

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2190

AN ACT

AMENDING SECTIONS 15-101 AND 15-102, ARIZONA REVISED STATUTES; AMENDING SECTION 15-117, ARIZONA REVISED STATUTES, AS ADDED BY HOUSE BILL 2088, FIFTY-SECOND LEGISLATURE, SECOND REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTIONS 15-152, 15-183 AND 15-218, ARIZONA REVISED STATUTES; REPEALING SECTION 15-306, ARIZONA REVISED STATUTES; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; REPEALING SECTIONS 15-348, 15-349, 15-353, 15-505, 15-707, 15-708, 15-709, 15-711.01 AND 15-718, ARIZONA REVISED STATUTES; REPEALING TITLE 15, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-552, 15-701, 15-706, 15-823 AND 15-824, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-901.07; AMENDING SECTIONS 15-903 AND 15-914, ARIZONA REVISED STATUTES; AMENDING SECTION 15-995, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2016, CHAPTER 48, SECTION 2; AMENDING SECTIONS 15-1103, 15-1107 AND 43-1089.01, ARIZONA REVISED STATUTES; RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to
3 read:
4 15-101. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Accommodation school" means either:
7 (a) A school that is operated through the county board of supervisors
8 and the county school superintendent and that the county school
9 superintendent administers to serve a military reservation or territory that
10 is not included within the boundaries of a school district.
11 (b) A school that provides educational services to homeless children
12 or alternative education programs as provided in section 15-308,
13 subsection B.
14 (c) A school that is established to serve a military reservation, the
15 boundaries of which are coterminous with the boundaries of the military
16 reservation on which the school is located.
17 2. "Assessed valuation" means the valuation derived by applying the
18 applicable percentage as provided in title 42, chapter 15, article 1 to the
19 full cash value or limited property value, whichever is applicable, of the
20 property.
21 3. "Charter holder" means a person that enters into a charter with the
22 state board for charter schools. For the purposes of this paragraph,
23 "person" means an individual, partnership, corporation, association or public
24 or private organization of any kind.
25 4. "Charter school" means a public school established by contract with
26 a district governing board, the state board of education, the state board for
27 charter schools, a university under the jurisdiction of the Arizona board of
28 regents, a community college district ~~with enrollment of more than fifteen~~
29 ~~thousand full-time equivalent students~~ or a group of community college
30 districts ~~with a combined enrollment of more than fifteen thousand full-time~~
31 ~~equivalent students~~ pursuant to article 8 of this chapter to provide learning
32 that will improve pupil achievement.
33 5. "Child with a disability" means a child with a disability as
34 defined in section 15-761.
35 6. "Class A bonds" means general obligation bonds approved by a vote
36 of the qualified electors of a school district at an election held on or
37 before December 31, 1998.
38 7. "Class B bonds" means general obligation bonds approved by a vote
39 of the qualified electors of a school district at an election held from and
40 after December 31, 1998.
41 8. "Competency" means a demonstrated ability in a skill at a specified
42 performance level.
43 9. "Course" means organized subject matter in which instruction is
44 offered within a given period of time and for which credit toward promotion,

- 1 graduation or certification is usually given. A course consists of knowledge
2 selected from a subject for instructional purposes in the schools.
- 3 10. "Course of study" means a list of required and optional subjects
4 to be taught in the schools.
- 5 11. "Dual enrollment course" means a ~~college-level~~ COLLEGE-LEVEL
6 course that is conducted on the campus of a high school or on the campus of a
7 joint technical education district, that is applicable to an established
8 community college academic degree or certificate program and that is
9 transferable to a university under the jurisdiction of the Arizona board of
10 regents. A dual enrollment course that is applicable to a community college
11 occupational degree or certificate program may be transferable to a
12 university under the jurisdiction of the Arizona board of regents.
- 13 12. "Elementary grades" means kindergarten programs and grades one
14 through eight.
- 15 13. "Fiscal year" means the year beginning July 1 and ending June 30.
- 16 14. "Governing board" means a body organized for the government and
17 management of the schools within a school district or a county school
18 superintendent in the conduct of an accommodation school.
- 19 15. "Lease" means an agreement for conveyance and possession of real
20 or personal property.
- 21 16. "Limited property value" means the value determined pursuant to
22 title 42, chapter 13, article 7. Limited property value shall be used as the
23 basis for assessing, fixing, determining and levying primary property taxes.
- 24 17. "Parent" means the natural or adoptive parent of a child or a
25 person who has custody of a child.
- 26 18. "Person who has custody" means a parent or legal guardian of a
27 child, a person to whom custody of the child has been given by order of a
28 court or a person who stands in loco parentis to the child.
- 29 19. "Primary property taxes" means all ad valorem taxes except for
30 secondary property taxes.
- 31 20. "Private school" means a nonpublic institution where instruction
32 is imparted.
- 33 21. "School" or "public school" means any public institution
34 established for the purposes of offering instruction to pupils in programs
35 for preschool children with disabilities, kindergarten programs or any
36 combination of elementary grades or secondary grades one through twelve.
- 37 22. "School district" means a political subdivision of this state with
38 geographic boundaries organized for the purpose of the administration,
39 support and maintenance of the public schools or an accommodation school.
- 40 23. "Secondary grades" means grades nine through twelve.
- 41 24. "Secondary property taxes" means ad valorem taxes used to pay the
42 principal of and the interest and redemption charges on any bonded
43 indebtedness or other lawful long-term obligation issued or incurred for a
44 specific purpose by a school district or a community college district and

1 amounts levied pursuant to an election to exceed a budget, expenditure or tax
2 limitation.

3 25. "Subject" means a division or field of organized knowledge, such
4 as English or mathematics, or a selection from an organized body of knowledge
5 for a course or teaching unit, such as the English novel or elementary
6 algebra.

7 Sec. 2. Section 15-102, Arizona Revised Statutes, is amended to read:

8 15-102. Parental involvement in the school; definition

9 A. The governing board, in consultation with parents, teachers and
10 administrators, shall develop and adopt a policy to promote the involvement
11 of parents and guardians of children enrolled in the schools within the
12 school district, including:

13 1. A plan for parent participation in the schools ~~which~~ THAT is
14 designed to improve parent and teacher cooperation in such areas as homework,
15 attendance and discipline. THE PLAN SHALL PROVIDE FOR THE ADMINISTRATION OF
16 A PARENT-TEACHER SATISFACTION SURVEY.

17 2. Procedures by which parents may learn about the course of study for
18 their children and review learning materials, including the source of any
19 supplemental educational materials.

20 3. Procedures by which parents who object to any learning material or
21 activity on the basis that it is harmful may withdraw their children from the
22 activity or from the class or program in which the material is used.
23 Objection to a learning material or activity on the basis that it is harmful
24 includes objection to a material or activity because it questions beliefs or
25 practices in sex, morality or religion.

26 4. If a school district offers any sex education curricula pursuant to
27 section 15-711 or 15-716 or pursuant to any rules adopted by the state board
28 of education, procedures to prohibit a school district from providing sex
29 education instruction to a pupil unless the pupil's parent provides written
30 permission for the child to participate in the sex education curricula.

31 5. Procedures by which parents will be notified in advance of and
32 given the opportunity to withdraw their children from any instruction or
33 presentations regarding sexuality in courses other than formal sex education
34 curricula.

35 6. Procedures by which parents may learn about the nature and purpose
36 of clubs and activities that are part of the school curriculum,
37 extracurricular clubs and activities that have been approved by the school.

38 7. Procedures by which parents may learn about parental rights and
39 responsibilities under the laws of this state, including the following:

40 (a) The right to opt in to a sex education curriculum if one is
41 provided by the school district.

42 (b) Open enrollment rights pursuant to section 15-816.01.

43 (c) The right to opt out of assignments pursuant to this section.

44 (d) The right to opt out of immunizations pursuant to section 15-873.

45 (e) The promotion requirements prescribed in section 15-701.

- 1 (f) The minimum course of study and competency requirements for
2 graduation from high school prescribed in section 15-701.01.
- 3 (g) The right to opt out of instruction on the acquired immune
4 deficiency syndrome pursuant to section 15-716.
- 5 (h) The right to review test results pursuant to section 15-743.
- 6 (i) The right to participate in gifted programs pursuant to section
7 15-779.01.
- 8 (j) The right to access instructional materials pursuant to section
9 15-730.
- 10 (k) The right to receive a school report card pursuant to section
11 15-746.
- 12 (l) The attendance requirements prescribed in sections 15-802, 15-803
13 and 15-821.
- 14 (m) The right to public review of courses of study and textbooks
15 pursuant to section 15-721.
- 16 (n) The right to be excused from school attendance for religious
17 purposes pursuant to section 15-806.
- 18 (o) Policies related to parental involvement pursuant to this section.
- 19 (p) The right to seek membership on school councils pursuant to
20 section 15-351.
- 21 (q) The right to participate in a parental satisfaction survey
22 pursuant to section 15-353.
- 23 (r) Information about the student accountability information system as
24 prescribed in section ~~15-1042~~ 15-1041.
- 25 (s) The right to access the failing schools tutoring fund pursuant to
26 section 15-241.
- 27 B. The policy adopted by the governing board pursuant to this section
28 may also include the following components:
- 29 1. A plan by which parents will be made aware of the district's
30 parental involvement policy and this section, including:
- 31 (a) Rights under the family educational rights and privacy act of 1974
32 (20 United States Code section 1232g) relating to access to children's
33 official records.
- 34 (b) The parent's right to inspect the school district policies and
35 curriculum.
- 36 2. Efforts to encourage the development of parenting skills.
- 37 3. The communication to parents of techniques designed to assist the
38 child's learning experience in the home.
- 39 4. Efforts to encourage access to community and support services for
40 children and families.
- 41 5. The promotion of communication between the school and parents
42 concerning school programs and the academic progress of the parents'
43 children.
- 44 6. Identifying opportunities for parents to participate in and support
45 classroom instruction at the school.

1 7. Efforts to support, with appropriate training, parents as shared
2 ~~decision-makers~~ **DECISION-MAKERS** and to encourage membership on school
3 councils.

4 8. The recognition of the diversity of parents and the development of
5 guidelines that promote widespread parental participation and involvement in
6 the school at various levels.

7 9. The development of preparation programs and specialized courses for
8 certificated employees and administrators that promote parental involvement.

9 10. The development of strategies and programmatic structures at
10 schools to encourage and enable parents to participate actively in their
11 children's education.

12 C. The governing board may adopt a policy to provide to parents the
13 information required by this section in an electronic form.

14 D. A parent shall submit a written request for information pursuant to
15 this section during regular business hours to either the school principal at
16 the school site or the superintendent of the school district at the office of
17 the school district. Within ten days of receiving the request for
18 information, the school principal or the superintendent of the school
19 district shall either deliver the requested information to the parent or
20 submit to the parent a written explanation of the reasons for the denial of
21 the requested information. If the request for information is denied or the
22 parent does not receive the requested information within fifteen days after
23 submitting the request for information, the parent may submit a written
24 request for the information to the school district governing board, which
25 shall formally consider the request at the next scheduled public meeting of
26 the governing board if the request can be properly noticed on the agenda. If
27 the request cannot be properly noticed on the agenda, the governing board
28 shall formally consider the request at the next subsequent public meeting of
29 the governing board.

30 E. For the purposes of this section, "parent" means the natural or
31 adoptive parent or legal guardian of a minor child.

32 Sec. 3. Section 15-117, Arizona Revised Statutes, as added by House
33 Bill 2088, fifty-second legislature, second regular session, as transmitted
34 to the governor, is amended to read:

35 15-117. Surveys; pupil information; parental permission and
36 informed consent; exceptions; penalties; definitions

37 A. Notwithstanding any other law, each school district and charter
38 school shall obtain written informed consent from the parent of a pupil
39 before administering any survey that is retained by a school district, a
40 charter school or the department of education for longer than one year and
41 that solicits personal information about the pupil regarding any of the
42 following:

43 1. Critical appraisals of another person with whom a pupil has a close
44 relationship.

45 2. Gun or ammunition ownership.

- 1 3. Illegal, antisocial or self-incriminating behavior.
- 2 4. Income or other financial information.
- 3 5. Legally recognized privileged or analogous relationships, such as
- 4 relationships with a lawyer, physician or member of the clergy.
- 5 6. Medical history or medical information.
- 6 7. Mental health history or mental health information.
- 7 8. Political affiliations, opinions or beliefs.
- 8 9. Pupil biometric information.
- 9 10. The quality of home interpersonal relationships.
- 10 11. Religious practices, affiliations or beliefs.
- 11 12. Self-sufficiency as it pertains to emergency, disaster and
- 12 essential services interruption planning.
- 13 13. Sexual behavior or attitudes.
- 14 14. Voting history.

15 B. At the beginning of every school year, every school district and
16 charter school shall obtain written informed consent from the parent of a
17 pupil to participate in any survey pursuant to subsection A of this section
18 for the entire year. A parent of a pupil may at any time revoke consent for
19 the pupil to participate in any survey pursuant to subsection A of this
20 section. For any pupil who is at least eighteen years of age, the permission
21 or consent that would otherwise be required from the pupil's parent pursuant
22 to this section is required only from the pupil. All surveys conducted
23 pursuant to subsection A of this section shall be approved and authorized by
24 the school district or charter school. The school district or charter school
25 is subject to the penalties prescribed in subsection L of this section. A
26 teacher or other school employee may not administer any survey pursuant to
27 subsection A of this section without written authorization from the school
28 district or charter school.

29 C. This section applies to all surveys conducted pursuant to
30 subsection A of this section:

- 31 1. Regardless of the stated purpose of the survey.
- 32 2. Regardless of the quantity or percentage of questions that solicit
- 33 data pursuant to subsection A of this section.
- 34 3. Including written or digital surveys.

35 D. This section does not apply to:

- 36 1. Mental health screening pursuant to section 15-104 or the
- 37 identification of or programming for children with disabilities or gifted
- 38 pupils pursuant to chapter 7, articles 4 and 4.1 of this title.
- 39 2. Class instruction, discussion or assignments on subjects within the
- 40 purview of the course.
- 41 3. Private schools.
- 42 4. Any nationally recognized college entrance exam that a student
- 43 chooses to take regardless if the administration of the exam takes place on
- 44 public school property.

1 5. Any survey conducted that contains questions soliciting information
2 pursuant to subsection A of this section if the survey does not require a
3 student's name or any other personally identifiable information.

4 6. Any survey conducted or implemented by the Arizona criminal justice
5 commission.

6 7. Any method of surveying a student that is conducted because a
7 person has a reasonable belief that a minor is or has been a victim of abuse
8 pursuant to section 13-3620.

9 E. A penalty may not be imposed on a pupil or the parent of a pupil
10 who does not participate in any survey conducted pursuant to subsection A of
11 this section. Participation in any survey pursuant to subsection A of this
12 section is not required:

13 1. To demonstrate that a pupil has met competency requirements for any
14 grade level, course or subject.

15 2. For a pupil to qualify for placement into any grade level, course
16 or subject.

17 3. For a pupil to be promoted to the next grade.

18 4. For a pupil to receive credit for any course or as part of a letter
19 grade for any course.

20 5. For a pupil to graduate from high school.

21 6. For a pupil to obtain a high school equivalency diploma.

22 F. A school district or charter school shall provide an alternative
23 educational activity for any pupil whose parent does not consent for that
24 pupil to participate in a survey conducted pursuant to subsection A of this
25 section.

26 G. Any pupil whose parent does not give written informed consent for
27 that pupil to participate in any survey pursuant to subsection A of this
28 section and who attends the alternative educational activity pursuant to this
29 section shall be counted toward daily attendance and average daily membership
30 for the school pursuant to section 15-901 and may not be counted absent from
31 school.

32 H. Responses to any survey pursuant to subsection A of this section
33 may not be included:

34 1. As part of a school academic performance indicator pursuant to
35 section 15-241, or as part of any other similar school rating system.

36 2. In the education learning and accountability system pursuant to
37 section 15-249, or in any other similar system.

38 3. In the student accountability information system pursuant to
39 section 15-756.10 or 15-1041, or in any other similar system.

40 ~~4. In any school, administrator or teacher rating system.~~

41 I. A penalty may not be imposed on and a reward may not be granted to
42 a teacher, administrator, other school employee, school district, school or
43 charter school based on the pupil participation rate in any survey conducted
44 pursuant to subsection A of this section.

- 1 J. On request, a charter school or school district shall provide any
2 available information in a timely manner to the parent of a pupil regarding a
3 survey administered pursuant to subsection A of this section including:
- 4 1. The name of the survey.
 - 5 2. The date or dates on which the survey will be administered.
 - 6 3. The method or methods of administering the survey.
 - 7 4. The amount of time required to administer the survey.
 - 8 5. The type of information collected by the survey.
 - 9 6. The reasons for administering the survey.
- 10 K. A parent of a pupil that has a reasonable belief that a school
11 district or charter school has violated this section may file a complaint
12 with the attorney general or the county attorney for the county in which an
13 alleged violation of this section occurred. The attorney general or the
14 county attorney for the county in which an alleged violation of this section
15 occurred may initiate a suit in the superior court in the county in which the
16 school district or charter school is located for the purpose of complying
17 with this section. After receiving written notice of an alleged failure to
18 comply with this section, a school district or charter school that determines
19 that a violation has occurred is not subject to a penalty or cause of action
20 under this section if the school district or charter school cures the
21 violation. For the purposes of this subsection, "cure" means to destroy any
22 information gathered in violation of this section and to provide written
23 instruction to the individual circulating the survey, to be kept on file for
24 one year after receipt of the written notice of the alleged failure to
25 comply.
- 26 L. For each violation of this section, the court may impose a civil
27 penalty not to exceed five hundred dollars. The school district or charter
28 school determined to be out of compliance with this section shall be
29 responsible for the payment of all penalties.
- 30 M. An attorney acting on behalf of a public school may request a legal
31 opinion of the county attorney or attorney general as to whether the public
32 school would violate this section.
- 33 N. All penalties collected by the court for a suit initiated in
34 superior court by the attorney general shall be paid to the office of the
35 attorney general for the use and reimbursement of costs of prosecution
36 pursuant to this section. All penalties collected by the court for a suit
37 initiated in superior court by a county attorney shall be paid to the county
38 treasurer of the county in which the court is held for the use and
39 reimbursement of costs of prosecution pursuant to this section.
- 40 O. For the purposes of this section:
- 41 1. "Parent" has the same meaning prescribed in section 15-101, except
42 that parent does not mean this state if the pupil is a ward of the state.
 - 43 2. "Survey" means:

1 (a) When used as a noun, an instrument that investigates the
2 attitudes, behaviors, beliefs, experiences, opinions or thoughts of a pupil
3 or group of pupils.

4 (b) When used as a verb, to use an instrument to investigate the
5 attitudes, behaviors, beliefs, experiences, opinions or thoughts of a pupil
6 or group of pupils.

7 Sec. 4. Section 15-152, Arizona Revised Statutes, is amended to read:
8 15-152. Pest management at schools; notice

9 A. The governing board of each school district, ~~in consultation with~~
10 ~~teachers, parents, guardians, administrators, members of the public, a~~
11 ~~certified applicator, and at least one health professional,~~ shall develop and
12 adopt a policy to provide pupils and employees with at least forty-eight
13 hours' notice before pesticides are applied on school property. The policy
14 shall include at least the following:

15 1. PROCEDURES FOR ORAL NOTIFICATION TO PUPILS AND EMPLOYEES DURING THE
16 REGULAR SCHOOL SESSION.

17 2. PROCEDURES FOR WRITTEN, ELECTRONIC OR TELEPHONIC NOTIFICATION TO
18 PARENTS OR GUARDIANS AT LEAST FORTY-EIGHT HOURS PRIOR TO THE APPLICATION OF
19 PESTICIDES.

20 ~~1. Procedures for providing the notification including:~~

21 ~~(a) Procedures for oral notification to pupils and employees during a~~
22 ~~regular school session.~~

23 ~~(b) Procedures for written notification to parents or guardians during~~
24 ~~a regular school session.~~

25 ~~(c) Procedures for the posting of signs to identify pesticide~~
26 ~~application areas.~~

27 ~~2. Procedures for requiring any contracted pest control applicator to~~
28 ~~provide detailed and sufficient information to the schools for the purpose of~~
29 ~~completing the posting materials.~~

30 ~~3. Procedures providing for continuing instruction for pupils who are~~
31 ~~absent because of pesticide application on school property.~~

32 ~~B. Each school district shall maintain written records of pesticide~~
33 ~~application notifications. The school district may delegate to the pest~~
34 ~~control applicator the duty to fill out and post notices required by district~~
35 ~~policy.~~

36 ~~C.~~ B. For purposes of this section, ~~"pesticides"~~ **DO** not
37 include:

38 1. Nonrestricted use disinfectants, sanitizers or deodorizers
39 regulated by the federal insecticide, fungicide and rodenticide act but
40 ~~includes~~ **INCLUDE** other pesticides regulated under the federal insecticide,
41 fungicide and rodenticide act (P.L. 100-532; 102 Stat. 2654; 7 United States
42 Code section 136).

43 2. **NONRESIDUAL PESTICIDE APPLICATIONS PERFORMED OR CONTRACTED BY**
44 **PUBLIC HEALTH AGENCIES FOR VECTOR CONTROL.**

1 3. EMERGENCY APPLICATIONS OF A PESTICIDE THAT HAS A TOXICITY CATEGORY
2 OF III OR IV PURSUANT TO 40 CODE OF FEDERAL REGULATIONS SECTION 156.62 TO
3 CONTROL HARMFUL PESTS THAT POSE AN IMMINENT THREAT TO THE PUBLIC HEALTH.

4 Sec. 5. Section 15-183, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

25 (f) Notwithstanding any other law, a school district governing board
26 shall not grant a charter to a new charter school that begins initial
27 operations after June 30, 2013 or convert an existing district public school
28 to a charter school that begins initial operations after June 30, 2013.

29 2. The applicant may submit the application to the state board of
30 education or the state board for charter schools. Notwithstanding any other
31 law, neither the state board for charter schools nor the state board of
32 education shall grant a charter to a school district governing board for a
33 new charter school that begins initial operations after June 30, 2013 or for
34 the conversion of an existing district public school to a charter school that
35 begins initial operations after June 30, 2013. The state board of education
36 or the state board for charter schools may approve the application if the
37 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
40 the applicant is applying to operate as a separate charter holder by
41 considering factors such as whether:

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

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

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

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

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

8 (f) It is reconstituting an existing grade configuration from a prior
9 charter holder with at least one grade remaining on the original site with
10 the other grade or grades moving to a new site. The state board of education
11 or the state board for charter schools may approve any charter schools
12 transferring charters. The state board of education and the state board for
13 charter schools shall approve any charter schools transferring charters from
14 a school district that is determined to be out of compliance with the uniform
15 system of financial records pursuant to this section, but may require the
16 charter school to sign a new charter that is equivalent to the charter
17 awarded by the former sponsor. If the state board of education or the state
18 board for charter schools rejects the preliminary application, the state
19 board of education or the state board for charter schools shall notify the
20 applicant in writing of the reasons for the rejection and of suggestions for
21 improving the application. An applicant may submit a revised application for
22 reconsideration by the state board of education or the state board for
23 charter schools. The applicant may request, and the state board of education
24 or the state board for charter schools may provide, technical assistance to
25 improve the application.

26 3. The applicant may submit the application to a university under the
27 jurisdiction of the Arizona board of regents, a community college district or
28 a group of community college districts. A university, a community college
29 district or a group of community college districts shall not grant a charter
30 to a school district governing board for a new charter school that begins
31 initial operations after June 30, 2013 or for the conversion of an existing
32 district public school to a charter school that begins initial operations
33 after June 30, 2013. A university, a community college district or a group
34 of community college districts may approve the application if it meets the
35 requirements of this article and if the proposed sponsor determines, in its
36 sole discretion, that the applicant is sufficiently qualified to operate a
37 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
41 Public Law 92-544. If an applicant will have direct contact with students,
42 the applicant shall possess a valid fingerprint clearance card that is issued
43 pursuant to title 41, chapter 12, article 3.1. The department of public
44 safety may exchange this fingerprint data with the federal bureau of

1 investigation. The criminal records check shall be completed before the
2 issuance of a charter.

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

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

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

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

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

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

41 (f) Verifies the fingerprint status of the applicant with the
42 department of public safety.

43 6. A charter school that complies with the fingerprinting requirements
44 of this section shall be deemed to have complied with section 15-512 and is

1 entitled to the same rights and protections provided to school districts by
2 section 15-512.

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

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

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

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

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

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

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

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

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

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

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

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

44 4. Ensure that it designs a method to measure pupil progress toward
45 the pupil outcomes adopted by the state board of education pursuant to

1 section 15-741.01, including participation in the Arizona instrument to
2 measure standards test and the nationally standardized norm-referenced
3 achievement test as designated by the state board and the completion and
4 distribution of an annual report card as prescribed in chapter 7, article 3
5 of this title.

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

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

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

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

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

38 F. A charter school shall keep ~~on~~ IN THE PERSONNEL file ~~the resumes~~ of
39 all current ~~and former~~ employees who provide instruction to pupils at the
40 charter school. ~~Resumes shall include an individual's~~ INFORMATION ABOUT THE
41 EMPLOYEE'S educational and teaching background and experience in a particular
42 academic content subject area. A charter school shall inform parents and
43 guardians of the availability of the ~~resume~~ information and shall make the
44 ~~resume~~ information available for inspection on request of parents and
45 guardians of pupils enrolled at the charter school. This subsection does not

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

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

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

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

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

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

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

25 (c) Complete the obligations of the contract.

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

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

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

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

43 (c) Complete the obligations of the contract.

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

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

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

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

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

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

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

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

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

33 L. A governing board or a school district employee who has control
34 over personnel actions shall not take unlawful reprisal against another
35 employee of the school district because the employee is directly or
36 indirectly involved in an application to establish a charter school. A
37 governing board or a school district employee shall not take unlawful
38 reprisal against an educational program of the school or the school district
39 because an application to establish a charter school proposes the conversion
40 of all or a portion of the educational program to a charter school. For the
41 purposes of this subsection, "unlawful reprisal" means an action that is
42 taken by a governing board or a school district employee as a direct result
43 of a lawful application to establish a charter school and that is adverse to
44 another employee or an education program and:

- 1 1. With respect to a school district employee, results in one or more
2 of the following:
- 3 (a) Disciplinary or corrective action.
 - 4 (b) Detail, transfer or reassignment.
 - 5 (c) Suspension, demotion or dismissal.
 - 6 (d) An unfavorable performance evaluation.
 - 7 (e) A reduction in pay, benefits or awards.
 - 8 (f) Elimination of the employee's position without a reduction in
9 force by reason of lack of monies or work.
 - 10 (g) Other significant changes in duties or responsibilities that are
11 inconsistent with the employee's salary or employment classification.
- 12 2. With respect to an educational program, results in one or more of
13 the following:
- 14 (a) Suspension or termination of the program.
 - 15 (b) Transfer or reassignment of the program to a less favorable
16 department.
 - 17 (c) Relocation of the program to a less favorable site within the
18 school or school district.
 - 19 (d) Significant reduction or termination of funding for the program.
- 20 M. Charter schools shall secure insurance for liability and property
21 loss. The governing body of a charter school that is sponsored by the state
22 board of education or the state board for charter schools may enter into an
23 intergovernmental agreement or otherwise contract to participate in an
24 insurance program offered by a risk retention pool established pursuant to
25 section 11-952.01 or 41-621.01 or the charter school may secure its own
26 insurance coverage. The pool may charge the requesting charter school
27 reasonable fees for any services it performs in connection with the insurance
28 program.
- 29 N. Charter schools do not have the authority to acquire property by
30 eminent domain.
- 31 O. A sponsor, including members, officers and employees of the
32 sponsor, is immune from personal liability for all acts done and actions
33 taken in good faith within the scope of its authority.
- 34 P. Charter school sponsors and this state are not liable for the debts
35 or financial obligations of a charter school or persons who operate charter
36 schools.
- 37 Q. The sponsor of a charter school shall establish procedures to
38 conduct administrative hearings on determination by the sponsor that grounds
39 exist to revoke a charter. Procedures for administrative hearings shall be
40 similar to procedures prescribed for adjudicative proceedings in title 41,
41 chapter 6, article 10. Except as provided in section 41-1092.08, subsection
42 H, final decisions of the state board of education and the state board for
43 charter schools from hearings conducted pursuant to this subsection are
44 subject to judicial review pursuant to title 12, chapter 7, article 6.

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

8 1. The academic performance expectations of the charter school and the
9 measurement of sufficient progress toward the academic performance
10 expectations.

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

13 3. Intervention and improvement policies.

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

16 T. All property accumulated by a charter school shall remain the
17 property of the charter school.

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

29 V. A transfer of a charter to another sponsor, a transfer of a charter
30 school site to another sponsor or a transfer of a charter school site to a
31 different charter shall be completed before the beginning of the fiscal year
32 that the transfer is scheduled to become effective. An entity that sponsors
33 charter schools may accept a transferring school after the beginning of the
34 fiscal year if the transfer is approved by the superintendent of public
35 instruction. The superintendent of public instruction shall have the
36 discretion to consider each transfer during the fiscal year on a case by case
37 basis. If a charter school is sponsored by a school district that is
38 determined to be out of compliance with this title, the uniform system of
39 financial records or any other state or federal law, the charter school may
40 transfer to another sponsoring entity at any time during the fiscal year. A
41 charter holder seeking to transfer sponsors shall comply with the current
42 charter terms regarding assignment of the charter. A charter holder
43 transferring sponsors shall notify the current sponsor that the transfer has
44 been approved by the new sponsor.

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

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

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

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

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

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

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

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

42 EE. Pursuant to the prescribed graduation requirements adopted by the
43 state board of education, the governing body of a charter school operating a
44 high school may approve a rigorous computer science course that would fulfill
45 a mathematics course required for graduation from high school. The governing

1 body may approve a rigorous computer science course only if the rigorous
2 computer science course includes significant mathematics content and the
3 governing body determines the high school where the rigorous computer science
4 course is offered has sufficient capacity, infrastructure and qualified
5 staff, including competent teachers of computer science.

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

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

18 HH. Sponsors authorized pursuant to this section shall submit an
19 annual report to the auditor general on or before October 1 ~~of each year~~.
20 The report shall include:

21 1. The current number of charters authorized and the number of schools
22 operated by authorized charter holders.

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

25 3. **FOR THE PRIOR YEAR**, the number of new charters approved, ~~and~~ the
26 number of charter schools closed and **THE** reason for the closure ~~in the prior~~
27 ~~year~~.

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

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

1 Sec. 6. Section 15-218, Arizona Revised Statutes, is amended to read:
2 15-218. Suicide awareness and prevention training; child abuse
3 and sexual abuse prevention and training; continuing
4 education

5 A. The state board of education shall adopt rules to allow
6 certificated teachers and administrators to count suicide awareness and
7 prevention training programs as continuing education credits.

8 B. The state board of education shall adopt rules to allow
9 certificated teachers and administrators to count awareness and prevention
10 training on issues concerning child abuse and the sexual abuse of children,
11 including warning signs that a child may be a victim of child abuse or sexual
12 abuse, as continuing education credits.

13 C. ANY RULES REGARDING CONTINUING EDUCATION CREDITS ADOPTED BY THE
14 STATE BOARD OF EDUCATION PURSUANT TO THIS SECTION SHALL INCLUDE A REASONABLE
15 LIMIT OF CREDITS THAT MAY COUNT TOWARDS CERTIFICATION RENEWAL REQUIREMENTS.

16 Sec. 7. Repeal

17 Section 15-306, Arizona Revised Statutes, is repealed.

18 Sec. 8. Section 15-341, Arizona Revised Statutes, is amended to read:
19 15-341. General powers and duties; immunity; delegation

20 A. The governing board shall:

21 1. Prescribe and enforce policies and procedures for the governance of
22 the schools, not inconsistent with law or rules prescribed by the state board
23 of education.

24 2. Exclude from schools all books, publications, papers or audiovisual
25 materials of a sectarian, partisan or denominational character. This
26 paragraph shall not be construed to prohibit the elective course permitted by
27 section 15-717.01.

28 3. Manage and control the school property within its district.

29 4. Acquire school furniture, apparatus, equipment, library books and
30 supplies for the use of the schools.

31 5. Prescribe the curricula and criteria for the promotion and
32 graduation of pupils as provided in sections 15-701 and 15-701.01.

33 6. Furnish, repair and insure, at full insurable value, the school
34 property of the district.

35 7. Construct school buildings on approval by a vote of the district
36 electors.

37 8. Make in the name of the district conveyances of property belonging
38 to the district and sold by the board.

39 9. Purchase school sites when authorized by a vote of the district at
40 an election conducted as nearly as practicable in the same manner as the
41 election provided in section 15-481 and held on a date prescribed in section
42 15-491, subsection E, but such authorization shall not necessarily specify
43 the site to be purchased and such authorization shall not be necessary to
44 exchange unimproved property as provided in section 15-342, paragraph 23.

- 1 10. Construct, improve and furnish buildings used for school purposes
2 when such buildings or premises are leased from the national park service.
- 3 11. Purchase school sites or construct, improve and furnish school
4 buildings from the proceeds of the sale of school property only on approval
5 by a vote of the district electors.
- 6 12. Hold pupils to strict account for disorderly conduct on school
7 property.
- 8 13. Discipline students for disorderly conduct on the way to and from
9 school.
- 10 14. Except as provided in section 15-1224, deposit all monies received
11 by the district as gifts, grants and devises with the county treasurer who
12 shall credit the deposits as designated in the uniform system of financial
13 records. If not inconsistent with the terms of the gifts, grants and devises
14 given, any balance remaining after expenditures for the intended purpose of
15 the monies have been made shall be used for reduction of school district
16 taxes for the budget year, except that in the case of accommodation schools
17 the county treasurer shall carry the balance forward for use by the county
18 school superintendent for accommodation schools for the budget year.
- 19 15. Provide that, if a parent or legal guardian chooses not to accept a
20 decision of the teacher as provided in section ~~15-521, paragraph 4~~ PARAGRAPH
21 42 OF THIS SUBSECTION, the parent or legal guardian may request in writing
22 that the governing board review the teacher's decision. This paragraph shall
23 not be construed to release school districts from any liability relating to a
24 child's promotion or retention.
- 25 16. Provide for adequate supervision over pupils in instructional and
26 noninstructional activities by certificated or noncertificated personnel.
- 27 17. Use school monies received from the state and county school
28 apportionment exclusively for payment of salaries of teachers and other
29 employees and contingent expenses of the district.
- 30 18. Make an annual report to the county school superintendent on or
31 before October 1 in the manner and form and on the blanks prescribed by the
32 superintendent of public instruction or county school superintendent. The
33 board shall also make reports directly to the county school superintendent or
34 the superintendent of public instruction whenever required.
- 35 19. Deposit all monies received by school districts other than student
36 activities monies or monies from auxiliary operations as provided in sections
37 15-1125 and 15-1126 with the county treasurer to the credit of the school
38 district except as provided in paragraph 20 of this subsection and sections
39 15-1223 and 15-1224, and the board shall expend the monies as provided by law
40 for other school funds.
- 41 20. Establish bank accounts in which the board during a month may
42 deposit miscellaneous monies received directly by the district. The board
43 shall remit monies deposited in the bank accounts at least monthly to the
44 county treasurer for deposit as provided in paragraph 19 of this subsection
45 and in accordance with the uniform system of financial records.

1 21. Prescribe and enforce policies and procedures for disciplinary
2 action against a teacher who engages in conduct that is a violation of the
3 policies of the governing board but that is not cause for dismissal of the
4 teacher or for revocation of the certificate of the teacher. Disciplinary
5 action may include suspension without pay for a period of time not to exceed
6 ten school days. Disciplinary action shall not include suspension with pay
7 or suspension without pay for a period of time longer than ten school days.
8 The procedures shall include notice, hearing and appeal provisions for
9 violations that are cause for disciplinary action. The governing board may
10 designate a person or persons to act on behalf of the board on these matters.

11 22. Prescribe and enforce policies and procedures for disciplinary
12 action against an administrator who engages in conduct that is a violation of
13 the policies of the governing board regarding duties of administrators but
14 that is not cause for dismissal of the administrator or for revocation of the
15 certificate of the administrator. Disciplinary action may include suspension
16 without pay for a period of time not to exceed ten school days. Disciplinary
17 action shall not include suspension with pay or suspension without pay for a
18 period of time longer than ten school days. The procedures shall include
19 notice, hearing and appeal provisions for violations that are cause for
20 disciplinary action. The governing board may designate a person or persons
21 to act on behalf of the board on these matters. For violations that are
22 cause for dismissal, the provisions of notice, hearing and appeal in chapter
23 5, article 3 of this title shall apply. The filing of a timely request for a
24 hearing suspends the imposition of a suspension without pay or a dismissal
25 pending completion of the hearing.

26 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce
27 policies and procedures that prohibit a person from carrying or possessing a
28 weapon on school grounds unless the person is a peace officer or has obtained
29 specific authorization from the school administrator.

30 24. Prescribe and enforce policies and procedures relating to the
31 health and safety of all pupils participating in district sponsored practice
32 sessions or games or other interscholastic athletic activities, including:

33 (a) The provision of water.

34 (b) Guidelines, information and forms, developed in consultation with
35 a statewide private entity that supervises interscholastic activities, to
36 inform and educate coaches, pupils and parents of the dangers of concussions
37 and head injuries and the risks of continued participation in athletic
38 activity after a concussion. The policies and procedures shall require that,
39 before a pupil participates in an athletic activity, the pupil and the
40 pupil's parent must sign an information form at least once each school year
41 that states that the parent is aware of the nature and risk of concussion.
42 The policies and procedures shall require that a pupil who is suspected of
43 sustaining a concussion in a practice session, game or other interscholastic
44 athletic activity be immediately removed from the athletic activity. A coach
45 from the pupil's team or an official or a licensed health care provider may

1 remove a pupil from play. A team parent may also remove the parent's own
2 child from play. A pupil may return to play on the same day if a health care
3 provider rules out a suspected concussion at the time the pupil is removed
4 from play. On a subsequent day, the pupil may return to play if the pupil
5 has been evaluated by and received written clearance to resume participation
6 in athletic activity from a health care provider who has been trained in the
7 evaluation and management of concussions and head injuries. A health care
8 provider who is a volunteer and who provides clearance to participate in
9 athletic activity on the day of the suspected injury or on a subsequent day
10 is immune from civil liability with respect to all decisions made and actions
11 taken that are based on good faith implementation of the requirements of this
12 subdivision, except in cases of gross negligence or wanton or wilful neglect.
13 A school district, school district employee, team coach, official or team
14 volunteer or a parent or guardian of a team member is not subject to civil
15 liability for any act, omission or policy undertaken in good faith to comply
16 with the requirements of this subdivision or for a decision made or an action
17 taken by a health care provider. A group or organization that uses property
18 or facilities owned or operated by a school district for athletic activities
19 shall comply with the requirements of this subdivision. A school district
20 and its employees and volunteers are not subject to civil liability for any
21 other person or organization's failure or alleged failure to comply with the
22 requirements of this subdivision. This subdivision does not apply to teams
23 that are based in another state and that participate in an athletic activity
24 in this state. For the purposes of this subdivision, athletic activity does
25 not include dance, rhythmic gymnastics, competitions or exhibitions of
26 academic skills or knowledge or other similar forms of physical noncontact
27 activities, civic activities or academic activities, whether engaged in for
28 the purposes of competition or recreation. For the purposes of this
29 subdivision, "health care provider" means a physician who is licensed
30 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
31 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
32 pursuant to title 32, chapter 15, and a physician assistant who is licensed
33 pursuant to title 32, chapter 25.

34 ~~25. Prescribe and enforce policies and procedures regarding the smoking~~
35 ~~of tobacco within school buildings. The policies and procedures shall be~~
36 ~~adopted in consultation with school district personnel and members of the~~
37 ~~community and shall state whether smoking is prohibited in school buildings.~~
38 ~~If smoking in school buildings is not prohibited, the policies and procedures~~
39 ~~shall clearly state the conditions and circumstances under which smoking is~~
40 ~~permitted, those areas in a school building that may be designated as smoking~~
41 ~~areas and those areas in a school building that may not be designated as~~
42 ~~smoking areas.~~

43 ~~26.~~ 25. Establish an assessment, data gathering and reporting system
44 as prescribed in chapter 7, article 3 of this title.

1 ~~27.~~ 26. Provide special education programs and related services
2 pursuant to section 15-764, subsection A to all children with disabilities as
3 defined in section 15-761.

4 ~~28.~~ 27. Administer competency tests prescribed by the state board of
5 education for the graduation of pupils from high school.

6 ~~29.~~ 28. Ensure that insurance coverage is secured for all construction
7 projects for purposes of general liability, property damage and workers'
8 compensation and secure performance and payment bonds for all construction
9 projects.

10 ~~30.~~ 29. Keep ~~on~~ IN THE PERSONNEL file ~~the resumes~~ of all current and
11 former employees who provide instruction to pupils at a school. ~~Resumes~~
12 ~~shall include an individual's~~ INFORMATION ABOUT THE EMPLOYEE'S educational
13 and teaching background and experience in a particular academic content
14 subject area. A school district shall inform parents and guardians of the
15 availability of the ~~resume~~ information and shall make the ~~resume~~ information
16 available for inspection on request of parents and guardians of pupils
17 enrolled at a school. This paragraph shall not be construed to require any
18 school to release personally identifiable information in relation to any
19 teacher or employee, including the teacher's or employee's address, salary,
20 social security number or telephone number.

21 ~~31.~~ 30. Report to local law enforcement agencies any suspected crime
22 against a person or property that is a serious offense as defined in section
23 13-706 or that involves a deadly weapon or dangerous instrument or serious
24 physical injury and any conduct that poses a threat of death or serious
25 physical injury to employees, students or anyone on the property of the
26 school. This paragraph does not limit or preclude the reporting by a school
27 district or an employee of a school district of suspected crimes other than
28 those required to be reported by this paragraph. For the purposes of this
29 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
30 injury" have the same meanings prescribed in section 13-105.

31 ~~32.~~ 31. In conjunction with local law enforcement agencies and ~~local~~
32 ~~medical facilities~~ EMERGENCY RESPONSE AGENCIES, develop an emergency response
33 plan for each school in the school district in accordance with minimum
34 standards developed jointly by the department of education and the division
35 of emergency management within the department of emergency and military
36 affairs.

37 ~~33.~~ 32. Provide written notice to the parents or guardians of all
38 students ~~affected~~ ENROLLED in the school district at least ten days prior to
39 a public meeting to discuss closing a school within the school district. The
40 notice shall include the reasons for the proposed closure and the time and
41 place of the meeting. The governing board shall fix a time for a public
42 meeting on the proposed closure no less than ten days before voting in a
43 public meeting to close the school. The school district governing board
44 shall give notice of the time and place of the meeting. At the time and
45 place designated in the notice, the school district governing board shall

1 hear reasons for or against closing the school. The school district
2 governing board is exempt from this paragraph if it is determined by the
3 governing board that the school shall be closed because it poses a danger to
4 the health or safety of the pupils or employees of the school. A governing
5 board may consult with the school facilities board for technical assistance
6 and for information on the impact of closing a school. The information
7 provided from the school facilities board shall not require the governing
8 board to take or not take any action.

9 ~~34-~~ 33. Incorporate instruction on Native American history into
10 appropriate existing curricula.

11 ~~35-~~ 34. Prescribe and enforce policies and procedures:

12 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
13 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
14 or by a registered nurse practitioner licensed and certified pursuant to
15 title 32, chapter 15 to carry and self-administer emergency medications,
16 including auto-injectable epinephrine, while at school and at
17 school-sponsored activities. The pupil's name on the prescription label on
18 the medication container or on the medication device and annual written
19 documentation from the pupil's parent or guardian to the school that
20 authorizes possession and self-administration is sufficient proof that the
21 pupil is entitled to the possession and self-administration of the
22 medication. The policies shall require a pupil who uses auto-injectable
23 epinephrine while at school and at school-sponsored activities to notify the
24 nurse or the designated school staff person of the use of the medication as
25 soon as practicable. A school district and its employees are immune from
26 civil liability with respect to all decisions made and actions taken that are
27 based on good faith implementation of the requirements of this subdivision,
28 except in cases of wanton or wilful neglect.

29 (b) For the emergency administration of auto-injectable epinephrine by
30 a trained employee of a school district pursuant to section 15-157.

31 ~~36-~~ 35. Allow the possession and self-administration of prescription
32 medication for breathing disorders in handheld inhaler devices by pupils who
33 have been prescribed that medication by a health care professional licensed
34 pursuant to title 32. The pupil's name on the prescription label on the
35 medication container or on the handheld inhaler device and annual written
36 documentation from the pupil's parent or guardian to the school that
37 authorizes possession and self-administration shall be sufficient proof that
38 the pupil is entitled to the possession and self-administration of the
39 medication. A school district and its employees are immune from civil
40 liability with respect to all decisions made and actions taken that are based
41 on a good faith implementation of the requirements of this paragraph.

42 ~~37-~~ 36. Prescribe and enforce policies and procedures to prohibit
43 pupils from harassing, intimidating and bullying other pupils on school
44 grounds, on school property, on school buses, at school bus stops, at
45 school-sponsored events and activities and through the use of electronic

1 technology or electronic communication on school computers, networks, forums
2 and mailing lists that include the following components:

3 (a) A procedure for pupils, parents and school district employees to
4 confidentially report to school officials incidents of harassment,
5 intimidation or bullying. The school shall make available written forms
6 designed to provide a full and detailed description of the incident and any
7 other relevant information about the incident.

8 (b) A requirement that school district employees report in writing
9 suspected incidents of harassment, intimidation or bullying to the
10 appropriate school official and a description of appropriate disciplinary
11 procedures for employees who fail to report suspected incidents that are
12 known to the employee.

13 (c) A requirement that, at the beginning of each school year, school
14 officials provide all pupils with a written copy of the rights, protections
15 and support services available to a pupil who is an alleged victim of an
16 incident reported pursuant to this paragraph.

17 (d) If an incident is reported pursuant to this paragraph, a
18 requirement that school officials provide a pupil who is an alleged victim of
19 the incident with a written copy of the rights, protections and support
20 services available to that pupil.

21 (e) A formal process for the documentation of reported incidents of
22 harassment, intimidation or bullying and for the confidentiality, maintenance
23 and disposition of this documentation. School districts shall maintain
24 documentation of all incidents reported pursuant to this paragraph for at
25 least six years. The school shall not use that documentation to impose
26 disciplinary action unless the appropriate school official has investigated
27 and determined that the reported incidents of harassment, intimidation or
28 bullying occurred. If a school provides documentation of reported incidents
29 to persons other than school officials or law enforcement, all individually
30 identifiable information shall be redacted.

31 (f) A formal process for the investigation by the appropriate school
32 officials of suspected incidents of harassment, intimidation or bullying,
33 including procedures for notifying the alleged victim on completion and
34 disposition of the investigation.

35 (g) Disciplinary procedures for pupils who have admitted or been found
36 to have committed incidents of harassment, intimidation or bullying.

37 (h) A procedure that sets forth consequences for submitting false
38 reports of incidents of harassment, intimidation or bullying.

39 (i) Procedures designed to protect the health and safety of pupils who
40 are physically harmed as the result of incidents of harassment, intimidation
41 and bullying, including, if appropriate, procedures to contact emergency
42 medical services or law enforcement agencies, or both.

43 (j) Definitions of harassment, intimidation and bullying.

1 ~~38.~~ 37. Prescribe and enforce policies and procedures regarding
2 changing or adopting attendance boundaries that include the following
3 components:

4 (a) A procedure for holding public meetings to discuss attendance
5 boundary changes or adoptions that allows public comments.

6 (b) A procedure to notify the parents or guardians of the students
7 affected.

8 (c) A procedure to notify the residents of the households affected by
9 the attendance boundary changes.

10 (d) A process for placing public meeting notices and proposed maps on
11 the school district's website for public review, if the school district
12 maintains a website.

13 (e) A formal process for presenting the attendance boundaries of the
14 affected area in public meetings that allows public comments.

15 (f) A formal process for notifying the residents and parents or
16 guardians of the affected area as to the decision of the governing board on
17 the school district's website, if the school district maintains a website.

18 (g) A formal process for updating attendance boundaries on the school
19 district's website within ninety days of an adopted boundary change. The
20 school district shall send a direct link to the school district's attendance
21 boundaries website to the department of real estate.

22 ~~(h) If the land that a school was built on was donated within the past
23 five years, a formal process to notify the entity that donated the land
24 affected by the decision of the governing board.~~

25 ~~39.~~ 38. If the state board of education determines that the school
26 district has committed an overexpenditure as defined in section 15-107,
27 provide a copy of the fiscal management report submitted pursuant to section
28 15-107, subsection H on its website and make copies available to the public
29 on request. The school district shall comply with a request within five
30 business days after receipt.

31 ~~40.~~ 39. Ensure that the contract for the superintendent is structured
32 in a manner in which up to twenty ~~per cent~~ PERCENT of the total annual salary
33 included for the superintendent in the contract is classified as performance
34 pay. This paragraph shall not be construed to require school districts to
35 increase total compensation for superintendents. Unless the school district
36 governing board votes to implement an alternative procedure at a public
37 meeting called for this purpose, the performance pay portion of the
38 superintendent's total annual compensation shall be determined as follows:

39 (a) Twenty-five ~~per cent~~ PERCENT of the performance pay shall be
40 determined based on the percentage of academic gain determined by the
41 department of education of pupils who are enrolled in the school district
42 compared to the academic gain achieved by the highest ranking of the fifty
43 largest school districts in this state. For the purposes of this
44 subdivision, the department of education shall determine academic gain by the
45 academic growth achieved by each pupil who has been enrolled at the same

1 school in a school district for at least five consecutive months measured
2 against that pupil's academic results in the 2008-2009 school year. For the
3 purposes of this subdivision, of the fifty largest school districts in this
4 state, the school district with pupils who demonstrate the highest statewide
5 percentage of overall academic gain measured against academic results for the
6 2008-2009 school year shall be assigned a score of 100 and the school
7 district with pupils who demonstrate the lowest statewide percentage of
8 overall academic gain measured against academic results for the 2008-2009
9 school year shall be assigned a score of 0.

10 (b) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
11 determined by the percentage of parents of pupils who are enrolled at the
12 school district who assign a letter grade of "A" to the school on a survey of
13 parental satisfaction with the school district. The parental satisfaction
14 survey shall be administered and scored by an independent entity that is
15 selected by the governing board and that demonstrates sufficient expertise
16 and experience to accurately measure the results of the survey. The parental
17 satisfaction survey shall use standard random sampling procedures and provide
18 anonymity and confidentiality to each parent who participates in the
19 survey. The letter grade scale used on the parental satisfaction survey
20 shall direct parents to assign one of the following letter grades:

- 21 (i) A letter grade of "A" if the school district is excellent.
- 22 (ii) A letter grade of "B" if the school district is above average.
- 23 (iii) A letter grade of "C" if the school district is average.
- 24 (iv) A letter grade of "D" if the school district is below average.
- 25 (v) A letter grade of "F" if the school district is a failure.

26 (c) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
27 determined by the percentage of teachers who are employed at the school
28 district and who assign a letter grade of "A" to the school on a survey of
29 teacher satisfaction with the school. The teacher satisfaction survey shall
30 be administered and scored by an independent entity that is selected by the
31 governing board and that demonstrates sufficient expertise and experience to
32 accurately measure the results of the survey. The teacher satisfaction
33 survey shall use standard random sampling procedures and provide anonymity
34 and confidentiality to each teacher who participates in the survey. The
35 letter grade scale used on the teacher satisfaction survey shall direct
36 teachers to assign one of the following letter grades:

- 37 (i) A letter grade of "A" if the school district is excellent.
- 38 (ii) A letter grade of "B" if the school district is above average.
- 39 (iii) A letter grade of "C" if the school district is average.
- 40 (iv) A letter grade of "D" if the school district is below average.
- 41 (v) A letter grade of "F" if the school district is a failure.

42 (d) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
43 determined by other criteria selected by the governing board.

44 ~~41.~~ 40. Maintain and store permanent public records of the school
45 district as required by law. Notwithstanding section 39-101, the standards

1 adopted by the Arizona state library, archives and public records for the
2 maintenance and storage of school district public records shall allow school
3 districts to elect to satisfy the requirements of this paragraph by
4 maintaining and storing these records either on paper or in an electronic
5 format, or a combination of a paper and electronic format.

6 ~~42-~~ 41. Adopt in a public meeting and implement by school year
7 2013-2014 policies for principal evaluations. Before the adoption of
8 principal evaluation policies, the school district governing board shall
9 provide opportunities for public discussion on the proposed policies. The
10 policies shall describe:

11 (a) The principal evaluation instrument, including the four
12 performance classifications adopted by the governing board pursuant to
13 section 15-203, subsection A, paragraph 38.

14 (b) Alignment of professional development opportunities to the
15 principal evaluations.

16 (c) Incentives for principals in one of the two highest performance
17 classifications pursuant to section 15-203, subsection A, paragraph 38, which
18 may include:

19 (i) Multiyear contracts pursuant to section 15-503.

20 (ii) Incentives to work at schools that are assigned a letter grade of
21 D or F pursuant to section 15-241.

22 (d) Transfer and contract processes for principals designated in the
23 lowest performance classification pursuant to section 15-203, subsection A,
24 paragraph 38.

25 42. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES THAT DEFINE THE
26 DUTIES OF PRINCIPALS AND TEACHERS. THESE POLICIES AND PROCEDURES SHALL
27 AUTHORIZE TEACHERS TO TAKE AND MAINTAIN DAILY CLASSROOM ATTENDANCE, MAKE THE
28 DECISION TO PROMOTE OR RETAIN A PUPIL IN A GRADE IN COMMON SCHOOL OR TO PASS
29 OR FAIL A PUPIL IN A COURSE IN HIGH SCHOOL, SUBJECT TO REVIEW BY THE
30 GOVERNING BOARD IN THE MANNER PROVIDED IN SECTION 15-342, PARAGRAPH 11.

31 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
32 section, the county school superintendent may construct, improve and furnish
33 school buildings or purchase or sell school sites in the conduct of an
34 accommodation school.

35 C. If any school district acquires real or personal property, whether
36 by purchase, exchange, condemnation, gift or otherwise, the governing board
37 shall pay to the county treasurer any taxes on the property that were unpaid
38 as of the date of acquisition, including penalties and interest. The lien
39 for unpaid delinquent taxes, penalties and interest on property acquired by a
40 school district:

41 1. Is not abated, extinguished, discharged or merged in the title to
42 the property.

43 2. Is enforceable in the same manner as other delinquent tax liens.

44 D. The governing board may not locate a school on property that is
45 less than one-fourth mile from agricultural land regulated pursuant to

1 section 3-365, except that the owner of the agricultural land may agree to
2 comply with the buffer zone requirements of section 3-365. If the owner
3 agrees in writing to comply with the buffer zone requirements and records the
4 agreement in the office of the county recorder as a restrictive covenant
5 running with the title to the land, the school district may locate a school
6 within the affected buffer zone. The agreement may include any stipulations
7 regarding the school, including conditions for future expansion of the school
8 and changes in the operational status of the school that will result in a
9 breach of the agreement.

10 E. A school district, its governing board members, its school council
11 members and its employees are immune from civil liability for the
12 consequences of adoption and implementation of policies and procedures
13 pursuant to subsection A of this section and section 15-342. This waiver
14 does not apply if the school district, its governing board members, its
15 school council members or its employees are guilty of gross negligence or
16 intentional misconduct.

17 F. A governing board may delegate in writing to a superintendent,
18 principal or head teacher the authority to prescribe procedures that are
19 consistent with the governing board's policies.

20 G. Notwithstanding any other provision of this title, a school
21 district governing board shall not take any action that would result in a
22 reduction of pupil square footage unless the governing board notifies the
23 school facilities board established by section 15-2001 of the proposed action
24 and receives written approval from the school facilities board to take the
25 action. A reduction includes an increase in administrative space that
26 results in a reduction of pupil square footage or sale of school sites or
27 buildings, or both. A reduction includes a reconfiguration of grades that
28 results in a reduction of pupil square footage of any grade level. This
29 subsection does not apply to temporary reconfiguration of grades to
30 accommodate new school construction if the temporary reconfiguration does not
31 exceed one year. The sale of equipment that results in a reduction that
32 falls below the equipment requirements prescribed in section 15-2011,
33 subsection B is subject to commensurate withholding of school district
34 district additional assistance monies pursuant to the direction of the school
35 facilities board. Except as provided in section 15-342, paragraph 10,
36 proceeds from the sale of school sites, buildings or other equipment shall be
37 deposited in the school plant fund as provided in section 15-1102.

38 H. Subsections C through G of this section apply to a county board of
39 supervisors and a county school superintendent when operating and
40 administering an accommodation school.

41 Sec. 9. Repeal

42 Sections 15-348, 15-349 and 15-353, Arizona Revised Statutes, are
43 repealed.

1 Sec. 10. Repeal

2 A. Sections 15-505, 15-707, 15-708, 15-709, 15-711.01 and 15-718,
3 Arizona Revised Statutes, are repealed.

4 B. Title 15, chapter 5, article 2, Arizona Revised Statutes, is
5 repealed.

6 Sec. 11. Section 15-552, Arizona Revised Statutes, is amended to read:
7 15-552. Alternative teacher development program; report;
8 program termination

9 A. The state board of education shall establish an alternative teacher
10 development program for the purpose of accelerating the process of
11 identifying, training and placing highly qualified individuals into low
12 income schools through the use of teaching intern certification and the
13 identification of a qualified service provider.

14 B. The department of education shall develop application procedures,
15 selection criteria and minimum performance standards for service providers
16 that wish to participate in the program.

17 C. The state board of education shall award a matching grant to a
18 service provider that meets all of the requirements of this section. The
19 amount of the matching grant shall be equal to the matching monies raised by
20 the service provider, not to exceed the total of monies appropriated to the
21 alternative teacher development program. The service provider that receives
22 the matching grant shall demonstrate that its alternative teacher development
23 program serves public schools in this state and meets all of the following
24 requirements:

25 1. Is a nonprofit 501(c)(3) organization that has been providing
26 alternative teacher recruitment and placement in this state for a period of
27 not less than ten years.

28 2. Serves only public schools that provide instruction to student
29 populations in which a majority of the students are from low income
30 households.

31 3. Requires that individuals seeking to participate in the alternative
32 teacher development program offered by the service provider have attained a
33 baccalaureate degree from an accredited institution.

34 4. Maintains a competitive application and selection process for
35 individuals seeking to participate in the alternative teacher development
36 program offered by the service provider.

37 5. Requires all individuals who participate in the alternative teacher
38 development program to commit to serve as a teacher in a low income public
39 school in this state for not less than two years.

40 6. Provides ongoing support, evaluations and professional development
41 to teachers placed in a classroom through the alternative teacher development
42 program.

43 D. The service provider selected to participate in the alternative
44 teacher development program shall annually report ~~at least~~ the following
45 information to the department of education:

- 1 1. The number of teachers placed in low income schools by the service
2 provider.
- 3 2. The number of students served by teachers placed in low income
4 schools by the service provider.
- 5 3. Demographic data concerning the aggregate composition of students
6 in classrooms served by teachers placed by the service provider.
- 7 4. A listing of the school districts and schools in which teachers
8 were placed by the service provider.
- 9 5. CLASSROOM-LEVEL DATA COLLECTED BY THE SERVICE PROVIDER THAT
10 DEMONSTRATES THE ACADEMIC PROGRESS OF STUDENTS INSTRUCTED BY TEACHERS
11 PARTICIPATING IN THE ALTERNATIVE TEACHER DEVELOPMENT PROGRAM.
- 12 6. A DESCRIPTIVE SUMMARY OF THE ONGOING SUPPORT, EVALUATIONS AND
13 PROFESSIONAL DEVELOPMENT PROVIDED TO PARTICIPATING TEACHERS.
- 14 7. THE PERFORMANCE CLASSIFICATIONS OF TEACHERS PARTICIPATING IN THE
15 ALTERNATIVE TEACHER DEVELOPMENT PROGRAM PURSUANT TO SECTION 15-537, AS
16 REPORTED TO THE SERVICE PROVIDER BY PARTICIPATING TEACHERS.
- 17 ~~5-~~ 8. A total of all matching monies raised by the service provider.
- 18 E. The department of education shall submit an annual report by
19 December 15 of each year concerning the alternative teacher development
20 program to the governor, the president of the senate and the speaker of the
21 house of representatives that includes an evaluation of the effectiveness of
22 the program. The department of education shall provide a copy of the report
23 to the secretary of state. ~~The report shall include a comparison of the~~
24 ~~annual academic achievement gain of students served by teachers participating~~
25 ~~in the alternative teacher development program and students served by~~
26 ~~beginning teachers in the same school.~~
- 27 F. The program established by this section ends on July 1, 2020.
- 28 Sec. 12. Section 15-701, Arizona Revised Statutes, is amended to read:
29 15-701. Common school; promotions; requirements; certificate;
30 supervision of eighth grades by superintendent of
31 high school district; high school admissions;
32 academic credit; definition
- 33 A. The state board of education shall:
34 1. Prescribe a minimum course of study, as defined in section 15-101
35 and incorporating the academic standards adopted by the state board of
36 education, to be taught in the common schools.
- 37 2. Prescribe competency requirements for the promotion of pupils from
38 the eighth grade and competency requirements for the promotion of pupils from
39 the third grade incorporating the academic standards in at least the areas of
40 reading, writing, mathematics, science and social studies. Notwithstanding
41 section 15-521, paragraph 4, the competency requirements for the promotion of
42 pupils from the third grade shall include the following:
43 (a) A requirement that a pupil not be promoted from the third grade if
44 the pupil obtains a score on the reading portion of the Arizona instrument to
45 measure standards test, or a successor test, that demonstrates that the

1 pupil's reading falls far below the third grade level or the equivalent as
2 established by the board. A pupil may not be retained if data regarding the
3 pupil's performance on the Arizona instrument to measure standards test, or a
4 successor test, is not available before the start of the following academic
5 year. A pupil who is not retained due to the unavailability of test data
6 must receive intervention and remedial strategies pursuant to subdivision (c)
7 of this paragraph if the third grade assessment data subsequently
8 demonstrates that the pupil's reading ability falls far below the third grade
9 level or the equivalent.

10 (b) A mechanism to allow a school district governing board or the
11 governing body of a charter school to promote a pupil from the third grade
12 who obtains a score on the reading portion of the Arizona instrument to
13 measure standards test, or a successor test, that demonstrates that the
14 pupil's reading falls far below the third grade level for any of the
15 following:

16 (i) A good cause exemption if the pupil is an English learner or a
17 limited English proficient student as defined in section 15-751 and has had
18 fewer than two years of English language instruction.

19 (ii) A pupil who is in the process of a special education referral or
20 evaluation for placement in special education ~~or~~, a pupil who has been
21 diagnosed as having a significant reading impairment, including dyslexia or a
22 pupil who is a child with a disability as defined in section 15-761 if the
23 pupil's individualized education program team and the pupil's parent or
24 guardian agree that promotion is appropriate based on the pupil's
25 individualized education program.

26 (iii) A PUPIL WHO RECEIVES INTERVENTION AND REMEDIAL SERVICES DURING
27 THE SUMMER OR SUBSEQUENT SCHOOL YEAR PURSUANT TO SUBDIVISION (c) OF THIS
28 PARAGRAPH AND DEMONSTRATES SUFFICIENT PROGRESS MAY BE PROMOTED FROM THE THIRD
29 GRADE BASED ON GUIDELINES ISSUED PURSUANT TO SUBSECTION B, PARAGRAPH 5 OF
30 THIS SECTION.

31 (c) Intervention and remedial strategies developed by the state board
32 of education for pupils who are not promoted from the third grade. A school
33 district governing board or the governing body of a charter school shall
34 offer at least one of the intervention and remedial strategies developed by
35 the state board of education. The parent or guardian of a pupil who is not
36 promoted from the third grade and the pupil's teacher and principal may
37 choose the most appropriate intervention and remedial strategies that will be
38 provided to that pupil. The intervention and remedial strategies developed
39 by the state board of education shall include:

40 (i) A requirement that the pupil be assigned to a different teacher
41 for reading instruction.

42 (ii) Summer school reading instruction.

43 (iii) In the next academic year, intensive reading instruction that
44 occurs before, during or after the regular school day, or any combination of
45 before, during and after the regular school day.

1 (iv) Online reading instruction.

2 3. Provide for universal screening of pupils in preschool programs,
3 kindergarten programs and grades one through three that is designed to
4 identify pupils who have reading deficiencies pursuant to section 15-704.

5 4. Develop intervention and remedial strategies pursuant to paragraph
6 2, subdivision (c) of this subsection for pupils in kindergarten programs and
7 grades one through three who are identified as having reading deficiencies
8 pursuant to section 15-704.

9 5. Distribute guidelines for the school districts to follow in
10 prescribing criteria for the promotion of pupils from grade to grade in the
11 common schools. These guidelines shall include recommended procedures for
12 ensuring that the cultural background of a pupil is taken into consideration
13 when criteria for promotion are being applied.

14 B. School districts and charter schools shall provide annual written
15 notification to parents of pupils in kindergarten programs and first, second
16 and third grades that a pupil who obtains a score on the reading portion of
17 the Arizona instrument to measure standards test, or a successor test, that
18 demonstrates the pupil is reading far below the third grade level will not be
19 promoted from the third grade. If the school has determined that the pupil
20 is substantially deficient in reading before the end of grade three, the
21 school district or charter school shall provide to the parent of that pupil a
22 separate written notification of the reading deficiency that includes the
23 following information:

24 1. A description of the current reading services provided to the
25 pupil.

26 2. A description of the available supplemental instructional services
27 and supporting programs that are designed to remediate reading deficiencies.
28 Each school district or charter school shall offer at least one intervention
29 strategy and at least one remedial strategy for pupils with reading
30 deficiencies. The notification shall list the intervention and remedial
31 strategies offered and shall instruct the parent or guardian to choose the
32 strategy that will be implemented for that child.

33 3. Parental strategies to assist the pupil to attain reading
34 proficiency.

35 4. A statement that the pupil will not be promoted from the third
36 grade if the pupil obtains a score on the reading portion of the Arizona
37 instrument to measure standards test, or a successor test, that demonstrates
38 the pupil is reading far below the third grade level, unless the pupil is
39 exempt from mandatory retention in grade three or the pupil qualifies for an
40 exemption pursuant to subsection A of this section.

41 5. A description of the school district or charter school policies on
42 midyear promotion to a higher grade.

43 C. Pursuant to the guidelines that the state board of education
44 distributes, the governing board of a school district shall:

1 1. Prescribe curricula that include the academic standards in the
2 required subject areas pursuant to subsection A, paragraph 1 of this section.

3 2. Prescribe criteria for the promotion of pupils from grade to grade
4 in the common schools in the school district. These criteria shall include
5 accomplishment of the academic standards in at least reading, writing,
6 mathematics, science and social studies, as determined by district
7 assessment. Other criteria may include additional measures of academic
8 achievement and attendance.

9 D. The governing board may prescribe the course of study and
10 competency requirements for promotion that are in addition to or higher than
11 the course of study and competency requirements the state board prescribes.

12 E. A teacher shall determine whether to promote or retain a pupil in
13 grade in a common school as provided in section 15-521, paragraph 4 on the
14 basis of the prescribed criteria. The governing board, if it reviews the
15 decision of a teacher to promote or retain a pupil in grade in a common
16 school as provided in section 15-342, paragraph 11, shall base its decision
17 on the prescribed criteria.

18 F. A governing board may provide and issue certificates of promotion
19 to pupils whom it promotes from the eighth grade of a common school. Such
20 certificates shall be signed by the principal or superintendent of schools.
21 Where there is no principal or superintendent of schools, the certificates
22 shall be signed by the teacher of an eighth grade. The certificates shall
23 admit the holders to any high school in the state.

24 G. Within any high school district or union high school district, the
25 superintendent of the high school district shall supervise the work of the
26 eighth grade of all schools employing no superintendent or principal.

27 H. A school district shall not deny a pupil who is between the ages of
28 sixteen and twenty-one years admission to a high school because the pupil
29 does not hold an eighth grade certificate. Governing boards shall establish
30 procedures for determining the admissibility of pupils who are under sixteen
31 years of age and who do not hold eighth grade certificates.

32 I. The state board of education shall adopt rules to allow common
33 school pupils who can demonstrate competency in a particular academic course
34 or subject to obtain academic credit for the course or subject without
35 enrolling in the course or subject.

36 J. A school district may conduct a ceremony to honor pupils who have
37 been promoted from the eighth grade.

38 K. For the purposes of this section, "dyslexia" means a brain-based
39 learning difference that impairs a person's ability to read and spell, that
40 is independent of intelligence and that typically causes a person to read at
41 levels lower than expected.

42 Sec. 13. Section 15-706, Arizona Revised Statutes, is amended to read:

43 15-706. Instruction in environmental education; definition

44 ~~A. The department of education shall establish and maintain an~~
45 ~~environmental education information resource system to assist school~~

~~districts that choose to develop and implement environmental education programs. The system shall include a current documentation, referral and dissemination program for environmental education materials and information that promotes knowledge of the environment, including various scientific and economic concepts that impact on environmental and natural resource issues of this state and its citizens.~~

~~B.~~ A. If a school district chooses to provide instruction in environmental education, the environmental education program shall:

1. Be based on current **AND RELIABLE** scientific information.
2. Include a discussion of economic and social implications.

~~C.~~ B. For the purposes of this section "environmental education" means educational processes, programs and activities which are specifically designed to enhance student acquisition of knowledge of scientific and economic principles, concepts and facts as they relate to environmental topics and issues and which are taught in an unbiased, fair and balanced manner.

Sec. 14. Section 15-823, Arizona Revised Statutes, is amended to read:
15-823. Admission; residents of other school districts; nonresidents of this state; tuition

A. Except as provided in subsections B, C, D, E, F ~~and~~ , G **AND H** of this section, children of nonresidents of this state may be admitted ~~upon~~ **ON** payment of a reasonable tuition fixed by the governing board.

B. The governing board shall admit children of nonresident teaching and research faculty of community college districts and state universities and children of nonresident graduate or undergraduate students of community college districts and state universities whose parent's presence at the district or university is of international, national, state or local benefit without payment of tuition.

C. The governing board shall admit children who are residents of the United States but who are nonresidents of this state without payment of tuition if evidence indicates that the child's physical, mental, moral or emotional health is best served by placement with a grandparent, brother, sister, stepbrother, stepsister, aunt or uncle who is a resident within the school district, unless the governing board determines that the placement is solely for the purpose of obtaining an education in this state without payment of tuition.

D. The governing board may admit nonresident foreign students who are in exchange programs without payment of tuition or as it may otherwise prescribe.

E. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, BEGINNING IN THE 2016-2017 SCHOOL YEAR THE GOVERNING BOARD MAY ADMIT THE SAME NUMBER OF NONRESIDENT FOREIGN STUDENTS WHO ARE IN EXCHANGE PROGRAMS AND WHO ARE RECIPIENTS OF A J-1 VISA PURSUANT TO FEDERAL LAW, THAT IS EQUAL TO THE NUMBER OF RESIDENT STUDENTS ENROLLED IN THAT LOCAL EDUCATION AGENCY WHO ARE

1 CURRENTLY PARTICIPATING IN A FOREIGN EXCHANGE PROGRAM, AS DETERMINED BY THE
2 DEPARTMENT, WITHOUT THE PAYMENT OF TUITION.

3 ~~E.~~ F. The governing board may admit children who are residents of the
4 United States without payment of tuition if evidence indicates that because
5 the parents are homeless or the child is abandoned, as defined in section
6 8-201, the child's physical, mental, moral or emotional health is best served
7 by placement with a person who does not have legal custody of the child and
8 who is a resident within the school district, unless the governing board
9 determines that the placement is solely for the purpose of obtaining an
10 education in this state without payment of tuition.

11 ~~F.~~ G. The governing board may admit children who are residents of the
12 United States, but who are nonresidents of this state, without payment of
13 tuition if all of the following conditions exist:

- 14 1. The child is a member of a federally recognized Indian tribe.
- 15 2. The child resides on Indian lands that are under the jurisdiction
16 of the tribe of which the child is a member.
- 17 3. The area in the boundaries of the reservation where the child
18 resides is located both in this state and in another state of the United
19 States.

20 4. The governing board enters into an intergovernmental agreement with
21 the governing board of the school district in another state in which the
22 nonresident child resides. The intergovernmental agreement shall specify the
23 number of nonresident children admitted in this state and the number of
24 resident children that are admitted by the governing board in another state.

25 ~~G.~~ H. The governing board may admit children who are residents of the
26 United States, but who are nonresidents of this state, without payment of
27 tuition if all of the following conditions exist:

28 1. The child is enrolled in a year-round residential boarding academy
29 located in this state specializing in intensive instruction and skill
30 development in sports, music or acting.

31 2. The child's parents have executed a current notarized guardianship
32 agreement covering the child while enrolled at the academy, which is a
33 condition of enrollment at the academy and authorizes academy representatives
34 to act on BEHALF OF the child's ~~parent's~~ PARENT or legal ~~guardian's behalf~~
35 GUARDIAN in making all decisions on a daily basis as to the child's
36 activities and needs for medical, educational and other personal issues.

37 ~~H.~~ I. The governing board shall charge reasonable tuition for the
38 number of nonresident pupils who reside in another state and who are admitted
39 by a governing board in this state pursuant to subsection F of this section
40 that exceeds the number of resident pupils from this state who are admitted
41 into a school district by the other state.

42 ~~I.~~ J. The governing board of a school district shall pay reasonable
43 tuition for the number of resident pupils who reside in that school district
44 and who are admitted by a school district in another state pursuant to
45 subsection F of this section that exceeds the number of nonresident pupils

1 from that other state who are admitted by the governing board into that
2 school district in this state.

3 ~~J.~~ K. Children admitted under this section shall be counted or not
4 counted as resident pupils as prescribed in section 15-824, subsection D.

5 ~~K.~~ L. Except as provided in ~~subsection I~~ SUBSECTIONS E, H AND K of
6 this section, a school district or a charter school shall not include pupils
7 who are not residents of this state in the district's or charter school's
8 student count and shall not obtain state funding for those pupils.

9 Sec. 15. Section 15-824, Arizona Revised Statutes, is amended to read:

10 15-824. Admission of pupils of other school districts; homeless
11 children; tuition charges; definitions

12 A. The governing board of a school district shall admit pupils from
13 another school district or area as follows:

14 1. ~~Upon~~ ON the presentation of a certificate of educational
15 convenience issued by the county school superintendent pursuant to section
16 15-825.

17 2. For three hundred fifty or fewer pupils, to a high school without
18 the presentation of such certificate, if the pupil is a resident of a common
19 school district within this state that is not within a high school district
20 and that does not offer instruction in the pupil's grade. The three hundred
21 fifty or fewer pupil limitation prescribed in this paragraph does not apply
22 to a small isolated school district as defined in section 15-901. Tuition
23 shall be charged as prescribed in subsection E of this section for each pupil
24 admitted pursuant to this paragraph, each pupil from a school district that
25 provides only financing for pupils who are instructed by another school
26 district and each pupil from a unified district that does not offer
27 instruction in the pupil's grade. The school membership of such pupils is
28 deemed, for the purpose of determining student count and for apportionment of
29 state aid, to be enrollment in the school district of the pupil's residence.

30 B. The residence of the person having legal custody of the pupil is
31 considered the residence of the pupil, except as provided in subsection C of
32 this section and in section 15-825, subsection B.

33 C. The current residence of a homeless pupil who does not reside with
34 the person having legal custody of the pupil is considered to be the
35 residence of the homeless pupil if the person having legal custody of the
36 pupil is a resident of the United States. For the purposes of this
37 subsection, "homeless pupil" means a pupil who has a primary residence that
38 is:

39 1. A supervised publicly or privately operated shelter designed to
40 provide temporary living accommodations.

41 2. An institution that provides a temporary residence for individuals
42 intended to be institutionalized.

43 3. A public or private place not designed for, or ordinarily used as,
44 a regular sleeping accommodation for human beings.

1 D. The school enrollment of a pupil who is a resident of this state or
2 who is admitted to a school district under section 15-823, subsection B, C,
3 ~~or~~ E, F OR H is deemed, for the purpose of determining student count and for
4 apportionment of state aid, to be enrollment in the school district of actual
5 attendance, except as provided in section 15-825, subsection A, paragraph 1
6 and subsection A, paragraph 2 of this section and except for pupils for whom
7 the superintendent of public instruction is charged tuition pursuant to
8 section 15-825, subsections B and D and section 15-976 or for whom another
9 school district is charged tuition as provided in subsections E and G of this
10 section.

11 E. If tuition is required to be charged for pupils attending school in
12 a school district other than that of their residence, the tuition shall be
13 determined and paid in the following manner:

14 1. The number of high school pupils for which tuition may be charged
15 to a common school district that is not within a high school district is
16 equal to the average daily membership in the district of attendance from the
17 common school district for the prior fiscal year, except that for the first
18 year in which a common school district not within a high school district
19 stops teaching high school subjects, the district of attendance may charge
20 tuition for the number of pupils ~~which~~ THAT is equal to the average daily
21 membership for high school pupils in the common school district for the prior
22 fiscal year. This number may be adjusted if the common school district
23 increases its revenue control limit and district support level or recomputes
24 its revenue control limit as provided in section 15-948.

25 2. The tuition for pupils attending school in a school district other
26 than that of their residence, except pupils provided for by section 15-825,
27 subsections B and D and any pupils included in the definition of child with a
28 disability in section 15-761, shall not exceed the cost per student count of
29 the school district attended, as determined for the current school year.
30 Tuition for pupils included in the definition of child with a disability in
31 section 15-761 shall not exceed the actual cost of the school attended for
32 each pupil as determined for the current year. The school district of
33 attendance shall not include in the cost per student count a charge for
34 transportation if no transportation is provided, and the charge for
35 transportation shall not exceed the actual costs of providing transportation
36 for the pupils served, as prescribed in the uniform system of financial
37 records. The school district of attendance shall provide the school district
38 of residence with the final tuition charge for the current year and with an
39 estimate of the budget year's tuition charge by May 1 of the current year.
40 The school district of residence shall pay at least one-fourth of the total
41 amount of the estimated tuition by September 30, December 31 and March 31,
42 and it shall pay the remaining amount it owes after adjustments are made by
43 June 30.

44 3. Notwithstanding paragraph 2 of this subsection and subsection G of
45 this section, if two school districts enter into a voluntary agreement for

1 the payment of tuition, the agreement shall specify the method for computing
2 the tuition amount and the timing of the payments. The agreement shall not
3 be longer than five consecutive years. If two school districts enter into an
4 agreement and choose to renew the agreement, each renewal shall not be longer
5 than five consecutive years. The agreement shall specify that a parent or
6 legal guardian of a pupil affected by a tuition agreement entered pursuant to
7 this section or section 15-816.01 may choose not to send the pupil or pupils
8 to a school district or school that is a party to the agreement.

9 4. Tuition of pupils as provided in section 15-825, subsection D shall
10 not exceed the excess costs for group B children with disabilities minus the
11 amount generated by the equalization base as determined in section 15-971,
12 subsection A for these pupils. A school district may submit to the
13 superintendent of public instruction a record of actual excess costs to
14 educate a group B child with a disability if the costs are higher than the
15 calculated excess costs or if a pupil has been placed in a private school for
16 special education services. The superintendent shall determine if the
17 additional costs will be paid, and if the costs are paid, whether the
18 additional costs will be paid by the state or the resident district.

19 5. The amount received representing contributions to capital outlay as
20 provided in subsection G, paragraph 1, subdivision (b) of this section shall
21 be applied to the capital outlay fund or the debt service fund of the school
22 district.

23 6. The amount received representing contributions to debt service as
24 provided in subsection G, paragraph 1, subdivisions (c) and (d) of this
25 section shall be applied to the debt service fund of the school district if
26 there is one. Otherwise such amount shall be credited to the capital outlay
27 fund of the school district.

28 F. A school district may submit to the superintendent of public
29 instruction a record of actual costs paid by the school district to educate a
30 pupil who qualifies for a certificate of educational convenience under
31 section 15-825, subsection B. If the actual costs for that pupil exceed the
32 costs per student count computed pursuant to subsection G of this section,
33 the superintendent of public instruction shall reimburse the school district
34 for these additional costs subject to legislative appropriation.

35 G. For the purposes of this section:

36 1. "Costs per student count" means the sum of the following for the
37 common or high school portion of the school district attended, whichever is
38 applicable to the pupil involved, as prescribed in the uniform system of
39 financial records:

40 (a) The actual school district expenditures for the regular education
41 program subsection of the maintenance and operation section of the budget
42 divided by the school district's student count for the common or high school
43 portion of the school district, whichever is applicable.

44 (b) The actual school district expenditures for the capital outlay
45 section of the budget as provided in sections 15-903 and 15-905 excluding

1 expenditures for transportation equipment and buildings if no transportation
2 is provided and expenditures for the acquisition of building sites, divided
3 by the school district's student count for the common or high school portion
4 of the school district, whichever is applicable.

5 (c) The actual school district expenditures for debt service divided
6 by the school district's student count for the common or high school portion
7 of the school district, whichever is applicable.

8 (d) The result obtained in subdivision (c) of this paragraph shall not
9 exceed:

10 (i) Seven hundred fifty dollars if the pupil's school district of
11 residence pays tuition for seven hundred fifty or fewer pupils to other
12 school districts or one hundred fifty dollars if the state pays tuition for
13 seven hundred fifty or fewer pupils to a school district pursuant to section
14 15-825, subsection D or section 15-976.

15 (ii) Eight hundred dollars if the pupil's school district of residence
16 pays tuition for one thousand or fewer, but more than seven hundred fifty,
17 pupils to other school districts or two hundred dollars if the state pays
18 tuition for one thousand or fewer, but more than seven hundred fifty, pupils
19 to a school district pursuant to section 15-825, subsection D or section
20 15-976.

21 (iii) The actual cost per student count if either the pupil's school
22 district of residence or the state pays tuition for more than one thousand
23 pupils to other school districts.

24 2. "Legal custody" means:

25 (a) Custody exercised by the natural or adoptive parents with whom a
26 pupil resides.

27 (b) Custody granted by order of a court of competent jurisdiction to a
28 person or persons with whom a pupil resides unless the primary purpose for
29 which custody was requested was to circumvent the payment of tuition as
30 provided in this section.

31 Sec. 16. Title 15, chapter 9, article 1, Arizona Revised Statutes, is
32 amended by adding section 15-901.07, to read:

33 15-901.07. Concurrent enrollment; calculation of average daily
34 membership; definition

35 A. A SCHOOL DISTRICT OR A CHARTER SCHOOL MAY INCLUDE STUDENTS ENROLLED
36 IN A CONCURRENT ENROLLMENT COURSE FOR THE PURPOSES OF CALCULATING AVERAGE
37 DAILY MEMBERSHIP IF THE SCHOOL DISTRICT HAS RECEIVED APPROVAL FROM THE STATE
38 BOARD OF EDUCATION OR THE CHARTER SCHOOL HAS RECEIVED APPROVAL FROM ITS
39 SPONSOR TO OFFER CONCURRENT ENROLLMENT COURSES. A CONCURRENT ENROLLMENT
40 COURSE SHALL BE CONSIDERED A SUBJECT FOR THE PURPOSES OF CALCULATING AVERAGE
41 DAILY MEMBERSHIP IF THE CONCURRENT ENROLLMENT COURSE MEETS ALL OF THE
42 FOLLOWING:

43 1. MEETS FOR AT LEAST FORTY HOURS PER SEMESTER.

44 2. A STUDENT IS AWARDED ACADEMIC CREDIT FOR THE CONCURRENT ENROLLMENT
45 COURSE PURSUANT TO SECTION 15-701.01.

1 3. THE CONCURRENT ENROLLMENT COURSE IS AT A HIGHER LEVEL THAN THE
2 COURSE TAUGHT AT THE SCHOOL DISTRICT OR CHARTER SCHOOL IN GRADES NINE THROUGH
3 TWELVE.

4 4. THE STUDENT ENROLLED IN A CONCURRENT ENROLLMENT COURSE ALSO ATTENDS
5 AT LEAST ONE COURSE OFFERED AT THE SCHOOL DISTRICT OR CHARTER SCHOOL.

6 5. THE CONCURRENT ENROLLMENT COURSE SHALL BE APPLICABLE TO AN
7 ESTABLISHED COMMUNITY COLLEGE ACADEMIC DEGREE OR CERTIFICATE PROGRAM THAT IS
8 TRANSFERABLE TO A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
9 REGENTS. A CONCURRENT ENROLLMENT COURSE THAT IS APPLICABLE TO A COMMUNITY
10 COLLEGE OCCUPATIONAL DEGREE OR CERTIFICATE PROGRAM MAY BE TRANSFERABLE TO A
11 UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

12 B. FOR THE PURPOSES OF THIS SECTION, "CONCURRENT ENROLLMENT COURSE"
13 MEANS A COMMUNITY COLLEGE OR UNIVERSITY LEVEL COURSE AT A COMMUNITY COLLEGE
14 OR UNIVERSITY, IF THE COURSE IS AT A HIGHER LEVEL THAN THE COURSE TAUGHT IN
15 THE HIGH SCHOOL ATTENDED BY THE PUPIL OR, IF THE COURSE IS NOT TAUGHT IN THE
16 HIGH SCHOOL, THE LEVEL OF THE COURSE IS EQUAL TO OR HIGHER THAN THE LEVEL OF
17 A HIGH SCHOOL COURSE.

18 Sec. 17. Section 15-903, Arizona Revised Statutes, is amended to read:
19 15-903. Budget format; prohibited expenditures

20 A. The superintendent of public instruction in conjunction with the
21 auditor general shall prepare and prescribe a budget format to be utilized by
22 all school districts.

23 B. The budget format shall be designed to allow all school districts
24 to plan and provide in detail for the use of available funds. The budget
25 format shall contain distinct sections for, but need not be limited to,
26 maintenance and operation, debt service, special projects, capital outlay,
27 adjacent ways and classroom site fund. The maintenance and operation section
28 shall include, but need not be limited to, separate subsections for regular
29 education programs, special education programs and operational expenditures
30 for pupil transportation. Each subsection shall clearly distinguish
31 classroom instruction expenditures. The special education program subsection
32 shall include, ~~but is not limited to, programs for each~~ A SUBTOTAL FOR THE
33 disability ~~classification~~ CLASSIFICATIONS as defined in section 15-761 and
34 programs for gifted, vocational and technical education, remedial education
35 and bilingual students. The total expenditures for each of these programs
36 shall be included on the budget form. The pupil transportation subsection
37 shall include all operational expenditures relating to the transportation of
38 pupils, including all operational expenditures within a contract if the
39 school district contracts for pupil transportation.

40 C. The capital outlay section of the budget shall include a subsection
41 for unrestricted capital outlay. The unrestricted capital outlay subsection
42 shall include budgeted expenditures for acquisitions by purchase,
43 lease-purchase or lease of capital items as defined in the uniform system of
44 financial records and shall include:

- 1 1. Land, buildings and improvements to land and buildings, including
2 labor and related employee benefits costs and material costs if work is
3 performed by school district employees.
- 4 2. Furniture, furnishings, athletic equipment and other equipment,
5 including computer software.
- 6 3. Pupil and nonpupil transportation vehicles and equipment, including
7 all capital expenditures within a contract if the school district contracts
8 for pupil transportation.
- 9 4. Textbooks and related printed subject matter materials adopted by
10 the governing board.
- 11 5. Instructional aids.
- 12 6. Library books.
- 13 7. Payment of principal and interest on bonds.
- 14 8. School district administration emergency needs that are directly
15 related to pupils.
- 16 D. The budget format shall contain distinct subsections for the
17 following:
 - 18 1. Special programs to improve academic achievement of pupils in
19 kindergarten programs and grades one through three as provided in section
20 15-482.
 - 21 2. School plant funds.
 - 22 3. Capital outlay budget increases as provided in section 15-481.
 - 23 4. Property taxation, including the following:
 - 24 (a) The primary tax rates for the school district for the current year
25 and the budget year.
 - 26 (b) The secondary tax rates for maintenance and operation, K-3 and
27 capital overrides for the school district for the current year and the budget
28 year.
 - 29 (c) The secondary tax rates for class A bonds for the school district
30 for the current year and the budget year.
 - 31 (d) The secondary tax rates for class B bonds for the school district
32 for the current year and the budget year.
 - 33 5. A description of any corrections or adjustments made to the budget
34 pursuant to section 15-915.
- 35 E. The budget format shall also contain:
 - 36 1. A statement identifying proposed pupil-teacher ratios and
37 pupil-staff ratios relating to the provision of special education services
38 for the budget year.
 - 39 2. A statement identifying the number of full-time equivalent
40 certified employees.
- 41 F. The special projects section shall include budgeted expenditures
42 for state special projects, including special adult projects, career
43 education, deficiencies correction fund projects and new school facilities
44 fund projects, such federal special projects as ESEA title programs,

1 vocational education and title IV Indian education, and other special
2 projects.

3 G. A school district shall not make expenditures for campaign
4 literature associated with school district or charter school officials. If
5 the superintendent of public instruction determines that a school district
6 has violated this subsection, the superintendent of public instruction may
7 withhold any portion of the school district's apportionment of state aid.

8 H. The budget format shall include an electronic format that shall be
9 submitted for each proposed, adopted and revised budget.

10 Sec. 18. Section 15-914, Arizona Revised Statutes, is amended to read:

11 15-914. Financial and compliance audits

12 A. The governing board of a school district that is required to comply
13 with the single audit act amendments of 1996 (P.L. 104-156; 110 Stat. 1396;
14 31 United States Code sections 7501 through 7507) shall contract for at least
15 annual financial and compliance audits of financial transactions and accounts
16 subject to the single audit act amendments of 1996 and kept by or for the
17 school district. The governing board of a school district that is not
18 required to comply with the single audit act and that has adopted an
19 expenditure budget of two million dollars or more for the maintenance and
20 operation fund pursuant to section 15-905 shall contract for an annual
21 financial statement audit. The governing board of a school district that is
22 not required to comply with the single audit act and that has adopted an
23 expenditure budget of less than two million dollars but more than seven
24 hundred thousand dollars for the maintenance and operation fund pursuant to
25 section 15-905 shall contract for a biennial financial statement audit. An
26 independent certified public accountant shall conduct the audit in accordance
27 with generally accepted governmental auditing standards. To the extent
28 permitted by federal law, a school district that is required to participate
29 in an annual audit pursuant to this subsection may convert to a biennial
30 audit schedule if the previous annual audit did not contain any significant
31 negative findings. If a biennial audit of a school district conducted
32 pursuant to this subsection contains any significant negative findings, the
33 school district shall convert back to an annual audit schedule. If a school
34 district is required to convert back to an annual audit schedule pursuant to
35 this subsection because of significant negative findings, the school district
36 may subsequently convert to a biennial audit schedule if the previous two
37 annual audits did not contain any significant negative findings. For the
38 purposes of this subsection, "significant negative finding" means a finding
39 that results in the issuance of a letter of noncompliance from the auditor
40 general.

41 B. The governing board of a charter school that is required to comply
42 with the single audit act amendments of 1996 shall contract for an annual
43 financial and compliance audit of financial transactions and accounts subject
44 to the single audit act amendments of 1996 and kept by or for the charter
45 school.

1 C. A charter school that is not subject to the single audit act
2 amendments of 1996 shall contract for at least an annual financial statement
3 audit conducted in accordance with generally accepted governmental auditing
4 standards. An independent certified public accountant shall conduct the
5 audit.

6 D. For all audits referred to in subsections A, B and C of this
7 section, the independent certified public accountant shall submit a uniform
8 system of financial records compliance questionnaire to the auditor general
9 with the applicable audit reports. THE INDEPENDENT CERTIFIED PUBLIC
10 ACCOUNTANT SHALL ALSO SEND A PAPER COPY OR ELECTRONIC COPY OF THE APPLICABLE
11 AUDIT REPORTS TO THE COUNTY SCHOOL SUPERINTENDENT OF THE COUNTY WHERE THE
12 SCHOOL DISTRICT IS LOCATED.

13 E. Contracts for all financial and compliance audits and financial
14 statement audits and the completed audits shall be approved by the auditor
15 general as provided in section 41-1279.21. Contracts for all financial and
16 compliance audits and financial statement audits shall comply with the rules
17 for competitive sealed proposals as prescribed by the state board of
18 education in section 15-213.

19 F. If the school district or charter school will incur costs of
20 financial and compliance audits for the budget year, the governing board of
21 THE school district or the governing body of the charter school may increase
22 its base support level for the budget year by an amount equal to the amount
23 expended for the district's or charter school's financial and compliance
24 audits in the year before the current year, increased by the growth rate as
25 prescribed by law, subject to appropriation. In determining the amount
26 expended for the district's or charter school's financial and compliance
27 audits, the school district or charter school shall include only the portion
28 of the audit that must be paid from monies other than federal monies. The
29 department of education and the auditor general shall prescribe a method for
30 determining the increase in the base support level and shall include in the
31 maintenance and operation section of the budget format, as provided in
32 section 15-903, a separate line for financial and compliance audits
33 expenditures.

34 G. Every audit contract shall include a systematic review of average
35 daily membership, as defined in section 15-901, using methodology that is
36 consistent with guidelines established by the auditor general. The auditor
37 general shall consider cost when establishing guidelines pursuant to this
38 subsection and, to the extent possible, shall attempt to minimize the cost of
39 the review. The purpose of the review is to determine whether the average
40 daily membership reported by the charter school or school district is in
41 compliance with the laws of this state and the uniform systems of financial
42 records for charter schools and school districts.

1 Sec. 19. Section 15-995, Arizona Revised Statutes, as amended by Laws
2 2016, chapter 48, section 2, is amended to read:

3 15-995. Special district assessment for adjacent ways by school
4 district

5 A. The governing board of a school district may contract for
6 constructing, maintaining or otherwise improving any public way adjacent to
7 any parcel of land owned by the school district or leased for school purposes
8 by the school district, or an intersection of any public way adjoining a
9 quarter block in which the parcel of land is situated, and for the
10 construction of sidewalks, sewers, utility lines, roadways and other related
11 improvements in or along such streets and intersections, and to pay for such
12 improvements by the levy of a special assessment on the taxable property in
13 the school district. A school district shall not use any portion of the
14 monies generated from the special assessment for any construction,
15 maintenance or other improvements to the school district's property except
16 improvements necessary to ensure the safe ingress to and egress from public
17 school property directly adjacent to the public way for buses and fire
18 equipment. The assessment shall be made a part of the itemized statement
19 that is regularly filed with the county school superintendent and that shows
20 the amount of monies needed for the expenses of schools within the school
21 district for the ensuing year. Each adjacent ways project proposal to be
22 funded through this special assessment must be filed with the school
23 facilities board and include the project cost estimate. If the entire
24 project cost for the adjacent ways project is greater than fifty thousand
25 dollars, the expenditure shall not be made unless the school facilities board
26 validates both of the following **WITHIN SIXTY DAYS AFTER FILING THE PROPOSAL:**

27 1. The project that is proposed to be funded by the assessment is in
28 compliance with state laws relating to adjacent ways projects.

29 2. The proposal selected by the school district does not contain
30 additional work that is not listed in the adjacent ways proposal submitted by
31 the school district.

32 B. If any property that is owned by a school district or leased by a
33 school district for school purposes from any city or county, the state or the
34 United States is included within the assessment district to be assessed to
35 pay the costs and expenses of any public improvements initiated by a city, in
36 order to make the assessments thereon payable by the city in which the
37 improvement is initiated, the governing board may contract with the
38 municipality or its improvement district to reimburse it for the amount of
39 the assessment against the property and to pay the amount so contracted for
40 by the levy of a special assessment as provided by subsection A of this
41 section.

42 C. The governing board of the school district shall follow the truth
43 in taxation notice and hearing requirements prescribed in section 15-905.01,
44 subsection B.

1 D. The portion of the primary tax rate to fund adjacent ways as
2 provided in this section shall not be included in the computation of
3 additional state aid for education as prescribed in section 15-972.

4 Sec. 20. Section 15-1103, Arizona Revised Statutes, is amended to
5 read:

6 15-1103. Insurance proceeds fund; disposition of proceeds

7 A. Monies received for and derived from insurance losses shall be
8 deposited with the county treasurer who shall credit the deposits to the
9 insurance proceeds fund of the respective school district. The insurance
10 proceeds fund of a school district is a continuing fund ~~THAT IS~~ not subject
11 to reversion.

12 B. The governing board, or the superintendent or chief administrative
13 officer with the approval of the governing board, may apply the proceeds from
14 insurance recoveries to the payment of any outstanding bonded indebtedness of
15 the school district that is payable from the levy of taxes on property within
16 the school district.

17 C. The governing board, or the superintendent or chief administrative
18 officer with the approval of the governing board, may apply the proceeds of
19 insurance recoveries to construct, acquire, improve, repair or furnish school
20 property after notice ~~and a hearing~~. ~~IF THE PROCEEDS ARE APPLIED TO A~~
21 ~~PROJECT THAT COSTS MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, THE~~
22 ~~GOVERNING BOARD, OR THE SUPERINTENDENT OR CHIEF ADMINISTRATIVE OFFICER WITH~~
23 ~~THE APPROVAL OF THE GOVERNING BOARD, MAY APPLY THE PROCEEDS AFTER NOTICE AND~~
24 ~~A HEARING.~~

25 Sec. 21. Section 15-1107, Arizona Revised Statutes, is amended to
26 read:

27 15-1107. Litigation recovery fund; disposition of proceeds

28 A. Monies received for and derived from settlement of legal
29 controversies or from recovery of costs, attorney fees or damages by a school
30 district in litigation by or against the school district shall be deposited
31 with the county treasurer who shall credit the deposits to the litigation
32 recovery fund of the school district. The litigation recovery fund is a
33 continuing fund ~~which~~ ~~THAT~~ is not subject to reversion.

34 B. If a school district receives monies as provided in subsection A ~~OF~~
35 ~~THIS SECTION~~ for the purpose of replacing or repairing school buildings or
36 other school property, the governing board, or the superintendent or chief
37 administrative officer with the approval of the governing board, may only
38 apply the proceeds to:

39 1. Pay any outstanding bonded indebtedness of the school district
40 ~~which~~ ~~THAT~~ is payable from the levy of taxes on property within the school
41 district.

42 2. Construct, acquire, improve, repair or furnish school buildings
43 after notice ~~and a hearing~~. ~~IF THE PROCEEDS ARE APPLIED TO A PROJECT THAT~~
44 ~~COSTS MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS, THE GOVERNING BOARD, OR~~

1 THE SUPERINTENDENT OR CHIEF ADMINISTRATIVE OFFICER WITH THE APPROVAL OF THE
2 GOVERNING BOARD, MAY APPLY THE PROCEEDS AFTER NOTICE AND A HEARING.

3 3. Replace or repair the school property other than school buildings.

4 C. Except as provided in subsection B OF THIS SECTION, the governing
5 board, or the superintendent or chief administrative officer with the
6 approval of the governing board, may apply the proceeds of litigation
7 recoveries to procure legal services or for the costs of litigation.

8 Sec. 22. Section 43-1089.01, Arizona Revised Statutes, is amended to
9 read:

10 43-1089.01. Tax credit; public school fees and contributions;
11 definitions

12 A. A credit is allowed against the taxes imposed by this title for the
13 amount of any fees or cash contributions by a taxpayer or on the taxpayer's
14 behalf pursuant to section 43-401, subsection G during the taxable year to a
15 public school located in this state for the support of standardized testing
16 fees for college credit or readiness offered by a widely recognized and
17 accepted educational testing organization, the career and technical education
18 industry certification assessment, preparation courses and materials for
19 standardized testing, extracurricular activities or character education
20 programs of the public school, but not exceeding:

21 1. Two hundred dollars for a single individual or a head of household.

22 2. Three hundred dollars in taxable year 2005 for a married couple
23 filing a joint return.

24 3. Four hundred dollars in taxable year 2006 and any subsequent
25 taxable year for a married couple filing a joint return.

26 B. A husband and wife who file separate returns for a taxable year in
27 which they could have filed a joint return may each claim only one-half of
28 the tax credit that would have been allowed for a joint return.

29 C. The credit allowed by this section is in lieu of any deduction
30 pursuant to section 170 of the internal revenue code and taken for state tax
31 purposes.

32 D. If the allowable tax credit exceeds the taxes otherwise due under
33 this title on the claimant's income, or if there are no taxes due under this
34 title, the taxpayer may carry the amount of the claim not used to offset the
35 taxes under this title forward for not more than five consecutive taxable
36 years' income tax liability.

37 E. The site council of the public school that receives contributions
38 that are not designated for a specific purpose shall determine how the
39 contributions are used at the school site. If a charter school does not have
40 a site council, the principal, director or chief administrator of the charter
41 school shall determine how the contributions that are not designated for a
42 specific purpose are used at the school site. If at the end of a fiscal year
43 a public school has unspent contributions that were previously designated for
44 a specific purpose or program and that purpose or program has been
45 discontinued or has not been used for two consecutive fiscal years, these

1 contributions shall be considered undesignated in the following fiscal year
2 for the purposes of this subsection.

3 F. A public school that receives fees or a cash contribution pursuant
4 to subsection A of this section shall report to the department, in a form
5 prescribed by the department, by February 28 of each year the following
6 information:

7 1. The total number of fee and cash contribution payments received
8 during the previous calendar year.

9 2. The total dollar amount of fees and contributions received during
10 the previous calendar year.

11 3. The total dollar amount of fees and contributions spent by the
12 school during the previous calendar year, categorized by specific
13 standardized testing, preparation courses and materials for standardized
14 testing, extracurricular activity or character education program.

15 G. For the purposes of this section, a contribution for which a credit
16 is claimed and that is made on or before the fifteenth day of the fourth
17 month following the close of the taxable year may be applied to either the
18 current or preceding taxable year and is considered to have been made on the
19 last day of that taxable year.

20 H. For the purposes of this section:

21 1. "Career and technical education industry certification assessment"
22 means an assessment for career and technical preparation programs for pupils.

23 2. "Character education programs" means a program described in section
24 15-719.

25 3. "Extracurricular activities" means school-sponsored activities that
26 MAY require enrolled students to pay a fee in order to participate, including
27 fees for:

28 (a) Band uniforms.

29 (b) Equipment or uniforms for varsity athletic activities.

30 (c) Scientific laboratory materials.

31 (d) In-state or out-of-state trips that are solely for competitive
32 events. Extracurricular activities do not include any senior trips or events
33 that are recreational, amusement or tourist activities.

34 4. "Public school" means a school that is part of a school district, a
35 joint technical education district or a charter school.

36 5. "Standardized testing for college credit or readiness" includes the
37 SAT, PSAT, ACT, advanced placement and international baccalaureate diploma
38 tests and other similar tests.

39 6. "Widely recognized and accepted educational testing organization"
40 means the college board, the ACT, the international baccalaureate and other
41 organizations that are widely recognized and accepted by colleges and
42 universities in the United States and that offer college credit and readiness
43 examinations.

1 Sec. 23. Retroactivity

2 A. Section 15-552, Arizona Revised Statutes, as amended by this act,
3 applies retroactively to from and after June 30, 2015.

4 B. Sections 15-823 and 15-824, Arizona Revised Statutes, as amended by
5 this act, apply retroactively to from and after June 30, 2014, and the
6 department of education shall adjust student counts for affected school
7 districts accordingly.

8 Sec. 24. Retroactivity

9 Section 15-901.07, Arizona Revised Statutes, as added by this act, is
10 effective retroactively to from and after June 30, 2010.

11 Sec. 25. Department of education; safe-to-tell program; report

12 A. The department of education shall study the feasibility and impact
13 of developing a safe-to-tell program that enables any person to anonymously
14 report any dangerous, violent or unlawful activity that is being conducted or
15 is threatened to be conducted on school property, at an activity sponsored by
16 a public school or on a school bus of a public school. The department shall:

- 17 1. Consider the appropriate agency to implement this program.
- 18 2. Determine the estimated fiscal impact of creating this program.
- 19 3. Evaluate similar programs established by other states.

20 B. The department of education shall submit a report with
21 recommendations to the governor, president of the senate and the speaker of
22 the house of representatives on or before December 15, 2016.

23 Sec. 26. Concurrent enrollment; fiscal year 2016-2017

24 A. The state board of education or the sponsor of a charter school may
25 not approve a school district or charter school to offer concurrent
26 enrollment courses pursuant to section 15-901.07, Arizona Revised Statutes,
27 as added by this act, for fiscal year 2016-2017.

28 B. Notwithstanding subsection A of this section, a school district or
29 charter school that had received approval prior to January 1, 2016 from the
30 state board of education or its charter sponsor shall be authorized to
31 continue to offer concurrent enrollment courses. The renewal of a charter
32 contract that includes concurrent enrollment courses shall be considered
33 approval for the purposes of offering concurrent enrollment courses pursuant
34 to section 15-901.07, Arizona Revised Statutes, as added by this act.

35 Sec. 27. Conforming legislation

36 The legislative council staff shall prepare proposed legislation
37 conforming the Arizona Revised Statutes to the provisions of this act for
38 consideration in the fifty-third legislature, first regular session.

39 Sec. 28. Conditional enactment

40 Section 15-117, Arizona Revised Statutes, as amended by this act, does
41 not become effective unless House Bill 2088, fifty-second legislature, second
42 regular session, relating to pupil information, becomes law.