

COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2054
(Reference to printed bill)

1 Strike everything after the enacting clause and 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

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.

1 (b) In the first year that a school district is determined to be out
2 of compliance with the uniform system of financial records, within fifteen
3 days of the determination of noncompliance, the school district shall notify
4 by certified mail each charter school sponsored by the school district that
5 the school district is out of compliance with the uniform system of financial
6 records. The notification shall include a statement that if the school
7 district is determined to be out of compliance for a second consecutive year,
8 the charter school will be required to transfer sponsorship to another entity
9 pursuant to subdivision (c) of this paragraph.

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

28 (d) A school district governing board shall not grant a charter to a
29 charter school that is located outside the geographic boundaries of that
30 school district.

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

34 2. The applicant may submit the application to the state board of
35 education or the state board for charter schools. The state board of
36 education or the state board for charter schools may approve the application
37 if the application meets the requirements of this article and may approve the
38 charter if the proposed sponsor determines, within its sole discretion, that
39 the applicant is sufficiently qualified to operate a charter school and that

1 the applicant is applying to operate as a separate charter holder by
2 considering factors such as whether:

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

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

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

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

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

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

16 The state board of education or the state board for charter schools may
17 approve any charter schools transferring charters. The state board of
18 education and the state board for charter schools shall approve any charter
19 schools transferring charters from a school district that is determined to be
20 out of compliance with the uniform system of financial records pursuant to
21 this section, but may require the charter school to sign a new charter that
22 is equivalent to the charter awarded by the former sponsor. If the state
23 board of education or the state board for charter schools rejects the
24 preliminary application, the state board of education or the state board for
25 charter schools shall notify the applicant in writing of the reasons for the
26 rejection and of suggestions for improving the application. An applicant may
27 submit a revised application for reconsideration by the state board of
28 education or the state board for charter schools. The applicant may request,
29 and the state board of education or the state board for charter schools may
30 provide, technical assistance to improve the application.

31 3. The applicant may submit the application to a university under the
32 jurisdiction of the Arizona board of regents, a community college district or
33 a group of community college districts. A university, a community college
34 district or a group of community college districts may approve the
35 application if it meets the requirements of this article and if the proposed
36 sponsor determines, in its sole discretion, that the applicant is
37 sufficiently qualified to operate a charter school.

38 4. Each applicant seeking to establish a charter school shall submit a
39 full set of fingerprints to the approving agency for the purpose of obtaining
40 a state and federal criminal records check pursuant to section 41-1750 and

1 Public Law 92-544. If an applicant will have direct contact with students,
2 the applicant shall possess a valid fingerprint clearance card that is issued
3 pursuant to title 41, chapter 12, article 3.1. The department of public
4 safety may exchange this fingerprint data with the federal bureau of
5 investigation. The criminal records check shall be completed before the
6 issuance of a charter.

7 5. All persons engaged in instructional work directly as a classroom,
8 laboratory or other teacher or indirectly as a supervisory teacher, speech
9 therapist or principal shall have a valid fingerprint clearance card that is
10 issued pursuant to title 41, chapter 12, article 3.1, unless the person is a
11 volunteer or guest speaker who is accompanied in the classroom by a person
12 with a valid fingerprint clearance card. A charter school shall not employ a
13 teacher whose certificate has been surrendered or revoked, unless the
14 teacher's certificate has been subsequently reinstated by the state board of
15 education. All other personnel shall be fingerprint checked pursuant to
16 section 15-512. Before employment, the charter school shall make documented,
17 good faith efforts to contact previous employers of a person to obtain
18 information and recommendations that may be relevant to a person's fitness
19 for employment as prescribed in section 15-512, subsection F. The charter
20 school shall notify the department of public safety if the charter school or
21 sponsor receives credible evidence that a person who possesses a valid
22 fingerprint clearance card is arrested for or is charged with an offense
23 listed in section 41-1758.03, subsection B. Charter schools may hire
24 personnel that have not yet received a fingerprint clearance card if proof is
25 provided of the submission of an application to the department of public
26 safety for a fingerprint clearance card and if the charter school that is
27 seeking to 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 statewide
31 criminal records check on the applicant. A statewide criminal records check
32 shall be completed by the department of public safety every one hundred
33 twenty days until the date that the fingerprint check is completed.

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

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

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

4 (f) Verifies the fingerprint status of the applicant with the
5 department of public safety.

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

10 7. If a charter school operator is not already subject to a public
11 meeting or hearing by the municipality in which the charter school is
12 located, the operator of a charter school shall conduct a public meeting at
13 least thirty days before the charter school operator opens a site or sites
14 for the charter school. The charter school operator shall post notices of
15 the public meeting in at least three different locations that are within
16 three hundred feet of the proposed charter school site.

17 8. A person who is employed by a charter school or who is an applicant
18 for employment with a charter school, who is arrested for or charged with a
19 nonappealable offense listed in section 41-1758.03, subsection B and who does
20 not immediately report the arrest or charge to the person's supervisor or
21 potential employer is guilty of unprofessional conduct and the person shall
22 be immediately dismissed from employment with the charter school or
23 immediately excluded from potential employment with the charter school.

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

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

29 (b) Notify the person's employer or potential employer of the
30 conviction.

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

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

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

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

2 1. Ensure compliance with federal, state and local rules, regulations
3 and statutes relating to health, safety, civil rights and insurance. The
4 department of education shall publish a list of relevant rules, regulations
5 and statutes to notify charter schools of their responsibilities under this
6 paragraph.

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

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

14 4. Ensure that it designs a method to measure pupil progress toward
15 the pupil outcomes adopted by the state board of education pursuant to
16 section 15-741.01, including participation in the Arizona instrument to
17 measure standards test and the nationally standardized norm-referenced
18 achievement test as designated by the state board and the completion and
19 distribution of an annual report card as prescribed in chapter 7, article 3
20 of this title.

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

24 6. Ensure that, except as provided in this article, it is subject to
25 the same financial and electronic data submission requirements as a school
26 district, including the uniform system of financial records as prescribed in
27 chapter 2, article 4 of this title, procurement rules as prescribed in
28 section 15-213 and audit requirements. The auditor general shall conduct a
29 comprehensive review and revision of the uniform system of financial records
30 to ensure that the provisions of the uniform system of financial records that
31 relate to charter schools are in accordance with commonly accepted accounting
32 principles used by private business. A school's charter may include
33 exceptions to the requirements of this paragraph that are necessary as
34 determined by the district governing board, the state board of education or
35 the state board for charter schools. The department of education or the
36 office of the auditor general may conduct financial, program or compliance
37 audits.

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

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

7 9. Ensure that it provides a minimum of one hundred seventy-five
8 instructional days before June 30 of each fiscal year unless it is operating
9 on an alternative calendar approved by its sponsor. The superintendent of
10 public instruction shall adjust the apportionment schedule accordingly to
11 accommodate a charter school utilizing an alternative calendar.

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

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

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

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

32 1. At least eighteen months before the expiration of the approved
33 plan, the sponsor shall notify the charter school that the charter school may
34 apply for renewal. A charter school that elects to apply for renewal shall
35 file an application for renewal at least fifteen months before the expiration
36 of the approved plan. In addition to any other requirements, the application
37 for renewal shall include a detailed business plan for the charter school, a
38 review of fiscal audits and academic performance data for the charter school
39 that are annually collected by the sponsor and a review of the current
40 contract between the sponsor and the charter school. A sponsor shall give

1 written notice of its intent not to renew the charter school's request for
2 renewal to the charter school at least twelve months before the expiration of
3 the approved plan to allow the charter school an opportunity to apply to
4 another sponsor to transfer the operation of the charter school. If the
5 operation of the charter school is transferred to another sponsor, the
6 fifteen year period of the current charter shall be maintained. The sponsor
7 shall make data used in making renewal decisions available to the school and
8 the public and shall provide a public report summarizing the evidence basis
9 for each decision. The sponsor may deny the request for renewal if, in its
10 judgment, the charter holder has failed to do any of the following:

11 (a) Meet or make sufficient progress toward the academic performance
12 expectations set forth in the performance framework or any improvement plans.

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

15 (c) Complete the obligations of the contract.

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

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

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

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

4 K. A charter school that is sponsored by the state board of education,
5 the state board for charter schools, a university, a community college
6 district or a group of community college districts may not be located on the
7 property of a school district unless the district governing board grants this
8 authority.

9 L. A governing board or a school district employee who has control
10 over personnel actions shall not take unlawful reprisal against another
11 employee of the school district because the employee is directly or
12 indirectly involved in an application to establish a charter school. A
13 governing board or a school district employee shall not take unlawful
14 reprisal against an educational program of the school or the school district
15 because an application to establish a charter school proposes the conversion
16 of all or a portion of the educational program to a charter school. For the
17 purposes of this subsection, "unlawful reprisal" means an action that is
18 taken by a governing board or a school district employee as a direct result
19 of a lawful application to establish a charter school and that is adverse to
20 another employee or an education program and:

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

23 (a) Disciplinary or corrective action.

24 (b) Detail, transfer or reassignment.

25 (c) Suspension, demotion or dismissal.

26 (d) An unfavorable performance evaluation.

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

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

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

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

34 (a) Suspension or termination of the program.

35 (b) Transfer or reassignment of the program to a less favorable
36 department.

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

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

1 M. Charter schools shall secure insurance for liability and property
2 loss. The governing body of a charter school that is sponsored by the state
3 board of education or the state board for charter schools may enter into an
4 intergovernmental agreement or otherwise contract to participate in an
5 insurance program offered by a risk retention pool established pursuant to
6 section 11-952.01 or 41-621.01 or the charter school may secure its own
7 insurance coverage. The pool may charge the requesting charter school
8 reasonable fees for any services it performs in connection with the insurance
9 program.

10 N. Charter schools do not have the authority to acquire property by
11 eminent domain.

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

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

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

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

32 1. The academic performance expectations of the charter school and the
33 measurement of sufficient progress toward the academic performance
34 expectations.

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

37 3. Intervention and improvement policies.

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

1 T. All property accumulated by a charter school shall remain the
2 property of the charter school.

3 U. Charter schools may not locate a school on property that is less
4 than one-fourth mile from agricultural land regulated pursuant to section
5 3-365, except that the owner of the agricultural land may agree to comply
6 with the buffer zone requirements of section 3-365. If the owner agrees in
7 writing to comply with the buffer zone requirements and records the agreement
8 in the office of the county recorder as a restrictive covenant running with
9 the title to the land, the charter school may locate a school within the
10 affected buffer zone. The agreement may include any stipulations regarding
11 the charter school, including conditions for future expansion of the school
12 and changes in the operational status of the school that will result in a
13 breach of the agreement.

14 V. A transfer of a charter to another sponsor, a transfer of a charter
15 school site to another sponsor or a transfer of a charter school site to a
16 different charter shall be completed before the beginning of the fiscal year
17 that the transfer is scheduled to become effective. An entity that sponsors
18 charter schools may accept a transferring school after the beginning of the
19 fiscal year if the transfer is approved by the superintendent of public
20 instruction. The superintendent of public instruction shall have the
21 discretion to consider each transfer during the fiscal year on a case by case
22 basis. If a charter school is sponsored by a school district that is
23 determined to be out of compliance with this title, the uniform system of
24 financial records or any other state or federal law, the charter school may
25 transfer to another sponsoring entity at any time during the fiscal year. A
26 charter holder seeking to transfer sponsors shall comply with the current
27 charter terms regarding assignment of the charter. A charter holder
28 transferring sponsors shall notify the current sponsor that the transfer has
29 been approved by the new sponsor.

30 W. Notwithstanding subsection V of this section, a charter holder on
31 an improvement plan must notify parents or guardians of registered students
32 of the intent to transfer the charter and the timing of the proposed
33 transfer. Upon the approved transfer, the new sponsor shall enforce the
34 improvement plan but may modify the plan based on performance.

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

1 the fund only for the processing of contract amendments for charter schools
2 participating in Arizona online instruction. Monies in the fund are
3 continuously appropriated.

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

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

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

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

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

29 DD. A CHARTER SCHOOL MAY CHOOSE TO PROVIDE A PRESCHOOL PROGRAM FOR
30 CHILDREN WITH DISABILITIES PURSUANT TO SECTION 15-771.

31 Sec. 2. Section 15-771, Arizona Revised Statutes, is amended to read:

32 15-771. Preschool programs for children with disabilities;
33 definition

34 A. Each school district shall make available an educational program
35 for preschool children with disabilities who reside in the school district
36 and who are not already receiving services that have been provided through
37 the department of education. A CHARTER SCHOOL MAY CHOOSE TO MAKE AVAILABLE
38 AN EDUCATIONAL PROGRAM FOR PRESCHOOL CHILDREN WITH DISABILITIES. The state
39 board of education shall prescribe rules for use by school districts in the
40 provision of educational programs for preschool children with

1 disabilities. School districts are required to ~~AND CHARTER SCHOOLS MAY,~~ make
2 available educational programs for ~~and,~~ PRESCHOOL CHILDREN WHO MEET THE
3 DEFINITION OF ONE OF THE CONDITIONS PRESCRIBED IN PARAGRAPHS 1 THROUGH 5 OF
4 THIS SUBSECTION. For the purposes of calculating average daily membership,
5 SCHOOL DISTRICTS AND CHARTER SCHOOLS may count only those preschool children
6 who meet the definition of one of the following conditions:

- 7 1. Hearing impairment.
- 8 2. Visual impairment.
- 9 3. Developmental delay.
- 10 4. Preschool severe delay.
- 11 5. Speech/language impairment.

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

18 C. The governing board of a school district OR THE APPROPRIATE
19 APPROVING BODY OF A CHARTER SCHOOL may submit a proposal to the state board
20 of education as prescribed by the state board to receive monies for preschool
21 programs for children with disabilities as provided in this section. A
22 school district ~~which~~ THAT receives monies as provided in this section shall
23 include the monies in the special projects section of the budget as provided
24 in section 15-903, subsection F.

25 D. All school districts shall cooperate, if appropriate, with
26 community organizations that provide services to preschool children with
27 disabilities in the provision of the district's preschool program for
28 children with disabilities.

29 E. A school district OR CHARTER SCHOOL may not admit a child to a
30 preschool program for children with disabilities unless the child is
31 evaluated and recommended for placement as provided in sections 15-766 and
32 15-767.

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

38 G. For the purposes of this section, "preschool child" means a child
39 who is at least three years of age but who has not reached the age required
40 for kindergarten. A preschool child is three years of age as of the date of

1 the child's third birthday. The governing board of a school district OR THE
2 APPROPRIATE APPROVING BODY OF A CHARTER SCHOOL may admit otherwise eligible
3 children who are within ninety days of their third birthday, if it is
4 determined to be in the best interest of the individual child. Children who
5 are admitted to programs for preschool children ~~prior to~~ BEFORE their third
6 birthday are entitled to the same provision of services as if they were three
7 years of age."

8 Amend title to conform

and, as so amended, it do pass

JOHN KAVANAGH
Chairman

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