

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SENATE BILL 1336

AN ACT

AMENDING SECTIONS 15-183 AND 15-1105, ARIZONA REVISED STATUTES; RELATING TO SCHOOL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

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

36 (b) In the first year that a school district is determined to be out
37 of compliance with the uniform system of financial records, within fifteen
38 days of the determination of noncompliance, the school district shall notify
39 by certified mail each charter school sponsored by the school district that
40 the school district is out of compliance with the uniform system of financial
41 records. The notification shall include a statement that if the school
42 district is determined to be out of compliance for a second consecutive year,
43 the charter school will be required to transfer sponsorship to another entity
44 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 2. The applicant may submit the application to the state board of
26 education or the state board for charter schools. The state board of
27 education or the state board for charter schools may approve the application
28 if the application meets the requirements of this article and may approve the
29 charter if the proposed sponsor determines, within its sole discretion, that
30 the applicant is sufficiently qualified to operate a charter school and that
31 the applicant is applying to operate as a separate charter holder by
32 considering factors such as whether:

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

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

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

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

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

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

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

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

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

32 5. All persons engaged in instructional work directly as a classroom,
33 laboratory or other teacher or indirectly as a supervisory teacher, speech
34 therapist or principal shall have a valid fingerprint clearance card that is
35 issued pursuant to title 41, chapter 12, article 3.1, unless the person is a
36 volunteer or guest speaker who is accompanied in the classroom by a person
37 with a valid fingerprint clearance card. A charter school shall not employ a
38 teacher whose certificate has been surrendered or revoked, unless the
39 teacher's certificate has been subsequently reinstated by the state board of
40 education. All other personnel shall be fingerprint checked pursuant to
41 section 15-512. Before employment, the charter school shall make documented,
42 good faith efforts to contact previous employers of a person to obtain
43 information and recommendations that may be relevant to a person's fitness
44 for employment as prescribed in section 15-512, subsection F. The charter
45 school shall notify the department of public safety if the charter school or

1 sponsor receives credible evidence that a person who possesses a valid
2 fingerprint clearance card is arrested for or is charged with an offense
3 listed in section 41-1758.03, subsection B. Charter schools may hire
4 personnel that have not yet received a fingerprint clearance card if proof is
5 provided of the submission of an application to the department of public
6 safety for a fingerprint clearance card and if the charter school that is
7 seeking to hire the applicant does all of the following:

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

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

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

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

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

22 (f) Verifies the fingerprint status of the applicant with the
23 department of public safety.

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

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

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

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

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

2 (b) Notify the person's employer or potential employer of the
3 conviction.

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

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

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

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

12 1. Ensure compliance with federal, state and local rules, regulations
13 and statutes relating to health, safety, civil rights and insurance. The
14 department of education shall publish a list of relevant rules, regulations
15 and statutes to notify charter schools of their responsibilities under this
16 paragraph.

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

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

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

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

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

1 office of the auditor general may conduct financial, program or compliance
2 audits.

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

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

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

17 F. A charter school shall keep on file the resumes of all current and
18 former employees who provide instruction to pupils at the charter school.
19 Resumes shall include an individual's educational and teaching background and
20 experience in a particular academic content subject area. A charter school
21 shall inform parents and guardians of the availability of the resume
22 information and shall make the resume information available for inspection on
23 request of parents and guardians of pupils enrolled at the charter school.
24 This subsection does not require any charter school to release personally
25 identifiable information in relation to any teacher or employee, including
26 the teacher's or employee's address, salary, social security number or
27 telephone number.

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

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

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

33 1. At least eighteen months before the expiration of the charter, the
34 sponsor shall notify the charter school that the charter school may apply for
35 renewal and shall make the renewal application available to the charter
36 school. A charter school that elects to apply for renewal shall file a
37 complete renewal application at least fifteen months before the expiration of
38 the charter. A sponsor shall give written notice of its intent not to renew
39 the charter school's request for renewal to the charter school at least
40 twelve months before the expiration of the charter. The sponsor shall make
41 data used in making renewal decisions available to the school and the public
42 and shall provide a public report summarizing the evidence basis for each
43 decision. The sponsor may deny the request for renewal if, in its judgment,
44 the charter holder has failed to do any of the following:

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

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

5 (c) Complete the obligations of the contract.

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

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

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

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

23 (c) Complete the obligations of the contract.

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

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

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

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

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

37 4. At least sixty days before the effective date of the proposed
38 revocation, the sponsor shall give written notice to the operator of the
39 charter school of its intent to revoke the charter. Notice of the sponsor's
40 intent to revoke the charter shall be delivered personally to the operator of
41 the charter school or sent by certified mail, return receipt requested, to
42 the address of the charter school. The notice shall incorporate a statement
43 of reasons for the proposed revocation of the charter. The sponsor shall
44 allow the charter school at least sixty days to correct the problems
45 associated with the reasons for the proposed revocation of the charter. The

1 final determination of whether to revoke the charter shall be made at a
2 public hearing called for such purpose.

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

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

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

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

23 (a) Disciplinary or corrective action.

24 (b) Detail, transfer or reassignment.

25 (c) Suspension, demotion or dismissal.

26 (d) An unfavorable performance evaluation.

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

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

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

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

34 (a) Suspension or termination of the program.

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

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

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

40 M. Charter schools shall secure insurance for liability and property
41 loss. The governing body of a charter school that is sponsored by the state
42 board of education or the state board for charter schools may enter into an
43 intergovernmental agreement or otherwise contract to participate in an
44 insurance program offered by a risk retention pool established pursuant to
45 section 11-952.01 or 41-621.01 or the charter school may secure its own

1 insurance coverage. The pool may charge the requesting charter school
2 reasonable fees for any services it performs in connection with the insurance
3 program.

4 N. Charter schools do not have the authority to acquire property by
5 eminent domain.

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

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

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

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

27 1. The academic performance expectations of the charter school and the
28 measurement of sufficient progress toward the academic performance
29 expectations.

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

32 3. Intervention and improvement policies.

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

35 T. All property accumulated by a charter school shall remain the
36 property of the charter school.

37 U. Charter schools may not locate a school on property that is less
38 than one-fourth mile from agricultural land regulated pursuant to section
39 3-365, except that the owner of the agricultural land may agree to comply
40 with the buffer zone requirements of section 3-365. If the owner agrees in
41 writing to comply with the buffer zone requirements and records the agreement
42 in the office of the county recorder as a restrictive covenant running with
43 the title to the land, the charter school may locate a school within the
44 affected buffer zone. The agreement may include any stipulations regarding
45 the charter school, including conditions for future expansion of the school

1 and changes in the operational status of the school that will result in a
2 breach of the agreement.

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

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

24 X. Notwithstanding subsection Y of this section, the state board for
25 charter schools shall charge a processing fee to any charter school that
26 amends its contract to participate in Arizona online instruction pursuant to
27 section 15-808. The charter Arizona online instruction processing fund is
28 established consisting of fees collected and administered by the state board
29 for charter schools. The state board for charter schools shall use monies in
30 the fund only for the processing of contract amendments for charter schools
31 participating in Arizona online instruction. Monies in the fund are
32 continuously appropriated.

33 Y. The sponsoring entity may not charge any fees to a charter school
34 that it sponsors unless the sponsor has provided services to the charter
35 school and the fees represent the full value of those services provided by
36 the sponsor. On request, the value of the services provided by the sponsor
37 to the charter school shall be demonstrated to the department of education.

38 Z. Charter schools may enter into an intergovernmental agreement with
39 a presiding judge of the juvenile court to implement a law related education
40 program as defined in section 15-154. The presiding judge of the juvenile
41 court may assign juvenile probation officers to participate in a law related
42 education program in any charter school in the county. The cost of juvenile
43 probation officers who participate in the program implemented pursuant to
44 this subsection shall be funded by the charter school.

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

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

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

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

16 EE. A CHARTER SCHOOL MAY PERMIT THE USE OF SCHOOL PROPERTY, INCLUDING
17 SCHOOL BUILDINGS, GROUNDS, BUSES AND EQUIPMENT, BY ANY PERSON, GROUP OR
18 ORGANIZATION FOR ANY LAWFUL PURPOSE, INCLUDING RECREATIONAL, EDUCATIONAL,
19 POLITICAL, ECONOMIC, ARTISTIC, MORAL, SCIENTIFIC, SOCIAL, RELIGIOUS OR OTHER
20 CIVIC OR GOVERNMENTAL PURPOSE. THE CHARTER SCHOOL MAY CHARGE A REASONABLE
21 FEE FOR THE USE OF THE SCHOOL PROPERTY.

22 FF. A CHARTER SCHOOL AND ITS EMPLOYEES, INCLUDING THE GOVERNING BODY,
23 OR CHIEF ADMINISTRATIVE OFFICER, ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT
24 TO ALL DECISIONS MADE AND ACTIONS TAKEN TO ALLOW THE USE OF SCHOOL PROPERTY,
25 UNLESS THE CHARTER SCHOOL OR ITS EMPLOYEES ARE GUILTY OF GROSS NEGLIGENCE OR
26 INTENTIONAL MISCONDUCT. THIS SUBSECTION DOES NOT LIMIT ANY OTHER IMMUNITY
27 PROVISIONS THAT ARE PRESCRIBED BY LAW.

28 Sec. 2. Section 15-1105, Arizona Revised Statutes, is amended to read:
29 15-1105. Lease of school property; immunity; civic center
30 school fund; reversion to school plant fund;
31 definitions

32 A. The governing board, or the superintendent or chief administrative
33 officer with the approval of the governing board, may lease school property,
34 including school buildings, grounds, buses and equipment, to any person,
35 group or organization for any lawful purpose, including recreational,
36 educational, political, economic, artistic, moral, scientific, social,
37 religious or other civic or governmental purpose in the interest of the
38 community, including extended day resource programs. The governing board,
39 superintendent or chief administrative officer shall charge a reasonable use
40 fee for the lease of the school property, which ~~fee~~ may include goods
41 contributed or services rendered by the person, group or organization to the
42 school district.

43 B. The governing board, or the superintendent or chief administrative
44 officer with the approval of the governing board, may permit the
45 uncompensated use of school buildings, grounds, buses, equipment and other

1 school property by any school related group, including student political
2 organizations, or by any organization whose membership is open to the public
3 and whose activities promote the educational function of the school district
4 as determined in good faith by the school district's governing board, or the
5 superintendent or chief administrative officer with the approval of the
6 governing board, including extended day resource programs, except as provided
7 in section 15-511.

8 C. A SCHOOL DISTRICT AND ITS EMPLOYEES, INCLUDING THE GOVERNING BOARD,
9 SUPERINTENDENT OR CHIEF ADMINISTRATIVE OFFICER, ARE IMMUNE FROM CIVIL
10 LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN TO ALLOW THE
11 LEASE OR USE OF SCHOOL PROPERTY, UNLESS THE SCHOOL DISTRICT OR ITS EMPLOYEES
12 ARE GUILTY OF GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT. THIS SUBSECTION
13 DOES NOT LIMIT ANY OTHER IMMUNITY PROVISIONS THAT ARE PRESCRIBED BY LAW.

14 ~~C.~~ D. A person, group or organization that is otherwise eligible to
15 lease school property shall not be denied use of or charged differentiated
16 fees for school property on the basis of the ~~person~~ PERSON'S, ~~group~~ GROUP'S
17 or organization's beliefs, expression of beliefs or exercise of the rights of
18 association that are protected under the laws of this state, the Constitution
19 of Arizona, the laws of the United States or the United States Constitution.

20 ~~D.~~ E. The governing board shall annually approve a fee schedule for
21 the lease of school property. The fee schedule shall include a designation
22 of the persons, groups or organizations that shall have uncompensated use of
23 the school property, and a procedure for determining the value of goods and
24 services being provided as compensation for the use of school property. The
25 governing board, superintendent or chief administrative officer shall require
26 proof of liability insurance for such use or lease of school property.

27 ~~E.~~ F. Except as provided in section 15-1102, monies received for and
28 derived from the use or lease of school property under this section shall be
29 promptly deposited with the county treasurer who shall credit the deposits to
30 the civic center school fund of the respective school district. Monies
31 placed to the credit of a civic center school fund may be expended for civic
32 center school purposes by warrants drawn upon order of the school district
33 governing board, or the superintendent or chief administrative officer with
34 the approval of the governing board. The civic center school fund of a
35 school district or multiple school district civic center school program is a
36 continuing fund not subject to reversion, except upon termination of a civic
37 center school program. Upon termination of a civic center school program,
38 any remaining funds shall revert to the school plant fund of the school
39 district or districts.

40 ~~F.~~ G. For the purposes of this section:

41 1. "Educational function" means uses that are directly related to the
42 educational mission of the school district as adopted by the school district
43 governing board and includes parent-teacher organizations, youth
44 organizations and school employee organizations.

1 2. "Extended day resource programs" means activities offered on school
2 property before or after school or at times when school is not customarily in
3 session for children who are of the age required for kindergarten programs
4 and grades one through eight. The program may be offered for children who
5 are of the age required for a kindergarten program or for one grade or for
6 any combination of kindergarten programs and grades. Activities may include
7 physical conditioning, tutoring, supervised homework or arts activities.
8 3. "Reasonable use fee" means an amount that is at least equal to the
9 school district's cost for utilities, services, supplies or personnel that
10 the school provides to the lessee pursuant to the terms of the lease.