

REFERENCE TITLE: charter school board members; conflicts

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2358

Introduced by
Representatives Blanc: Alston, Andrade, Benally, Bolding, Cardenas,
Chávez, Clark, Descheenie, Engel, Epstein, Espinoza, Fernandez, Friese,
Gabaldón, Gonzales, Martinez, Peten, Powers Hannley, Rios, Saldate,
Salman

AN ACT

AMENDING SECTION 15-183, ARIZONA REVISED STATUTES; RELATING TO CHARTER
SCHOOLS.

(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; annual reports

7 A. An applicant seeking to establish a charter school shall submit
8 a written application to a proposed sponsor as prescribed in subsection C
9 of this section. The application, application process and application
10 time 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 the state board of
20 education, the state board for charter schools, a university under the
21 jurisdiction of the Arizona board of regents, a community college district
22 or a group of community college districts, subject to the following
23 requirements:

24 1. An applicant may not submit an application for sponsorship to
25 any person or entity other than those prescribed in this subsection.

26 2. The applicant may submit the application to the state board of
27 education or the state board for charter schools. Notwithstanding any
28 other law, neither the state board for charter schools nor the state board
29 of education shall grant a charter to a school district governing board
30 for a new charter school or for the conversion of an existing district
31 public school to a charter school. The state board of education or the
32 state board for charter schools may approve the application if the
33 application meets the requirements of this article and may approve the
34 charter if the proposed sponsor determines, within its sole discretion,
35 that the applicant is sufficiently qualified to operate a charter school
36 and that the applicant is applying to operate as a separate charter holder
37 by considering factors such as whether:

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

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

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

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

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

3 (f) It is reconstituting an existing grade configuration from a
4 prior charter holder with at least one grade remaining on the original
5 site with the other grade or grades moving to a new site. The state board
6 of education or the state board for charter schools may approve any
7 charter schools transferring charters. If the state board of education or
8 the state board for charter schools rejects the preliminary application,
9 the state board of education or the state board for charter schools shall
10 notify the applicant in writing of the reasons for the rejection and of
11 suggestions for improving the application. An applicant may submit a
12 revised application for reconsideration by the state board of education or
13 the state board for charter schools. The applicant may request, and the
14 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
17 the jurisdiction of the Arizona board of regents, a community college
18 district or a group of community college districts. A university, a
19 community college district or a group of community college districts shall
20 not grant a charter to a school district governing board for a new charter
21 school or for the conversion of an existing district public school to a
22 charter school. A university, a community college district or a group of
23 community college districts may approve the application if it meets the
24 requirements of this article and if the proposed sponsor determines, in
25 its sole discretion, that the applicant is sufficiently qualified to
26 operate a charter school.

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

36 5. All persons engaged in instructional work directly as a
37 classroom, laboratory or other teacher or indirectly as a supervisory
38 teacher, speech therapist or principal shall have a valid fingerprint
39 clearance card that is issued pursuant to title 41, chapter 12, article
40 3.1, unless the person is a volunteer or guest speaker who is accompanied
41 in the classroom by a person with a valid fingerprint clearance card. A
42 charter school shall not employ a teacher whose certificate has been
43 surrendered or revoked, unless the teacher's certificate has been
44 subsequently reinstated by the state board of education. All other
45 personnel shall be fingerprint checked pursuant to section 15-512, or the

1 charter school may require those personnel to obtain a fingerprint
 2 clearance card issued pursuant to title 41, chapter 12, article 3.1.
 3 Before employment, the charter school shall make documented, good faith
 4 efforts to contact previous employers of a person to obtain information
 5 and recommendations that may be relevant to a person's fitness for
 6 employment as prescribed in section 15-512, subsection F. The charter
 7 school shall notify the department of public safety if the charter school
 8 or sponsor receives credible evidence that a person who possesses a valid
 9 fingerprint clearance card is arrested for or is charged with an offense
 10 listed in section 41-1758.03, subsection B. A person who is employed at a
 11 charter school that has met the requirements of this paragraph is not
 12 required to meet any additional requirements that are established by the
 13 department of education or that may be established by rule by the state
 14 board of education. The state board of education may not adopt rules that
 15 exceed the requirements for persons qualified to teach in charter schools
 16 prescribed in title I of the every student succeeds act (P.L. 114-95) or
 17 the individuals with disabilities education improvement act of 2004
 18 (P.L. 108-446). Charter schools may hire personnel who have not yet
 19 received a fingerprint clearance card if proof is provided of the
 20 submission of an application to the department of public safety for a
 21 fingerprint clearance card and if the charter school that is seeking to
 22 hire the applicant does all of the following:

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

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

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

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

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

38 (f) Verifies the fingerprint status of the applicant with the
 39 department of public safety.

40 6. A charter school that complies with the fingerprinting
 41 requirements of this section shall be deemed to have complied with section
 42 15-512 and is entitled to the same rights and protections provided to
 43 school districts by section 15-512.

44 7. If a charter school operator is not already subject to a public
 45 meeting or hearing by the municipality in which the charter school is

1 located, the operator of a charter school shall conduct a public meeting
2 at least thirty days before the charter school operator opens a site or
3 sites for the charter school. The charter school operator shall post
4 notices of the public meeting in at least three different locations that
5 are within three hundred feet of the proposed charter school site.

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

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

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

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

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

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

25 D. An entity that is authorized to sponsor charter schools pursuant
26 to this article has no legal authority over or responsibility for a
27 charter school sponsored by a different entity. This subsection does not
28 apply to the state board of education's duty to exercise general
29 supervision over the public school system pursuant to section 15-203,
30 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,
33 regulations and statutes relating to health, safety, civil rights and
34 insurance. The department of education shall publish a list of relevant
35 rules, regulations and statutes to notify charter schools of their
36 responsibilities under this paragraph.

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

39 3. Ensure that it provides a comprehensive program of instruction
40 for at least a kindergarten program or any grade between grades one and
41 twelve, except that a school may offer this curriculum with an emphasis on
42 a specific learning philosophy or style or certain subject areas such as
43 mathematics, 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 statewide assessment and
2 the nationally standardized norm-referenced achievement test as designated
3 by the state board and the completion and distribution of an annual report
4 card as prescribed in chapter 7, article 3 of this title.

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

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

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

26 8. Ensure that it provides for a governing body for the charter
27 school that is responsible for the policy decisions of the charter school.
28 Notwithstanding section 1-216, if there is a vacancy or vacancies on the
29 governing body, a majority of the remaining members of the governing body
30 constitute a quorum for the transaction of business, unless that quorum is
31 prohibited by the charter school's operating agreement. **A PERSON MAY NOT
32 BE A MEMBER OF THE GOVERNING BODY OF A CHARTER SCHOOL IF THE PERSON IS ANY
33 OF THE FOLLOWING:**

34 (a) **RELATED AS IMMEDIATE FAMILY TO AND HAS THE SAME HOUSEHOLD OF
35 RESIDENCE AS AN INDIVIDUAL WHO IS THE CHARTER HOLDER OF THAT CHARTER
36 SCHOOL. FOR THE PURPOSES OF THIS SUBDIVISION:**

37 (i) **"HOUSEHOLD OF RESIDENCE" MEANS THE PLACE OF ABODE DURING
38 APPLICABLE TIME PERIODS OR THE RESIDENCE ADDRESS USED BY AN INDIVIDUAL FOR
39 VOTER REGISTRATION OR PROPERTY TAX PURPOSES.**

40 (ii) **"IMMEDIATE FAMILY" MEANS INDIVIDUALS WHO ARE MARRIED TO EACH
41 OTHER AND ANY CHILDREN OF THOSE INDIVIDUALS.**

42 (b) **AN EMPLOYEE OF THAT CHARTER SCHOOL, INCLUDING A PERSON WHO
43 DIRECTLY PROVIDES SERVICES TO THAT CHARTER SCHOOL AS AN EMPLOYEE OF A
44 THIRD-PARTY CONTRACTOR.**

1 (c) THE SPOUSE OF A PERSON PRESCRIBED IN SUBDIVISION (b) OF THIS
2 PARAGRAPH.

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

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

20 G. The charter of a charter school may be amended at the request of
21 the governing body of the charter school and on the approval of the
22 sponsor.

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

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

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

39 (a) Meet or make sufficient progress toward the academic
40 performance 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 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
4 sponsor to apply for early renewal. The sponsor shall review fiscal
5 audits and academic performance data for the charter school that are
6 annually collected by the sponsor, review the current contract between the
7 sponsor and the charter school and provide the qualifying charter school
8 with a renewal application. On submission of a complete application, the
9 sponsor shall give written notice of its consideration of the renewal
10 application. The sponsor may deny the request for early renewal if, in
11 the sponsor's judgment, the charter holder has failed to do any of the
12 following:

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

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

17 (c) Complete the obligations of the contract.

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

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

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

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

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

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

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

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

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

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

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

- 22 (a) Disciplinary or corrective action.
- 23 (b) Detail, transfer or reassignment.
- 24 (c) Suspension, demotion or dismissal.
- 25 (d) An unfavorable performance evaluation.
- 26 (e) A reduction in pay, benefits or awards.
- 27 (f) Elimination of the employee's position without a reduction in
28 force by reason of lack of monies or work.
- 29 (g) Other significant changes in duties or responsibilities that
30 are inconsistent with the employee's salary or employment classification.

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

- 33 (a) Suspension or termination of the program.
- 34 (b) Transfer or reassignment of the program to a less favorable
35 department.
- 36 (c) Relocation of the program to a less favorable site within the
37 school or school district.
- 38 (d) Significant reduction or termination of funding for the
39 program.

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

1 school may secure its own insurance coverage. The pool may charge the
2 requesting charter school reasonable fees for any services it performs in
3 connection with the insurance 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
10 debts or financial obligations of a charter school or persons who operate
11 charter schools.

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

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

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

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

34 3. Intervention and improvement policies.

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

37 T. All property accumulated by a charter school shall remain the
38 property of the charter school.

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

1 within the affected buffer zone. The agreement may include any
2 stipulations regarding the charter school, including conditions for future
3 expansion of the school and changes in the operational status of the
4 school that will result in a breach of the agreement.

5 V. A transfer of a charter to another sponsor, a transfer of a
6 charter school site to another sponsor or a transfer of a charter school
7 site to a different charter shall be completed before the beginning of the
8 fiscal year that the transfer is scheduled to become effective. An entity
9 that sponsors charter schools may accept a transferring school after the
10 beginning of the fiscal year if the transfer is approved by the
11 superintendent of public instruction. The superintendent of public
12 instruction shall have the discretion to consider each transfer during the
13 fiscal year on a case-by-case basis. A charter holder seeking to transfer
14 sponsors shall comply with the current charter terms regarding assignment
15 of the charter. A charter holder transferring sponsors shall notify the
16 current sponsor that the transfer has been approved by the new sponsor.

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

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

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

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

1 AA. The sponsor of a charter school shall modify previously
2 approved curriculum requirements for a charter school that wishes to
3 participate in the board examination system prescribed in chapter 7,
4 article 6 of this 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,
7 pupils enrolled at that charter school may earn a Grand Canyon diploma by
8 obtaining a passing score on the same board examinations.

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

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

17 EE. Pursuant to the prescribed graduation requirements adopted by
18 the state board of education, the governing body of a charter school
19 operating a high school may approve a rigorous computer science course
20 that would fulfill a mathematics course required for graduation from high
21 school. The governing body may approve a rigorous computer science course
22 only if the rigorous computer science course includes significant
23 mathematics content and the governing body determines the high school
24 where the rigorous computer science course is offered has sufficient
25 capacity, infrastructure and qualified staff, including competent teachers
26 of computer science.

27 FF. A charter school may permit the use of school property,
28 including school buildings, grounds, buses and equipment, by any person,
29 group or organization for any lawful purpose, including a recreational,
30 educational, political, economic, artistic, moral, scientific, social,
31 religious or other civic or governmental purpose. The charter school may
32 charge a reasonable fee for the use of the school property.

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

39 HH. Sponsors authorized pursuant to this section shall submit an
40 annual report to the auditor general on or before October 1. The report
41 shall include:

42 1. The current number of charters authorized and the number of
43 schools operated by authorized charter holders.

1 2. The academic and operational performance of the sponsor's
2 charter portfolio as measured by the sponsor's adopted performance
3 framework.
4 3. For the prior year, the number of new charters approved, the
5 number of charter schools closed and the reason for the closure.
6 4. The sponsor's application, amendment, renewal and revocation
7 processes, charter contract template and current performance framework as
8 required by this section.
9 II. The auditor general shall prescribe the format for the annual
10 report required by subsection HH of this section and may require that the
11 annual report be submitted electronically. The auditor general shall
12 review the submitted annual reports to ensure that the reports include the
13 required items in subsection HH of this section and shall make the annual
14 reports available on request. If the auditor general finds significant
15 noncompliance or if a sponsor fails to submit the annual report required
16 by subsection HH of this section, on or before December 31 of each year
17 the auditor general shall report to the governor, the president of the
18 senate, the speaker of the house of representatives and the chairs of the
19 senate and house education committees or their successor committees, and
20 the legislature shall consider revoking the sponsor's authority to sponsor
21 charter schools.