year the charter school is in  
39 operation, subject to the following:

40 1. At least eighteen months before the expiration of the approved  
41 plan, the sponsor shall notify the charter school that the charter school may  
42 apply for renewal. A charter school that elects to apply for renewal shall  
43 file an application for renewal at least fifteen months before the expiration  
44 of the approved plan. In addition to any other requirements, the application  
45 for renewal shall include a detailed business plan for the charter school, a

1 review of fiscal audits and academic performance data for the charter school  
2 that are annually collected by the sponsor and a review of the current  
3 contract between the sponsor and the charter school. The sponsor may deny  
4 the request for renewal if, in its judgment, the charter school has failed to  
5 complete the obligations of the contract or has failed to comply with this  
6 article. A sponsor shall give written notice of its intent not to renew the  
7 charter school's request for renewal to the charter school at least twelve  
8 months before the expiration of the approved plan to allow the charter school  
9 an opportunity to apply to another sponsor to transfer the operation of the  
10 charter school. If the operation of the charter school is transferred to  
11 another sponsor, the fifteen year period of the current charter shall be  
12 maintained.

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

22 3. A sponsor shall review a charter at five year intervals and may  
23 revoke a charter at any time if the charter school breaches one or more  
24 provisions of its charter. At least ninety days before the effective date of  
25 the proposed revocation the sponsor shall give written notice to the operator  
26 of the charter school of its intent to revoke the charter. Notice of the  
27 sponsor's intent to revoke the charter shall be delivered personally to the  
28 operator of the charter school or sent by certified mail, return receipt  
29 requested, to the address of the charter school. The notice shall  
30 incorporate a statement of reasons for the proposed revocation of the  
31 charter. The sponsor shall allow the charter school at least ninety days to  
32 correct the problems associated with the reasons for the proposed revocation  
33 of the charter. The final determination of whether to revoke the charter  
34 shall be made at a public hearing called for such purpose.

35 J. The charter may be renewed for successive periods of twenty years  
36 if the sponsor deems that the school is in compliance with its own charter  
37 and this article.

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

43 L. A governing board or a school district employee who has control  
44 over personnel actions shall not take unlawful reprisal against another  
45 employee of the school district because the employee is directly or

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

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

12 (a) Disciplinary or corrective action.

13 (b) Detail, transfer or reassignment.

14 (c) Suspension, demotion or dismissal.

15 (d) An unfavorable performance evaluation.

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

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

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

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

23 (a) Suspension or termination of the program.

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

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

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

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

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

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

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

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

9 R. The sponsoring entity of a charter school shall have oversight and  
10 administrative responsibility for the charter schools that it sponsors.

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

13 T. All property accumulated by a charter school shall remain the  
14 property of the charter school.

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

26 V. A transfer of a charter to another sponsor, a transfer of a charter  
27 school site to another sponsor or a transfer of a charter school site to a  
28 different charter shall be completed before the beginning of the fiscal year  
29 that the transfer is scheduled to become effective. An entity that sponsors  
30 charter schools may accept a transferring school after the beginning of the  
31 fiscal year if the transfer is approved by the superintendent of public  
32 instruction. The superintendent of public instruction shall have the  
33 discretion to consider each transfer during the fiscal year on a case by case  
34 basis. If a charter school is sponsored by a school district that is  
35 determined to be out of compliance with this title, the uniform system of  
36 financial records or any other state or federal law, the charter school may  
37 transfer to another sponsoring entity at any time during the fiscal year.

38 W. Notwithstanding subsection X of this section, the state board for  
39 charter schools shall charge a processing fee to any charter school that  
40 amends its contract to participate in Arizona online instruction pursuant to  
41 section 15-808. The charter Arizona online instruction processing fund is  
42 established consisting of fees collected and administered by the state board  
43 for charter schools. The state board for charter schools shall use monies in  
44 the fund only for the processing of contract amendments for charter schools

1 participating in Arizona online instruction. Monies in the fund are  
2 continuously appropriated.

3 X. The sponsoring entity may not charge any fees to a charter school  
4 that it sponsors unless the sponsor has provided services to the charter  
5 school and the fees represent the full value of those services provided by  
6 the sponsor. On request, the value of the services provided by the sponsor  
7 to the charter school shall be demonstrated to the department of education.

8 Y. Charter schools may enter into an intergovernmental agreement with  
9 a presiding judge of the juvenile court to implement a law related education  
10 program as defined in section 15-154. The presiding judge of the juvenile  
11 court may assign juvenile probation officers to participate in a law related  
12 education program in any charter school in the county. The cost of juvenile  
13 probation officers who participate in the program implemented pursuant to  
14 this subsection shall be funded by the charter school.

15 Z. The sponsor of a charter school shall modify previously approved  
16 curriculum requirements for a charter school that wishes to participate in  
17 the board examination system prescribed in chapter 7, article 6 of this  
18 title.

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

23 BB. A charter school shall contract with a different auditor at least  
24 once every six years to conduct the annual audits required by this section.

25 CC. A CHARTER SCHOOL MAY CHOOSE TO PROVIDE A PRESCHOOL PROGRAM FOR  
26 CHILDREN WITH DISABILITIES PURSUANT TO SECTION 15-771.

27 Sec. 2. Section 15-771, Arizona Revised Statutes, is amended to read:  
28 15-771. Preschool programs for children with disabilities:  
29 definition

30 A. Each school district shall make available an educational program  
31 for preschool children with disabilities who reside in the school district  
32 and who are not already receiving services that have been provided through  
33 the department of education. A CHARTER SCHOOL MAY CHOOSE TO MAKE AVAILABLE  
34 AN EDUCATIONAL PROGRAM FOR PRESCHOOL CHILDREN WITH DISABILITIES. The state  
35 board of education shall prescribe rules for use by school districts in the  
36 provision of educational programs for preschool children with  
37 disabilities. School districts are required to, AND CHARTER SCHOOLS MAY,  
38 make available educational programs for ~~and~~, PRESCHOOL CHILDREN WHO MEET THE  
39 DEFINITION OF ONE OF THE CONDITIONS PRESCRIBED IN PARAGRAPHS 1 THROUGH 5 OF  
40 THIS SUBSECTION. For the purposes of calculating average daily membership,  
41 SCHOOL DISTRICTS AND CHARTER SCHOOLS may count only those preschool children  
42 who meet the definition of one of the following conditions:

- 43 1. Hearing impairment.
- 44 2. Visual impairment.
- 45 3. Developmental delay.

1           4.   Preschool severe delay.

2           5.   Speech/language impairment.

3           B.   The state board of education shall annually distribute to school  
4 districts **AND CHARTER SCHOOLS THAT CHOOSE TO PROVIDE PRESCHOOL PROGRAMS**  
5 **PURSUANT TO THIS SECTION** at least ten per cent of the monies it receives  
6 under 20 United States Code section 1411(c)(2) for preschool programs for  
7 children with disabilities. The state board shall prescribe rules for the  
8 distribution of the monies to school districts **AND CHARTER SCHOOLS**.

9           C.   The governing board of a school district **OR THE APPROPRIATE**  
10 **APPROVING BODY OF A CHARTER SCHOOL** may submit a proposal to the state board  
11 of education as prescribed by the state board to receive monies for preschool  
12 programs for children with disabilities as provided in this section. A  
13 school district ~~which~~ **THAT** receives monies as provided in this section shall  
14 include the monies in the special projects section of the budget as provided  
15 in section 15-903, subsection F.

16           D.   All school districts shall cooperate, if appropriate, with  
17 community organizations that provide services to preschool children with  
18 disabilities in the provision of the district's preschool program for  
19 children with disabilities.

20           E.   A school district **OR CHARTER SCHOOL** may not admit a child to a  
21 preschool program for children with disabilities unless the child is  
22 evaluated and recommended for placement as provided in sections 15-766 and  
23 15-767.

24           F.   For the purpose of allocating monies pursuant to 20 United States  
25 Code section 1419(g)(1)(B)(i), "jurisdiction" includes high school pupils  
26 whose parents reside within the boundaries of a common school district. The  
27 common school district shall ensure such high school pupils are not counted  
28 by any other school district.

29           G.   For the purposes of this section, "preschool child" means a child  
30 who is at least three years of age but who has not reached the age required  
31 for kindergarten. A preschool child is three years of age as of the date of  
32 the child's third birthday. The governing board of a school district **OR THE**  
33 **APPROPRIATE APPROVING BODY OF A CHARTER SCHOOL** may admit otherwise eligible  
34 children who are within ninety days of their third birthday, if it is  
35 determined to be in the best interest of the individual child. Children who  
36 are admitted to programs for preschool children ~~prior to~~ **BEFORE** their third  
37 birthday are entitled to the same provision of services as if they were three  
38 years of age.