

Senate Engrossed House Bill
charter schools; fingerprinting; renewal; revocation

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2177

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 apply
8 in writing to a proposed sponsor as prescribed in subsection C of this
9 section. The application, application process and application time frames
10 shall be posted on the sponsor's website and shall include the following,
11 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 apply for sponsorship to any person or
25 entity other than those prescribed in this subsection.

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

3 (f) The applicant is reconstituting an existing grade configuration
4 from a prior charter holder with at least one grade remaining on the
5 original site with the other grade or grades moving to a new site. The
6 state board of education or the state board for charter schools may
7 approve any charter schools transferring charters. If the state board of
8 education or the state board for charter schools rejects the preliminary
9 application, the state board of education or the state board for charter
10 schools shall notify the applicant in writing of the reasons for the
11 rejection and of suggestions for improving the application. An applicant
12 may submit a revised application for reconsideration by the state board of
13 education or the state board for charter schools. The applicant may
14 request, and the state board of education or the state board for charter
15 schools may 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 **AND ALL CHARTER REPRESENTATIVES,
39 CHARTER SCHOOL GOVERNING BODY MEMBERS AND OFFICERS, DIRECTORS, MEMBERS AND
40 PARTNERS OF THE CHARTER HOLDER** shall have a valid fingerprint clearance
41 card that is issued pursuant to title 41, chapter 12, article 3.1, unless
42 the person is a volunteer or guest speaker who is accompanied in the
43 classroom by a person with a valid fingerprint clearance card. A charter
44 school shall not employ in any position that requires a valid fingerprint
45 clearance card a person against whom the state board of education has

1 taken disciplinary action as prescribed in section 15-505 or whose
2 certificate has been suspended, surrendered or revoked, unless the
3 person's certificate has been subsequently reinstated by the state board
4 of education. All other personnel shall be fingerprint checked pursuant
5 to section 15-512, or the charter school may require those personnel to
6 obtain a fingerprint clearance card issued pursuant to title 41,
7 chapter 12, article 3.1. Before employment, the charter school shall make
8 documented, good faith efforts to contact previous employers of a person
9 to obtain information and recommendations that may be relevant to the
10 person's fitness for employment as prescribed in section 15-512,
11 subsection F, including checking the educator information system that is
12 maintained by the department of education pursuant to section 15-505. The
13 charter school shall notify the department of public safety if the charter
14 school or sponsor receives credible evidence that a person who possesses a
15 valid fingerprint clearance card is arrested for or is charged with an
16 offense listed in section 41-1758.03, subsection B. A person who is
17 employed at a charter school that has met the requirements of this
18 paragraph is not required to meet any additional requirements that are
19 established by the department of education or that may be established by
20 rule by the state board of education. The state board of education may
21 not adopt rules that exceed the requirements for persons who are qualified
22 to teach in charter schools prescribed in title I of the every student
23 succeeds act (P.L. 114-95) or the individuals with disabilities education
24 improvement act of 2004 (P.L. 108-446). Charter schools may hire
25 personnel who have not yet received a fingerprint clearance card if proof
26 is provided of the submission of an application to the department of
27 public safety for a fingerprint clearance card and if the charter school
28 that is seeking to hire the applicant does all of the following:

29 (a) Documents in the applicant's file the necessity for hiring and
30 placing the applicant before the applicant receives a fingerprint
31 clearance card.

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

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

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

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

1 (f) Verifies the fingerprint status of the applicant with the
2 department of public safety.

3 6. A charter school that complies with the fingerprinting
4 requirements of this section shall be deemed to have complied with section
5 15-512 and is entitled to the same rights and protections provided to
6 school districts by section 15-512.

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

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

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

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

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

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

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

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

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

40 1. Ensure compliance with federal, state and local rules,
41 regulations and statutes relating to health, safety, civil rights and
42 insurance. The department of education shall publish a list of relevant
43 rules, regulations and statutes to notify charter schools of their
44 responsibilities under this paragraph.

- 1 2. Ensure that it is nonsectarian in its programs, admission
2 policies and employment practices and all other operations.
- 3 3. Ensure that it provides a comprehensive program of instruction
4 for at least a kindergarten program or any grade between grades one and
5 twelve, except that a school may offer this curriculum with an emphasis on
6 a specific learning philosophy or style or certain subject areas such as
7 mathematics, science, fine arts, performance arts or foreign language.
- 8 4. Ensure that it designs a method to measure pupil progress toward
9 the pupil outcomes adopted by the state board of education pursuant to
10 section 15-741.01, including participation in the statewide assessment and
11 the nationally standardized norm-referenced achievement test as designated
12 by the state board and the completion and distribution of an annual report
13 card as prescribed in chapter 7, article 3 of this title.
- 14 5. Ensure that, except as provided in this article and in its
15 charter, it is exempt from all statutes and rules relating to schools,
16 governing boards and school districts.
- 17 6. Ensure that, except as provided in this article, it is subject
18 to the same financial and electronic data submission requirements as a
19 school district, including the uniform system of financial records as
20 prescribed in chapter 2, article 4 of this title, procurement rules as
21 prescribed in section 15-213 and audit requirements. The auditor general
22 shall conduct a comprehensive review and revision of the uniform system of
23 financial records to ensure that the provisions of the uniform system of
24 financial records that relate to charter schools are in accordance with
25 commonly accepted accounting principles used by private business. A
26 school's charter may include exceptions to the requirements of this
27 paragraph that are necessary as determined by the university, the
28 community college district, the group of community college districts, the
29 state board of education or the state board for charter schools. The
30 department of education or the office of the auditor general may conduct
31 financial, program or compliance audits.
- 32 7. Ensure compliance with all federal and state laws relating to
33 the education of children with disabilities in the same manner as a school
34 district.
- 35 8. Ensure that it provides for a governing body for the charter
36 school that is responsible for the policy decisions of the charter school.
37 Notwithstanding section 1-216, if there is a vacancy or vacancies on the
38 governing body, a majority of the remaining members of the governing body
39 constitute a quorum for the transaction of business, unless that quorum is
40 prohibited by the charter school's operating agreement.
- 41 9. Ensure that it provides a minimum of one hundred eighty
42 instructional days before June 30 of each fiscal year unless it is
43 operating on an alternative calendar approved by its sponsor. The
44 superintendent of public instruction shall adjust the apportionment

1 schedule accordingly to accommodate a charter school utilizing an
2 alternative calendar.

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

14 G. The charter of a charter school may be amended at the request of
15 the governing body of the charter school and on the approval of the
16 sponsor.

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

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

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

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

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

36 (c) Meet the financial performance expectations set forth in the
37 performance framework or any improvement plans.

38 (d) Complete the obligations of the contract.

39 (e) Comply with this article or any provision of law from which the
40 charter school is not exempt.

41 2. A charter operator may apply for early renewal. At least nine
42 months before the charter school's intended renewal consideration, the
43 operator of the charter school shall submit a letter of intent to the
44 sponsor to apply for early renewal. The sponsor shall review fiscal
45 audits and academic performance data for the charter school that are

1 annually collected by the sponsor, review the current contract between the
2 sponsor and the charter school and provide the qualifying charter school
3 with a renewal application. On submission of a complete application, the
4 sponsor shall give written notice of its consideration of the renewal
5 application. The sponsor may deny the request for early renewal if, in
6 the sponsor's judgment, the charter holder has failed to do any of the
7 following:

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

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

12 (c) Meet the financial performance expectations set forth in the
13 performance framework or any improvement plans.

14 (d) Complete the obligations of the contract.

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

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

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

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

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

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

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

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

1 5. BEFORE THE SPONSOR ADOPTS A DETERMINATION OF INTENT TO REVOKE A
2 CHARTER, THE CHARTER HOLDER SHALL HAVE AT LEAST THIRTY DAYS TO ADDRESS THE
3 PROBLEMS, AS NECESSARY OR APPLICABLE, ASSOCIATED WITH THE REASON OR
4 REASONS FOR THE DETERMINATION OF INTENT TO REVOKE. THE SPONSOR IS NOT
5 REQUIRED TO PROVIDE THE CHARTER HOLDER WITH THIRTY DAYS TO CORRECT THE
6 PROBLEMS ASSOCIATED WITH THE REASON OR REASONS FOR ADOPTING A
7 DETERMINATION OF INTENT TO REVOKE IF THE REASON OR REASONS CANNOT BE
8 REMEDIED, INCLUDING A FAILURE TO SUBMIT REQUIRED FINANCIAL AUDITS PURSUANT
9 TO SUBSECTION E, PARAGRAPH 6 OF THIS SECTION AND SECTION 15-914, OR FOR A
10 MATTER OF HEALTH OR SAFETY, OR BOTH. BEFORE THE SPONSOR ADOPTS A
11 DETERMINATION OF INTENT TO REVOKE A CHARTER, THE SPONSOR SHALL GIVE
12 WRITTEN NOTICE TO THE CHARTER HOLDER THAT INCLUDES THE REASON OR REASONS
13 FOR THE SPONSOR'S CONSIDERATION TO REVOKE THE CHARTER. NOTICE MAY BE
14 PROVIDED BY ELECTRONIC MEANS OR BY UNITED STATES MAIL AND IS EFFECTIVE ON
15 THE DATE OF EMAIL OR, IF SENT BY UNITED STATES MAIL, THE EARLIER OF THE
16 DATE OF RECEIPT BY THE CHARTER HOLDER OR WITHIN FIVE DAYS AFTER THE NOTICE
17 IS MAILED. THE DETERMINATION OF WHETHER TO PROCEED TO REVOCATION SHALL BE
18 MADE AT A PUBLIC MEETING CALLED FOR THAT PURPOSE.

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

21 K. A charter school that is sponsored by the state board of
22 education, the state board for charter schools, a university, a community
23 college district or a group of community college districts may not be
24 located on the property of a school district unless the district governing
25 board grants this authority.

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

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

- 40 (a) Disciplinary or corrective action.
- 41 (b) Detail, transfer or reassignment.
- 42 (c) Suspension, demotion or dismissal.
- 43 (d) An unfavorable performance evaluation.
- 44 (e) A reduction in pay, benefits or awards.

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

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

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

7 (a) Suspension or termination of the program.

8 (b) Transfer or reassignment of the program to a less favorable
9 department.

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

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

14 M. Charter schools shall secure insurance for liability and
15 property loss. The governing body of a charter school that is sponsored
16 by the state board of education or the state board for charter schools may
17 enter into an intergovernmental agreement or otherwise contract to
18 participate in an insurance program offered by a risk retention pool
19 established pursuant to section 11-952.01 or 41-621.01 or the charter
20 school may secure its own insurance coverage. The pool may charge the
21 requesting charter school reasonable fees for any services it performs in
22 connection with the insurance program.

23 N. Charter schools do not have the authority to acquire property by
24 eminent domain.

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

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

31 Q. The sponsor of a charter school shall establish procedures to
32 conduct administrative hearings on determination by the sponsor that
33 grounds exist to revoke a charter. Procedures for administrative hearings
34 shall be similar to procedures prescribed for adjudicative proceedings in
35 title 41, chapter 6, article 10. Except as provided in section
36 41-1092.08, subsection H, final decisions of the state board of education
37 and the state board for charter schools from hearings conducted pursuant
38 to this subsection are subject to judicial review pursuant to title 12,
39 chapter 7, article 6.

40 R. The sponsoring entity of a charter school shall have oversight
41 and administrative responsibility for the charter schools that it
42 sponsors. In implementing its oversight and administrative
43 responsibilities, the sponsor shall ground its actions in evidence of the
44 charter holder's performance in accordance with the performance framework
45 adopted by the sponsor. The performance framework shall be publicly

1 available, shall be placed on the sponsoring entity's website and shall
2 include:

3 1. The academic performance expectations of the charter school and
4 the measurement of sufficient progress toward the academic performance
5 expectations.

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

8 3. The financial expectations of the charter school.

9 4. Intervention and improvement policies.

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

12 T. All property accumulated by a charter school shall remain the
13 property of the charter school.

14 U. Charter schools may not locate a school on property that is less
15 than one-fourth mile from agricultural land regulated pursuant to section
16 3-365, except that the owner of the agricultural land may agree to comply
17 with the buffer zone requirements of section 3-365. If the owner agrees
18 in writing to comply with the buffer zone requirements and records the
19 agreement in the office of the county recorder as a restrictive covenant
20 running with the title to the land, the charter school may locate a school
21 within the affected buffer zone. The agreement may include any
22 stipulations regarding the charter school, including conditions for future
23 expansion of the school and changes in the operational status of the
24 school that will result in a breach of the agreement.

25 V. A transfer of a charter to another sponsor, a transfer of a
26 charter school site to another sponsor or a transfer of a charter school
27 site to a different charter shall be completed before the beginning of the
28 fiscal year that the transfer is scheduled to become effective. An entity
29 that sponsors charter schools may accept a transferring school after the
30 beginning of the fiscal year if the transfer is approved by the
31 superintendent of public instruction. The superintendent of public
32 instruction shall have the discretion to consider each transfer during the
33 fiscal year on a case-by-case basis. A charter holder seeking to transfer
34 sponsors shall comply with the current charter terms regarding assignment
35 of the charter. A charter holder transferring sponsors shall notify the
36 current sponsor that the transfer has been approved by the new sponsor.

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

42 X. Notwithstanding subsection Y of this section, the state board
43 for charter schools shall charge a processing fee to any charter school
44 that amends its contract to participate in Arizona online instruction
45 pursuant to section 15-808. The charter Arizona online instruction

1 processing fund is established consisting of fees collected and
2 administered by the state board for charter schools. The state board for
3 charter schools shall use monies in the fund only for processing contract
4 amendments for charter schools participating in Arizona online
5 instruction. Monies in the fund are continuously appropriated.

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

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

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

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

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

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

36 EE. Pursuant to the prescribed graduation requirements adopted by
37 the state board of education, the governing body of a charter school
38 operating a high school may approve a rigorous computer science course
39 that would fulfill a mathematics course required for graduation from high
40 school. The governing body may approve a rigorous computer science course
41 only if the rigorous computer science course includes significant
42 mathematics content and the governing body determines the high school
43 where the rigorous computer science course is offered has sufficient
44 capacity, infrastructure and qualified staff, including competent teachers
45 of computer science.

1 FF. A charter school may ~~permit~~ ALLOW the use of school property,
2 including school buildings, grounds, buses and equipment, by any person,
3 group or organization for any lawful purpose, including a recreational,
4 educational, political, economic, artistic, moral, scientific, social,
5 religious or other civic or governmental purpose. The charter school may
6 charge a reasonable fee for the use of the school property.

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

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

16 1. The current number of charters authorized and the number of
17 schools operated by authorized charter holders.

18 2. The academic, operational and financial performance of the
19 sponsor's charter portfolio as measured by the sponsor's adopted
20 performance framework.

21 3. For the prior year, the number of new charters approved, the
22 number of charter schools closed and the reason for the closure.

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

26 II. The auditor general shall prescribe the format for the annual
27 report required by subsection HH of this section and may require that the
28 annual report be submitted electronically. The auditor general shall
29 review the submitted annual reports to ensure that the reports include the
30 required items in subsection HH of this section and shall make the annual
31 reports available on request. If the auditor general finds significant
32 noncompliance or if a sponsor fails to submit the annual report required
33 by subsection HH of this section, on or before December 31 of each year
34 the auditor general shall report to the governor, the president of the
35 senate, the speaker of the house of representatives and the chairs of the
36 senate and house education committees or their successor committees, and
37 the legislature shall consider revoking the sponsor's authority to sponsor
38 charter schools.