

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

CHAPTER 248
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.

45 (c) In the second consecutive year that a school district is
46 determined to be out of compliance with the uniform system of financial

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

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

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

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

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

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

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

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

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

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

44 The state board of education or the state board for charter schools may
45 approve any charter schools transferring charters. The state board of
46 education and the state board for charter schools shall approve any charter

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

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

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

29 5. All persons engaged in instructional work directly as a classroom,
30 laboratory or other teacher or indirectly as a supervisory teacher, speech
31 therapist or principal shall have a valid fingerprint clearance card that is
32 issued pursuant to title 41, chapter 12, article 3.1, unless the person is a
33 volunteer or guest speaker who is accompanied in the classroom by a person
34 with a valid fingerprint clearance card. A charter school shall not employ a
35 teacher whose certificate has been surrendered or revoked, unless the
36 teacher's certificate has been subsequently reinstated by the state board of
37 education. All other personnel shall be fingerprint checked pursuant to
38 section 15-512. Before employment, the charter school shall make documented,
39 good faith efforts to contact previous employers of a person to obtain
40 information and recommendations that may be relevant to a person's fitness
41 for employment as prescribed in section 15-512, subsection F. The charter
42 school shall notify the department of public safety if the charter school or
43 sponsor receives credible evidence that a person who possesses a valid
44 fingerprint clearance card is arrested for or is charged with an offense
45 listed in section 41-1758.03, subsection B. Charter schools may hire
46 personnel that have not yet received a fingerprint clearance card if proof is

1 provided of the submission of an application to the department of public
2 safety for a fingerprint clearance card and if the charter school that is
3 seeking to hire the applicant does all of the following:

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

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

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

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

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

18 (f) Verifies the fingerprint status of the applicant with the
19 department of public safety.

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

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

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

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

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

43 (b) Notify the person's employer or potential employer of the
44 conviction.

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

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

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

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

7 1. Ensure compliance with federal, state and local rules, regulations
8 and statutes relating to health, safety, civil rights and insurance. The
9 department of education shall publish a list of relevant rules, regulations
10 and statutes to notify charter schools of their responsibilities under this
11 paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (c) Complete the obligations of the contract.

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

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

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

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

16 (c) Complete the obligations of the contract.

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

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

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

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

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

30 4. At least sixty days before the effective date of the proposed
31 revocation, the sponsor shall give written notice to the operator of the
32 charter school of its intent to revoke the charter. Notice of the sponsor's
33 intent to revoke the charter shall be delivered personally to the operator of
34 the charter school or sent by certified mail, return receipt requested, to
35 the address of the charter school. The notice shall incorporate a statement
36 of reasons for the proposed revocation of the charter. The sponsor shall
37 allow the charter school at least sixty days to correct the problems
38 associated with the reasons for the proposed revocation of the charter. The
39 final determination of whether to revoke the charter shall be made at a
40 public hearing called for such purpose.

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

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

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

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

15 (a) Disciplinary or corrective action.

16 (b) Detail, transfer or reassignment.

17 (c) Suspension, demotion or dismissal.

18 (d) An unfavorable performance evaluation.

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

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

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

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

26 (a) Suspension or termination of the program.

27 (b) Transfer or reassignment of the program to a less favorable
28 department.

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

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

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

41 N. Charter schools do not have the authority to acquire property by
42 eminent domain.

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

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

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

12 R. The sponsoring entity of a charter school shall have oversight and
13 administrative responsibility for the charter schools that it sponsors. In
14 implementing its oversight and administrative responsibilities, the sponsor
15 shall ground its actions in evidence of the charter holder's performance in
16 accordance with the performance framework adopted by the sponsor. The
17 performance framework shall be publicly available, shall be placed on the
18 sponsoring entity's website and shall include:

19 1. The academic performance expectations of the charter school and the
20 measurement of sufficient progress toward the academic performance
21 expectations.

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

24 3. Intervention and improvement policies.

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

27 T. All property accumulated by a charter school shall remain the
28 property of the charter school.

29 U. Charter schools may not locate a school on property that is less
30 than one-fourth mile from agricultural land regulated pursuant to section
31 3-365, except that the owner of the agricultural land may agree to comply
32 with the buffer zone requirements of section 3-365. If the owner agrees in
33 writing to comply with the buffer zone requirements and records the agreement
34 in the office of the county recorder as a restrictive covenant running with
35 the title to the land, the charter school may locate a school within the
36 affected buffer zone. The agreement may include any stipulations regarding
37 the charter school, including conditions for future expansion of the school
38 and changes in the operational status of the school that will result in a
39 breach of the agreement.

40 V. A transfer of a charter to another sponsor, a transfer of a charter
41 school site to another sponsor or a transfer of a charter school site to a
42 different charter shall be completed before the beginning of the fiscal year
43 that the transfer is scheduled to become effective. An entity that sponsors
44 charter schools may accept a transferring school after the beginning of the
45 fiscal year if the transfer is approved by the superintendent of public
46 instruction. The superintendent of public instruction shall have the

1 discretion to consider each transfer during the fiscal year on a case by case
2 basis. If a charter school is sponsored by a school district that is
3 determined to be out of compliance with this title, the uniform system of
4 financial records or any other state or federal law, the charter school may
5 transfer to another sponsoring entity at any time during the fiscal year. A
6 charter holder seeking to transfer sponsors shall comply with the current
7 charter terms regarding assignment of the charter. A charter holder
8 transferring sponsors shall notify the current sponsor that the transfer has
9 been approved by the new sponsor.

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

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

24 Y. The sponsoring entity may not charge any fees to a charter school
25 that it sponsors unless the sponsor has provided services to the charter
26 school and the fees represent the full value of those services provided by
27 the sponsor. On request, the value of the services provided by the sponsor
28 to the charter school shall be demonstrated to the department of education.

29 Z. Charter schools may enter into an intergovernmental agreement with
30 a presiding judge of the juvenile court to implement a law related education
31 program as defined in section 15-154. The presiding judge of the juvenile
32 court may assign juvenile probation officers to participate in a law related
33 education program in any charter school in the county. The cost of juvenile
34 probation officers who participate in the program implemented pursuant to
35 this subsection shall be funded by the charter school.

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

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

44 CC. Notwithstanding subsection Y of this section, a sponsor of charter
45 schools may charge a new charter application processing fee to any applicant.
46 The application fee shall fully cover the cost of application review and any

1 needed technical assistance. Authorizers may approve policies that allow a
2 portion of the fee to be returned to the applicant whose charter is approved.

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

5 EE. A CHARTER SCHOOL MAY PERMIT THE USE OF SCHOOL PROPERTY, INCLUDING
6 SCHOOL BUILDINGS, GROUNDS, BUSES AND EQUIPMENT, BY ANY PERSON, GROUP OR
7 ORGANIZATION FOR ANY LAWFUL PURPOSE, INCLUDING RECREATIONAL, EDUCATIONAL,
8 POLITICAL, ECONOMIC, ARTISTIC, MORAL, SCIENTIFIC, SOCIAL, RELIGIOUS OR OTHER
9 CIVIC OR GOVERNMENTAL PURPOSE. THE CHARTER SCHOOL MAY CHARGE A REASONABLE
10 FEE FOR THE USE OF THE SCHOOL PROPERTY.

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

17 Sec. 2. Section 15-1105, Arizona Revised Statutes, is amended to read:
18 15-1105. Lease of school property; immunity; civic center
19 school fund; reversion to school plant fund;
20 definitions

21 A. The governing board, or the superintendent or chief administrative
22 officer with the approval of the governing board, may lease school property,
23 including school buildings, grounds, buses and equipment, to any person,
24 group or organization for any lawful purpose, including recreational,
25 educational, political, economic, artistic, moral, scientific, social,
26 religious or other civic or governmental purpose in the interest of the
27 community, including extended day resource programs. The governing board,
28 superintendent or chief administrative officer shall charge a reasonable use
29 fee for the lease of the school property, which ~~fee~~ may include goods
30 contributed or services rendered by the person, group or organization to the
31 school district.

32 B. The governing board, or the superintendent or chief administrative
33 officer with the approval of the governing board, may permit the
34 uncompensated use of school buildings, grounds, buses, equipment and other
35 school property by any school related group, including student political
36 organizations, or by any organization whose membership is open to the public
37 and whose activities promote the educational function of the school district
38 as determined in good faith by the school district's governing board, or the
39 superintendent or chief administrative officer with the approval of the
40 governing board, including extended day resource programs, except as provided
41 in section 15-511.

42 C. A SCHOOL DISTRICT AND ITS EMPLOYEES, INCLUDING THE GOVERNING BOARD,
43 SUPERINTENDENT OR CHIEF ADMINISTRATIVE OFFICER, ARE IMMUNE FROM CIVIL
44 LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN TO ALLOW THE
45 LEASE OR USE OF SCHOOL PROPERTY, UNLESS THE SCHOOL DISTRICT OR ITS EMPLOYEES

1 ARE GUILTY OF GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT. THIS SUBSECTION
2 DOES NOT LIMIT ANY OTHER IMMUNITY PROVISIONS THAT ARE PRESCRIBED BY LAW.

3 ~~E.~~ D. A person, group or organization that is otherwise eligible to
4 lease school property shall not be denied use of or charged differentiated
5 fees for school property on the basis of the ~~person~~ PERSON'S, ~~group~~ GROUP'S
6 or organization's beliefs, expression of beliefs or exercise of the rights of
7 association that are protected under the laws of this state, the Constitution
8 of Arizona, the laws of the United States or the United States Constitution.

9 ~~D.~~ E. The governing board shall annually approve a fee schedule for
10 the lease of school property. The fee schedule shall include a designation
11 of the persons, groups or organizations that shall have uncompensated use of
12 the school property, and a procedure for determining the value of goods and
13 services being provided as compensation for the use of school property. The
14 governing board, superintendent or chief administrative officer shall require
15 proof of liability insurance for such use or lease of school property.

16 ~~E.~~ F. Except as provided in section 15-1102, monies received for and
17 derived from the use or lease of school property under this section shall be
18 promptly deposited with the county treasurer who shall credit the deposits to
19 the civic center school fund of the respective school district. Monies
20 placed to the credit of a civic center school fund may be expended for civic
21 center school purposes by warrants drawn upon order of the school district
22 governing board, or the superintendent or chief administrative officer with
23 the approval of the governing board. The civic center school fund of a
24 school district or multiple school district civic center school program is a
25 continuing fund not subject to reversion, except upon termination of a civic
26 center school program. Upon termination of a civic center school program,
27 any remaining funds shall revert to the school plant fund of the school
28 district or districts.

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

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

34 2. "Extended day resource programs" means activities offered on school
35 property before or after school or at times when school is not customarily in
36 session for children who are of the age required for kindergarten programs
37 and grades one through eight. The program may be offered for children who
38 are of the age required for a kindergarten program or for one grade or for
39 any combination of kindergarten programs and grades. Activities may include
40 physical conditioning, tutoring, supervised homework or arts activities.

41 3. "Reasonable use fee" means an amount that is at least equal to the
42 school district's cost for utilities, services, supplies or personnel that
43 the school provides to the lessee pursuant to the terms of the lease.

S.B. 1336

APPROVED BY THE GOVERNOR APRIL 30, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2014.