

Arizona Chapter 15 Education

Chapter 1 GENERAL PROVISIONS

Article 1 General Provisions

15-101. Definitions

In this title, unless the context otherwise requires:

1. "Accommodation school" means either:

(a) A school that is operated through the county board of supervisors and the county school superintendent and that the county school superintendent administers to serve a military reservation or territory that is not included within the boundaries of a school district.

(b) A school that provides educational services to homeless children or alternative education programs as provided in section 15-308, subsection B.

(c) A school that is established to serve a military reservation, the boundaries of which are coterminous with the boundaries of the military reservation on which the school is located.

2. "Assessed valuation" means the valuation derived by applying the applicable percentage as provided in title 42, chapter 15, article 1 to the full cash value or limited property value, whichever is applicable, of the property.

3. "Charter holder" means a person that enters into a charter with the state board for charter schools. For the purposes of this paragraph, "person" means an individual, partnership, corporation, association or public or private organization of any kind.

4. "Charter school" means a public school established by contract with the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts pursuant to article 8 of this chapter to provide learning that will improve pupil achievement.

5. "Child with a disability" means a child with a disability as defined in section 15-761.

6. "Class A bonds" means general obligation bonds approved by a vote of the qualified electors of a school district at an election held on or before December 31, 1998.

7. "Class B bonds" means general obligation bonds approved by a vote of the qualified electors of a school district at an election held from and after December 31, 1998.

8. "Competency" means a demonstrated ability in a skill at a specified performance level.

9. "Course" means organized subject matter in which instruction is offered within a given period of time and for which credit toward promotion, graduation or certification is usually given. A course consists of knowledge selected from a subject for instructional purposes in the schools.

10. "Course of study" means a list of required and optional subjects to be taught in the schools.

11. "Dual enrollment course" means a college-level course that is conducted on the campus of a high school or on the campus of a career technical education district, that is applicable to an established community college academic degree or certificate program and that is transferable to a university under the jurisdiction of the Arizona board of regents. A dual enrollment course that is applicable to a community college occupational degree or certificate program may be transferable to a university under the jurisdiction of the Arizona board of regents.

12. "Elementary grades" means kindergarten programs and grades one through eight.

13. "Fiscal year" means the year beginning July 1 and ending June 30.

14. "Governing board" means a body organized for the government and management of the schools within a school district or a county school superintendent in the conduct of an accommodation school.

15. "Lease" means an agreement for conveyance and possession of real or personal property.

16. "Limited property value" means the value determined pursuant to title 42, chapter 13, article 7. Limited property value shall be used as the basis for assessing, fixing, determining and levying primary property taxes.

17. "Nontest" means not relating to knowledge or skills in reading, writing, mathematics, social studies, science or any other course.
18. "Parent" means the natural or adoptive parent of a child or a person who has custody of a child.
19. "Person who has custody" means a parent or legal guardian of a child, a person to whom custody of the child has been given by order of a court or a person who stands in loco parentis to the child.
20. "Primary property taxes" means all ad valorem taxes except for secondary property taxes.
21. "Private school" means a nonpublic institution where instruction is imparted.
22. "School" or "public school" means any public institution established for the purposes of offering instruction to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of elementary grades or secondary grades one through twelve.
23. "School district" means a political subdivision of this state with geographic boundaries organized for the purpose of the administration, support and maintenance of the public schools or an accommodation school.
24. "Secondary grades" means grades nine through twelve.
25. "Secondary property taxes" means ad valorem taxes used to pay the principal of and the interest and redemption charges on any bonded indebtedness or other lawful long-term obligation issued or incurred for a specific purpose by a school district or a community college district and amounts levied pursuant to an election to exceed a budget, expenditure or tax limitation.
26. "Subject" means a division or field of organized knowledge, such as English or mathematics, or a selection from an organized body of knowledge for a course or teaching unit, such as the English novel or elementary algebra.

15-102. Parental involvement in the school; definition

- A. Each school district governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:
 1. A plan for parent participation in the schools that is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline. The plan shall provide for the administration of a parent-teacher satisfaction survey.
 2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.
 3. Beginning January 1, 2023, procedures by which parents have access to the school's library collection of available books and materials and parents may receive a list of books and materials borrowed from the library by their children. The policy must provide that the following are exempt from the procedures prescribed pursuant to this paragraph:
 - (a) Schools without a full-time library media specialist or an equivalent position.
 - (b) School district libraries that have agreements with county free library districts, municipal libraries or other entities pursuant to section 15-362, subsection D.
 4. Procedures by which parents who object to any learning material or activity on the basis that the material or activity is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that the material or activity is harmful includes objection to the material or activity because it questions beliefs or practices in sex, morality or religion.
 5. If a school district offers any sex education curricula pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by the state board of education, procedures to prohibit the school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate in the sex education curricula.
 6. Procedures by which parents will be notified in advance of and given the opportunity to opt their children in to any instruction, learning materials or presentations regarding sexuality, in courses other than formal sex education curricula.

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

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

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

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

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

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

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

(f) The minimum course of study and competency requirements for graduation from high school prescribed in section 15-701.01.

(g) The right to opt out of instruction on acquired immune deficiency syndrome pursuant to section 15-716.

(h) The right to review test results pursuant to section 15-743.

(i) The right to participate in gifted programs pursuant to section 15-779.01.

(j) The right to access instructional materials pursuant to section 15-730.

(k) The right to receive a school report card pursuant to section 15-746.

(l) The attendance requirements prescribed in sections 15-802, 15-803 and 15-821.

(m) The right to public review of courses of study, textbooks and library books and materials pursuant to sections 15-721 and 15-722.

(n) The right to be excused from school attendance for religious purposes pursuant to section 15-806.

(o) Policies related to parental involvement pursuant to this section.

(p) The right to seek membership on school councils pursuant to section 15-351.

(q) Information about the student accountability information system as prescribed in section 15-1041.

(r) The right to access the failing schools tutoring fund pursuant to section 15-241.

(s) The right to access all written and electronic records of a school district or school district employee concerning the parent's child pursuant to section 15-143.

B. The policy adopted by the governing board pursuant to this section may also include the following components:

1. A plan by which parents will be made aware of the district's parental involvement policy and this section, including:

(a) Rights under the family educational rights and privacy act of 1974 (20 United States Code section 1232g) relating to access to children's official records.

(b) The parent's right to inspect the school district policies and curriculum.

2. Efforts to encourage the development of parenting skills.

3. Communicating to parents techniques that are designed to assist the child's learning experience in the home.

4. Efforts to encourage access to community and support services for children and families.

5. Promoting communication between the school and parents concerning school programs and the academic progress of the parents' children.

6. Identifying opportunities for parents to participate in and support classroom instruction at the school.

7. Efforts to support, with appropriate training, parents as shared decision-makers and to encourage membership on school councils.

8. Recognizing the diversity of parents and developing guidelines that promote widespread parental participation and involvement in the school at various levels.
 9. Developing preparation programs and specialized courses for certificated employees and administrators that promote parental involvement.
 10. Developing strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education.
- C. The governing board may adopt a policy to provide to parents the information required by this section in an electronic form.
- D. A parent shall submit a written request for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten days after receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for denying the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen days after submitting the request for information, the parent may request the information in writing from the school district governing board, which shall formally consider the request at the next scheduled public meeting of the governing board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the governing board shall formally consider the request at the next subsequent public meeting of the governing board.
- E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

15-103. School districts; financial mismanagement; intervention; definitions

- A. The state board of education shall review allegations of school district insolvency and gross mismanagement. The state board shall give the school district an opportunity to respond to these allegations at a public meeting. If the state board determines that the school district is insolvent or has grossly mismanaged its finances, the state board shall appoint a receiver or fiscal crisis team for that school district.
- B. The state board shall find a school district insolvent if it finds one or more of the following:
1. The school district is unable to pay debts as they fall due or in the usual course of business.
 2. The salaries of any teachers or other employees have remained unpaid for forty-five days.
 3. The tuition due another school district or other state institution remains unpaid on or after January 1 of the year following the school year it was due and there is no dispute regarding the validity or amount of the claim.
 4. The school district has defaulted in payment of its bonds or interest on bonds or in payment of rentals due any state or federal authority or private business for a period of sixty calendar days and no action has been initiated within that period of time to make payment.
 5. The school district has contracted for any loan not authorized by law.
 6. The school district has accumulated and has operated with a deficit equal to five per cent or more of the school district's revenue control limit for any fiscal year within the past two fiscal years or the conditions prescribed in section 15-107 have occurred.
 7. The school district's warrants have not been honored for payment by the school district's servicing bank or by the county treasurer and the warrants have remained unpaid for a period of more than sixty calendar days.
- C. A school district shall not be deemed to be insolvent pursuant to subsection B of this section if the circumstances are the result of the failure of the state to make any payments of monies due the school district at the time payment is due.
- D. The state board of education shall have jurisdiction over all petitions requesting that a school district be placed in receivership and a receiver be appointed or that a fiscal crisis team be appointed because of the school district's alleged insolvency or gross mismanagement. The state board shall have the burden of demonstrating by a preponderance of the evidence that the school district is insolvent or is engaged in gross mismanagement.

E. If the state board of education finds that the school district is insolvent or has engaged in gross mismanagement, the state board may place the school district in receivership and appoint a receiver recommended by the state board. The state board shall develop and adopt a list of qualified receivers to be appointed by the board.

F. On appointment, the receiver may perform any of the actions prescribed in paragraphs 1 through 11 of this subsection and shall begin a full review and investigation of the school district's financial affairs and submit to the state board of education a detailed report listing the findings of that investigation that shall include a financial improvement plan and budget that details how the school district will eliminate any continued gross financial mismanagement and achieve financial solvency. The plan shall include a proposed timeline for achieving financial solvency. The receiver shall submit the report within one hundred twenty days after the receiver's appointment. The financial improvement plan approved by the state board of education may authorize the receiver to do any of the following:

1. Override any decisions of the school district's governing board or the school district superintendent, or both, concerning the management and operation of the school district, and initiate and make decisions concerning the management and operation of the school district.

2. Attend any and all meetings of the school district's governing board and administrative staff.

3. Supervise the day-to-day activities of the school district's staff, including reassigning the duties and responsibilities of personnel in a manner that, in the determination of the receiver, best suits the needs of the school district.

4. Place on extended leave, suspend or terminate for cause the school district's superintendent or chief financial officer, or both. The receiver is not authorized to provide a severance or buyout package to the school district's superintendent or chief financial officer if the school district is placed into receivership by the state board of education. A person terminated pursuant to this paragraph may appeal the receiver's decision to the state board of education if an appeal is filed with the state board within thirty days of receiving notice of the termination.

5. Authorize pupils to transfer from schools operated by the school district to schools operated by another school district that is not currently in receivership.

6. Appoint a chief educational officer who shall possess the powers and duties of a school district superintendent. A chief educational officer who is appointed pursuant to this paragraph shall hold a valid administrative certificate.

7. Appoint a chief fiscal officer who shall possess the powers and duties of the school district's chief school business official and any other duties regarding budgeting, accounting and other financial matters that are assigned to the school district by law.

8. Appoint a competent independent public accountant to audit the accounts of the school district.

9. Reorganize the school district's financial accounts, management and budgetary systems to improve financial responsibility and reduce financial inefficiency within the district.

10. Establish school district fiscal guidelines and a system of internal controls, including internal administrative controls and internal accounting controls, with provisions for internal audits.

11. Cancel or renegotiate any contract, other than contracts of certificated teachers who have been employed by the school district in the capacity of a certificated teacher for more than one year immediately before the date the receiver was appointed, to which the governing board or the school district is a party if the cancellation or renegotiation of the contract will produce needed economies in the operation of the district's schools. The receiver may refuse to reemploy any certificated teacher who has not been employed by the school district for more than the major portion of three consecutive school years as provided in section 15-536.

G. The receiver's power, authority and duties shall be effective on the date of the receiver's appointment by the state board of education. The receiver shall perform the receiver's duties according to the instructions of the state board of education order and according to law. The receiver shall promptly report any violations of law, including a violation of the uniform system of financial records, to the state board of education.

H. On review and approval of the state board of education, the receiver shall take all necessary steps to implement the financial improvement plan and budget utilizing those powers identified in the plan as prescribed in subsection F of this section.

I. The salary and benefits of the receiver and any officers or employees appointed by the receiver shall be paid by the school district. The state board of education shall determine the salary for the receiver and any officers or employees appointed by the receiver based on amounts recommended by the state board.

J. The state board of education shall remove the school district from receivership and dismiss the receiver and dismiss any officer or employee appointed by the receiver thirty days after all of the following have occurred:

1. The auditor general certifies that the school district has been financially solvent for one fiscal year.

2. The auditor general certifies that the school district's financial records are in compliance with the uniform system of financial records and generally accepted accounting principles.

3. The receiver certifies that the school district is no longer engaged in gross mismanagement.

4. The state board of education has determined that the school district is able to pay its debts as those debts become due.

K. Beginning ninety days after the submission of the first report prescribed in subsection F of this section, the receiver shall submit a quarterly progress report to the state board of education. The state board of education shall review the expenses and costs of the receiver at least once each calendar quarter.

L. The state board of education shall formally review the receiver's progress every six months. If, based on the quarterly progress reports, the state board determines that the receiver's progress is insufficient, the state board may remove the current receiver and appoint another receiver for the school district.

M. The state board of education may dismiss the receiver for cause or on a majority vote of no confidence in the receiver of the state board.

N. The school district shall indemnify the receiver and any officer or employee appointed by the receiver who is made or threatened to be made a party to any litigation by reason of their status under this section if the receiver, officer or employee acted in good faith and in a manner that the receiver, officer or employee reasonably believed to be consistent with the best interest of the school district and if the receiver, officer or employee had no reasonable cause to believe that the conduct was unlawful.

O. During the period of time that the school district is in receivership, no member, officer, employee or agent of the school district may enter into any contract or incur any liability on behalf of the school district for any purpose if the amount of the contract or liability exceeds the receiver's authorized financial plan and budget for the school district. The receiver may discipline, including, if warranted, imposing a suspension from duty without pay, removal from office or termination of, any school district employee or officer who violates this subsection.

P. This section does not create a private cause of action against the school district or its officers, directors, board members or employees.

Q. The assumption of control of the school district by the receiver shall in no way interfere with the election or reelection of school district governing board members.

R. This section shall not interfere with a school district's ability to declare bankruptcy under federal law.

S. The state board of education shall continue to monitor and offer technical assistance to a school district for two years after its removal from receivership.

T. All information received and records or reports kept by the state board of education during an investigation resulting from a complaint against a receiver appointed pursuant to this section or section 15-107 are confidential and not a public record.

U. The state board of education or the department of education shall immediately notify the auditor general if the board or department has knowledge that a superintendent or chief financial officer who was employed at the school district at the time the school district was placed in receivership is currently employed in another school district or charter school in this state.

V. Notwithstanding any other law, a fiscal crisis team appointed pursuant to this section shall be subject to section 15-107, subsections E through H and a school district that is assigned a level two fiscal crisis team pursuant to this section shall be subject to section 15-107, subsections J, K and L.

W. For the purposes of this section:

1. "Fiscal crisis team" means either:

(a) A level one fiscal crisis team with the duties and authority prescribed in section 15-107, subsection D, paragraph 2.

(b) A level two fiscal crisis team with the duties and authority prescribed in section 15-107, subsection D, paragraph 3.

2. "Gross mismanagement" means that the school district's officers or employees committed or engaged in gross incompetence or systemic and egregious mismanagement of the school district's finances or financial records.

3. "Notice" means written notice personally served or delivered by certified mail, return receipt requested.

4. "Receiver" means an individual appointed by the state board of education from the persons recommended by the state board for the purpose of managing a school district placed in receivership by the state board of education.

5. "Receivership" means the state or condition of being under the control of the receiver appointed by the state board of education.

6. "Superintendent" means the chief executive officer of the school district.

15-104. Mental health screening; consent; form; exemption

A. Before it conducts a mental health screening on any pupil, defined as a survey, analysis or evaluation created by a governmental or private third party pursuant to the protection of pupil rights amendment (20 United States Code section 1232h; 34 Code of Federal Regulations part 98), a school district or charter school must have obtained the written consent of the pupil's parent or legal guardian. The written consent must satisfy all of the following requirements:

1. Contain language that clearly explains the nature of the screening program and when and where the screening will take place.

2. Be signed by the pupil's parent or legal guardian.

3. Provide notice that a copy of the actual survey, analysis or evaluation questions to be asked of the student is available for inspection upon request by the parent or legal guardian.

B. The chemical abuse and related gang activity survey conducted by the Arizona criminal justice commission pursuant to section 41-2416 is exempt from the provisions of this section if the survey does not include questions related to depression or religiosity.

15-105. Use of restraint and seclusion techniques; requirements; definitions

A. A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

1. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.

2. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

B. If a restraint or seclusion technique is used on a pupil:

1. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.

2. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.

3. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.

4. The restraint technique employed may not impede the pupil's ability to breathe.

5. The restraint technique may not be out of proportion to the pupil's age or physical condition.

C. Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:

1. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.

2. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

3. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

F. This section does not prohibit schools from adopting policies pursuant to section 15-843, subsection B, paragraph 3.

G. For the purposes of this section:

1. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

(a) Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.

(b) The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.

(c) The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.

(d) Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

2. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona state schools for the deaf and the blind and a private school.

3. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

15-106. Identity verified fingerprints

An applicant who applies for a new teaching certificate in order to teach in a school district, a participant in field experience or student teaching in this state, an applicant who applies for a renewal of an existing teaching certificate in order to continue teaching in a school district, an applicant who is required for the first time to be fingerprinted in order to teach in a charter school and an applicant who is required to renew fingerprints in order to continue teaching in a charter school pursuant to section 15-183, an applicant who is required to be fingerprinted pursuant to section 15-512 and any person who is contracted by this state, by a school district or by a charter school to provide tutoring services shall submit for an identity verified fingerprint card that will be used by the department of public safety to process the fingerprint clearance card pursuant to title 41, chapter 12, article 3.1 as follows:

1. The applicant shall submit a request for an application packet from the department of public safety.

2. The application packet shall be contained in an envelope specified by the department of public safety and shall include the following:

(a) A blank applicant fingerprint card.

(b) An application for a fingerprint clearance card.

(c) Instructions for the return of the application packet.

3. A school district or charter school may contract for fingerprinting services through an entity or entities and shall provide a copy of the instructions to the entity or entities as provided by the department of public safety regarding the submission of identity verified fingerprints. If a school district or charter school elects to provide fingerprinting services, the school district or charter school shall authorize an individual employed by the school district or charter school to administer the services.

4. The department of public safety shall provide instructions to law enforcement agencies and public schools regarding the submission of identity verified fingerprints. The department of public safety shall reject the application for a fingerprint clearance card if the application is not correct or is not submitted according to the instructions provided by the department of public safety.

5. The applicant, at the time that identity verified fingerprints are taken, shall provide the law enforcement agency, school district, charter school or other entity with a completed application form for a fingerprint clearance card, the fingerprint card with the requisite demographic information and the required fee in the form of a money order or cashier's check made out to the department of public safety. The law enforcement agency, school district, charter school or other entity shall verify the identity of the applicant through recognized means of photographic identification and a comparison of the demographic information on the photographic identification against the demographic information on the application form and the fingerprint card. The authorized person taking the fingerprints shall enter on the application form a description of the photographic identification presented by the applicant. The law enforcement agency, school district, charter school or other entity shall place the completed fingerprint card, the completed application form or any other form required by the department of public safety and the fee provided by the applicant in the postage prepaid envelope provided by the department of public safety and mail it to the fingerprinting division in the department of public safety. A law enforcement agency, school district, charter school or other entity may charge the applicant a reasonable fee for services provided pursuant to this section.

6. Fingerprints submitted electronically or through an internet-based system pursuant to section 41-1758.01 shall include a completed application for a fingerprint clearance card, the requisite applicant demographic information and the required fee, and shall be identity verified in accordance with instructions provided by the department of public safety. The department shall reject the application for a fingerprint clearance card if the application is not correct or is not submitted according to the department's instructions. The entity or entities contracted by the department shall comply with:

(a) All information privacy and security measures and submission standards established by the department.

(b) The information technology security policy approved by the department.

7. The department of public safety shall process the application packet in the same manner prescribed for fingerprint clearance cards issued pursuant to title 41, chapter 12, article 3.1.

8. The department of public safety shall provide for digital storage and retrieval of identity verified fingerprints taken pursuant to this section. The fingerprints taken pursuant to this section shall be digitally designated in the fingerprint archive as identity verified fingerprint records.

9. A person who has a set of identity verified fingerprints on file with the department of public safety pursuant to this section shall not be required to submit a new set of fingerprints to the department of public safety to renew the person's fingerprint clearance card. On receipt of the required application form and fee for a renewal fingerprint clearance card from a person required to submit identity verified fingerprints, the department of public safety shall attempt to use the electronic copy of the applicant's identity verified fingerprints that are retained pursuant to this section to conduct the state and national criminal records checks. The department of public safety may require the applicant to submit a new set of identity verified fingerprints if the department of public safety determines that the original fingerprints submitted have been lost or damaged or are found to be otherwise of insufficient quality to conduct a valid technical fingerprint search either by the department of public safety or the federal bureau of investigation.

10. A person who participates in a teacher preparation program that is approved by the state board of education and who does not participate in field experience or student teaching in this state shall not be required to obtain a fingerprint clearance card pursuant to this section.

15-107. School district overexpenditures; fiscal crisis teams; quarterly progress reports; fiscal management report; annual report; actions resulting from overexpenditures; professional development; definition

A. A county school superintendent, within two business days, shall provide written notice to the department of education, if, in the county school superintendent's judgment, a school district has committed an overexpenditure under this section. Notwithstanding any other law, a warrant shall not be drawn by a county school superintendent for an expenditure that is in excess of the amount budgeted and that has not been previously expended, unless the county school superintendent is notified in writing by the department of education that budget capacity exists as determined by the department based on information provided by the school district.

B. The department of education, in conjunction with the county school superintendent, shall monitor the school district and provide technical assistance to the school district and to the county school superintendent to resolve the overexpenditure.

C. If the department of education determines that the school district has failed to take appropriate action to resolve the overexpenditure or that the original notice of overexpenditure pursuant to subsection A of this section constitutes an overexpenditure that will cause the school district's overall expenditures to exceed the school district's general budget limit or unrestricted capital budget limit by fifty thousand dollars or one-half of one per cent, whichever is less, the department shall request that the matter be placed on the agenda of a meeting of the state board of education for action pursuant to this section.

D. At the request of the department of education, the state board of education shall call a public meeting to consider overexpenditures by any school district. The state board of education shall require the superintendent of the school district and any other school district personnel who may have information relevant to the overexpenditure to appear before the state board of education. After testimony from all interested parties, the state board of education shall take one of the following actions:

1. Require the department of education, in conjunction with the county school superintendent, to monitor the expenditures of the school district.

2. Direct the department of education to contract with a level one fiscal crisis team. The level one fiscal crisis team shall provide on-site oversight and off-site monitoring for the school district for no longer than twelve months and shall advise the school district on all financial issues and professional development training related to financial issues.

3. Direct the department of education to contract with a level two fiscal crisis team. The level two fiscal crisis team shall provide on-site oversight and off-site monitoring for the school district for no longer than twenty-four months, shall have the authority prescribed for level one fiscal crisis teams and may override any financial act or decision of the school district, including expenditures.

4. Appoint a receiver who, subject to the discretion of the state board of education, may take any actions prescribed in section 15-103, subsection F.

E. The level one and level two fiscal crisis teams shall be composed of at least one person who has knowledge of school finance and may include current or former school district financial officers, current or former school district business managers, certified public accountants and current or former school district superintendents. The fiscal crisis teams shall not include employees of the state board of education or the department of education.

F. The expenses incurred by a fiscal crisis team or by a receiver appointed pursuant to this section shall be paid by the school district. The state board of education shall review the expenses and costs of each fiscal crisis team at least once each calendar quarter.

G. Beginning ninety days after submitting the fiscal management report prescribed in subsection H of this section, the fiscal crisis team or receiver appointed pursuant to this section shall submit a detailed written quarterly progress report to the state board of education that includes all of the following:

1. The results of the review of the school district's finances, including expenditures.

2. The recommendations and decisions made by the fiscal crisis team or the receiver appointed pursuant to this section.

3. The status of the fiscal management plan described pursuant to subsection H of this section.
 4. Recommendations to the state board of education on the content of professional development training related to overexpenditures.
 5. Any recommendations of potential action to be taken concerning professional certificates issued to school district personnel by the state board of education or the department of education. The state board of education shall review the recommendations submitted pursuant to this paragraph and shall take appropriate action.
- H. After appointment, the fiscal crisis team or the receiver appointed pursuant to this section shall review the financial affairs of the school district and may work with school finance personnel at the department of education to ensure that the finances of the school district are in compliance with the laws of this state. A school district that has been assigned a fiscal crisis team or a receiver pursuant to this section shall submit, in consultation with the receiver or the fiscal crisis team, a fiscal management report to the state board of education within one hundred twenty days after the date that the state board of education appointed the receiver or the fiscal crisis team. The fiscal management report shall include the following:
1. A description of the fiscal management plan that has been implemented to correct the overexpenditure, including the following:
 - (a) The manner in which the fiscal management plan will address the findings and recommendations of the fiscal crisis team.
 - (b) A timeline for complete resolution of the overexpenditure.
 - (c) A detailed explanation of the methods and procedures that will be implemented to prevent future overexpenditures.
 - (d) The identification of any issues that need to be resolved before the fiscal management plan may be fully implemented.
 - (e) The identification of any long-term issues resulting from the overexpenditure that will extend to future fiscal years.
 2. A description of the manner in which the fiscal management plan was developed, including identification of the role of the fiscal crisis team or the receiver, the role of the school district governing board and the role of the administrators of the school district.
- I. On or before December 31, the state board of education shall submit an annual report to the governor, the president of the senate and the speaker of the house of representatives. The state board shall provide a copy of this report to the secretary of state. The annual report shall include the following:
1. A summarized compilation of the fiscal management reports submitted by school districts pursuant to subsection H of this section.
 2. The actions taken by the state board of education, the department of education, school districts, fiscal crisis teams and receivers during the most recently completed fiscal year.
 3. Recommendations regarding improvements to the laws of this state or to administrative actions required under the laws of this state.
- J. A school district that is assigned a level two fiscal crisis team or a receiver pursuant to this section shall require professional development training for school district governing board members and appropriate administrative personnel of the school district, including the school district superintendent, who are involved in district finances and budgeting, as determined by the level two fiscal crisis team or by the receiver. The professional development training shall be selected from a list approved by the state board of education, and the cost of the professional development training shall be paid by the school district. Governing board members and district administrative personnel shall complete at least twelve hours of professional development training within one hundred twenty days after the assignment of a level two fiscal crisis team or the appointment of a receiver. The fiscal crisis team or the receiver shall report to the state board of education whether the professional development training requirements prescribed in this subsection have been met.
- K. A school district governing board member who fails to complete the professional development training within the time prescribed in subsection J of this section is guilty of nonfeasance in office, and the state board of education shall forward a complaint to the attorney general. The attorney general may bring an action in superior court against a school district governing board member for failure to comply with the professional

development training requirements prescribed in subsection J of this section. If a court determines that a school district governing board member failed to comply with the professional development training requirements prescribed in subsection J of this section, the court shall issue an order removing the school district governing board member from office. Any vacancy in the office of the school district governing board as a result of a court order issued pursuant to this subsection shall be filled in the manner provided by law.

L. If any of the administrative personnel of the school district fails to complete the professional development training within the time prescribed in subsection J of this section, the state board of education may take appropriate action concerning current certificates held by that person.

M. All information received and records or reports kept by the state board of education during an investigation resulting from a complaint against a receiver appointed pursuant to this section or section 15-103 are confidential and not a public record.

N. For the purposes of this section, "overexpenditure" means an expenditure in excess of any of the following:

1. The general budget limit of the school district or the amount budgeted by the school district, whichever is less.
2. The unrestricted capital budget limit of the school district or the amount budgeted for capital by the school district, whichever is less.

15-108. Medical marijuana; school campuses; prohibition; definition

(Subsection A was added with a 1998 Prop. 105 clause pursuant to L12, Ch. 159)

A. In addition to the limitations prescribed in section 36-2802, subsection B, a person, including a cardholder as defined in section 36-2801, may not lawfully possess or use marijuana on the campus of any public university, college, community college or postsecondary educational institution. This subsection does not prohibit medical research projects involving marijuana that are conducted on the campus of any public university, college, community college or postsecondary institution as authorized by applicable federal approvals, which may include the United States food and drug administration, the United States drug enforcement administration and the national institutes on drug abuse, and on approval of any applicable university institutional review board.

B. A person may not lawfully possess or use marijuana on the campus of any high school, junior high school, middle school, common school or preschool in this state.

15-109. Biometric information; prohibition; definition

A. A school in a school district or a charter school shall not collect biometric information from a pupil unless the pupil's parent or guardian gives written permission to collect biometric information from the pupil.

B. At least thirty days before a school in a school district or charter school will collect biometric information, the school shall provide written notice to the parents and guardians of pupils of the intent to collect biometric information. The notice shall include a statement in eighteen point bold-faced capital letters that the parent or guardian must give written permission to collect biometric information from the pupil before the school may collect biometric information.

C. For the purposes of this section, "collect biometric information" means the noninvasive electronic measurement and evaluation of any physical characteristics that are attributable to a single person, including fingerprint characteristics, eye characteristics, hand characteristics, vocal characteristics, facial characteristics and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty.

15-110. Rights of students at public educational institutions; limitations; definition

A. A public educational institution shall not discriminate against students or parents on the basis of a religious viewpoint or religious expression.

B. If an assignment requires a student's viewpoint to be expressed in coursework, artwork or other written or oral assignments, a public educational institution shall not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the coursework or assignment.

C. Students in public educational institutions may pray or engage in religious activities or religious expression before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.

D. Students in public educational institutions may wear clothing, accessories and jewelry that display religious messages or religious symbols in the same manner and to the same extent that other types of clothing, accessories and jewelry that display messages or symbols are permitted.

E. This section shall not be construed to authorize this state or any of its political subdivisions to do either of the following:

1. Require any person to participate in prayer or in any other religious activity.
2. Violate the constitutional rights of any person.

F. This section shall not be construed to limit the authority of any public educational institution to do any of the following:

1. Maintain order and discipline on the campus of the public educational institution in a content and viewpoint neutral manner.
2. Protect the safety of students, employees and visitors of the public educational institution.
3. Adopt and enforce policies and procedures regarding student speech at school provided that the policies and procedures do not violate the rights of students as guaranteed by the United States and Arizona constitutions and laws.
4. Adopt and enforce policies and procedures that prohibit students from wearing any type of clothing, accessories and jewelry that is worn with the intent to convey affiliation with a criminal street gang as defined in section 13-105.

G. A student or a student's parent shall not initiate legal action to enforce this section unless the student or the student's parent has done the following:

1. The student or the student's parent shall submit a complaint in writing with the specific facts of the alleged violation to the principal of the school. The principal shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within fifteen days of receiving the written complaint.
2. If the action taken by the principal of the school does not resolve the complaint of the student or the student's parent, the student or the student's parent shall submit a complaint in writing with the specific facts of the alleged violation to the superintendent or designated administrator. The superintendent or designated administrator shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within twenty-five days of receiving the written complaint.
3. If the action taken by the superintendent or designated administrator does not resolve the complaint of the student or the student's parent, the student or the student's parent may pursue legal action to enforce this section.

H. For the purposes of this section, "public educational institution" means any of the following:

1. A school district, including its schools.
2. A charter school.
3. An accommodation school.
4. The Arizona state schools for the deaf and the blind.

15-111. Declaration of policy

The legislature finds and declares that public school pupils should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people.

15-112. Prohibited courses and classes; enforcement

A. A school district or charter school in this state shall not include in its program of instruction any courses or classes that include any of the following:

1. Promote the overthrow of the United States government.

2. Promote resentment toward a race or class of people.

3. Are designed primarily for pupils of a particular ethnic group.

4. Advocate ethnic solidarity instead of the treatment of pupils as individuals.

B. If the state board of education or the superintendent of public instruction determines that a school district or charter school is in violation of subsection A, the state board of education or the superintendent of public instruction shall notify the school district or charter school that it is in violation of subsection A. If the state board of education or the superintendent of public instruction determines that the school district or charter school has failed to comply with subsection A within sixty days after a notice has been issued pursuant to this subsection, the state board of education or the superintendent of public instruction may direct the department of education to withhold up to ten per cent of the monthly apportionment of state aid that would otherwise be due the school district or charter school. The department of education shall adjust the school district or charter school's apportionment accordingly. When the state board of education or the superintendent of public instruction determines that the school district or charter school is in compliance with subsection A, the department of education shall restore the full amount of state aid payments to the school district or charter school.

C. The department of education shall pay for all expenses of a hearing conducted pursuant to this section.

D. Actions taken under this section are subject to appeal pursuant to title 41, chapter 6, article 10.

E. This section shall not be construed to restrict or prohibit:

1. Courses or classes for Native American pupils that are required to comply with federal law.

2. The grouping of pupils according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity.

3. Courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class violates subsection A.

4. Courses or classes that include the discussion of controversial aspects of history.

F. Nothing in this section shall be construed to restrict or prohibit the instruction of the holocaust, any other instance of genocide, or the historical oppression of a particular group of people based on ethnicity, race, or class.

15-113. Rights of parents; public educational institutions; definitions

A. A parent of a student in a public educational institution has the right to review learning materials and activities in advance. A parent who objects to any learning material or activity on the basis that the material or activity is harmful may request to withdraw that parent's student from the activity or from the class or program in which the material is used and request an alternative assignment.

B. A charter school may require parents to waive the right to object to learning materials or activities pursuant to subsection A of this section as a condition of enrollment if the charter school provides a complete list of books and materials to be used each school year before the student enrolls. If the charter school introduces books or materials that were not disclosed prior to enrollment, the parent retains the right to object to those materials pursuant to subsection A of this section.

C. A charter school may require that any request to review learning materials or activities or to withdraw the student from learning materials or activities pursuant to subsection A of this section be made in writing.

D. A public educational institution shall obtain signed, written consent from a student's parent or guardian before doing either of the following:

1. Using video, audio or electronic materials that may be inappropriate for the age of the student.

2. Providing sex education instruction to the student. At the same time the public educational institution seeks consent, it shall inform the student's parent or guardian of the parent's or guardian's right to review the instructional materials and activities.

E. For the purposes of this section:

1. "Objects to any learning material or activity on the basis that the material or activity is harmful" means objecting to the material or activity because of sexual content, violent content or profane or vulgar language.

2. "Public educational institution" means any of the following:

- (a) A school district, including its schools.
- (b) A charter school.
- (c) An accommodation school.
- (d) The Arizona state schools for the deaf and the blind.

15-114. Display of school, charter school and school district achievements, classifications or rankings; expiration; definition

- A. A school, charter school or school district shall not display any achievement, classification or ranking that was assigned by a public or private entity after the achievement, classification or ranking is no longer current unless the year of issuance of the achievement, classification or ranking is prominently displayed.
- B. Any person may submit a complaint in writing to the department of education with evidence and specific facts of an alleged violation of subsection A of this section. The department of education shall investigate the complaint. If the department determines that there is a violation of this section, it shall send to the school, charter school or school district written notification of the violation and instruction to comply with this section.
- C. For the purposes of this section, "display" means the placing of an achievement, classification or ranking on or in any billboard, marquee, pupil transportation vehicle, letterhead, advertising, internet web page, intranet page, office, classroom, hallway, gymnasium or similar place.

15-115. Preference for childbirth and adoption; allowable presentations

- A. In view of the state's strong interest in promoting childbirth and adoption over elective abortion, no school district or charter school in this state may endorse or provide financial or instructional program support to any program that does not present childbirth and adoption as preferred options to elective abortion.
- B. In view of the state's strong interest in promoting childbirth and adoption over elective abortion, no school district or charter school in this state may allow any presentation during instructional time or furnish any materials to pupils as part of any instruction that does not give preference, encouragement and support to childbirth and adoption as preferred options to elective abortion.

15-115.01. Public educational institution facility; prohibition; definitions

- A. A facility that is run by or that operates on the property of a public educational institution may not perform or provide an abortion, unless the abortion is necessary to save the life of the woman having the abortion.
- B. For the purposes of this section:
 - 1. "Abortion" has the same meaning prescribed in section 36-2151.
 - 2. "Medical emergency" has the same meaning prescribed in section 36-2151.
 - 3. "Public educational institution" means any of the following:
 - (a) A community college as defined in section 15-1401.
 - (b) A university under the jurisdiction of the Arizona board of regents.
 - (c) A school district, including its schools.
 - (d) A charter school.
 - (e) An accommodation school.
 - (f) The Arizona state schools for the deaf and the blind.

15-116. Public schools; fees; waiver; prohibition

- A. A school district governing board or charter school governing body that authorizes the assessment of fees pursuant to this title shall ensure that all fees contain a provision that allows the fees to be waived in the event of economic hardship to the pupil.
- B. The nonpayment of fees charged by a public school may not prevent a pupil from enrolling in, applying to or remaining enrolled in a public school.

C. This section does not prohibit a school district or charter school from charging tuition to a nonresident pupil as permitted by this title.

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

A. Notwithstanding any other law, each school district and charter school shall obtain written informed consent from the parent of a pupil before administering any survey that solicits personal information about the pupil regarding any of the following:

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

B. At least seven days before administering any survey to a pupil, every school district and charter school shall provide a copy of the survey to the pupil's parent along with a written informed consent form and shall obtain written informed consent from the pupil's parent for the pupil to participate in the survey pursuant to subsection A of this section. The pupil's parent may at any time revoke consent for the pupil to participate in any survey pursuant to subsection A of this section. For any pupil who is at least eighteen years of age, the permission or consent that would otherwise be required from the pupil's parent pursuant to this section is required only from the pupil. All surveys conducted pursuant to subsection A of this section shall be approved and authorized by the school district or charter school. The school district or charter school is subject to the penalties prescribed in subsection L of this section. A teacher or other school employee may not administer any survey pursuant to subsection A of this section without written authorization from the school district or charter school.

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

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

D. This section does not apply to:

1. Mental health screening pursuant to section 15-104 or the identification of or programming for children with disabilities or gifted pupils pursuant to chapter 7, articles 4 and 4.1 of this title.
2. Class instruction, discussion or assignments on subjects within the purview of the course.
3. Private schools.
4. Any exam administered by a nationally recognized college entrance or career readiness exam provider that a student takes on public school property, regardless of whether the exam is taken during the school day.

5. Any survey conducted or implemented by the Arizona criminal justice commission if, at least seven days before the survey is administered to a pupil, the school district or charter school provides the pupil's parent with a paper or electronic copy of the survey or electronic access to the survey.
6. Any method of surveying a student that is conducted because a person has a reasonable belief that a minor is or has been a victim of abuse pursuant to section 13-3620.
- E. A penalty may not be imposed on a pupil or the parent of a pupil who does not participate in any survey conducted pursuant to subsection A of this section. Participation in any survey pursuant to subsection A of this section is not required:
 1. To demonstrate that a pupil has met competency requirements for any grade level, course or subject.
 2. For a pupil to qualify for placement into any grade level, course or subject.
 3. For a pupil to be promoted to the next grade.
 4. For a pupil to receive credit for any course or as part of a letter grade for any course.
 5. For a pupil to graduate from high school.
 6. For a pupil to obtain a high school equivalency diploma.
- F. A school district or charter school shall provide an alternative educational activity for any pupil whose parent does not consent for that pupil to participate in a survey conducted pursuant to subsection A of this section.
- G. Any pupil whose parent does not give written informed consent for that pupil to participate in any survey pursuant to subsection A of this section and who attends the alternative educational activity pursuant to this section shall be counted toward daily attendance and average daily membership for the school pursuant to section 15-901 and may not be counted absent from school.
- H. Responses to any survey pursuant to subsection A of this section may not be included:
 1. As part of a school academic performance indicator pursuant to section 15-241, or as part of any other similar school rating system.
 2. In the education learning and accountability system pursuant to section 15-249, or in any other similar system.
 3. In the student accountability information system pursuant to section 15-756.10 or 15-1041, or in any other similar system.
- I. A penalty may not be imposed on and a reward may not be granted to a teacher, administrator, other school employee, school district, school or charter school based on the pupil participation rate in any survey conducted pursuant to subsection A of this section.
- J. On request, a charter school or school district shall provide any available information in a timely manner to the parent of a pupil regarding a survey administered pursuant to subsection A of this section, including:
 1. The name of the survey.
 2. The date or dates on which the survey will be administered.
 3. The method or methods of administering the survey.
 4. The amount of time required to administer the survey.
 5. The type of information collected by the survey.
 6. The reasons for administering the survey.
- K. A parent of a pupil that has a reasonable belief that a school district or charter school has violated this section may file a complaint with the attorney general or the county attorney for the county in which an alleged violation of this section occurred. The attorney general or the county attorney for the county in which an alleged violation of this section occurred may initiate a suit in the superior court in the county in which the school district or charter school is located for the purpose of complying with this section. After receiving written notice of an alleged failure to comply with this section, a school district or charter school that determines that a violation has occurred is not subject to a penalty or cause of action under this section if the school district or charter school cures the violation. For the purposes of this subsection, "cure" means to destroy any information gathered in violation of this section and to provide written instruction to the individual

circulating the survey, to be kept on file for one year after receipt of the written notice of the alleged failure to comply.

L. For each violation of this section, the court may impose a civil penalty not to exceed \$500. The school district or charter school determined to be out of compliance with this section shall pay all penalties.

M. An attorney acting on behalf of a public school may request a legal opinion of the county attorney or attorney general as to whether the public school would violate this section.

N. All penalties collected by the court for a suit initiated in superior court by the attorney general shall be paid to the office of the attorney general for the use and reimbursement of costs of prosecution pursuant to this section. All penalties collected by the court for a suit initiated in superior court by a county attorney shall be paid to the county treasurer of the county in which the court is held for the use and reimbursement of costs of prosecution pursuant to this section.

O. For the purposes of this section:

1. "Parent" has the same meaning prescribed in section 15-101, except that parent does not mean this state if the pupil is a ward of the state.

2. "Survey" means:

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

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

15-118. Recess; requirements; exceptions; definition

A. Each school district and charter school shall provide at least two recess periods during the school day for pupils in kindergarten programs and grades one through three. From and after August 1, 2019 each school district and charter school shall provide at least two recess periods during the school day for pupils in kindergarten programs and grades one through five.

B. Notwithstanding subsection A of this section, a school that offers a half-day kindergarten program is required to provide at least one recess period during the school day for pupils in that kindergarten program. A school district or a charter school may count a pupil's participation in a physical education course during a school day as one of that day's recess periods required by subsection A of this section.

C. A school district or charter school is not required to extend the school day as part of meeting the requirements of subsection A of this section.

D. This section does not apply to middle schools, junior high schools, high schools, Arizona online instruction or schools in which the lowest grade of instruction offered is grade five.

E. For the purposes of this section, "recess" means a period of time during the regular school day, including time during a scheduled lunch period, during which a pupil is able to engage in physical activity or social interaction with other pupils.

15-119. Vacant and partially used buildings; list; sale or lease; equipment; definitions

A. The division of school facilities within the department of administration shall annually publish a list of vacant buildings and partially used buildings that are owned by this state or by school districts in this state and that may be suitable for the operation of a school. The division of school facilities shall make the list publicly available on the website of the division of school facilities and on request to applicants for charter schools, to applicants applying to the division of school facilities for additional space and to existing district and charter schools. The list shall include the address of each building, a short description of the building, the name of the owner of the building and any other pertinent information related to the vacancy and capacity of the building. The division of school facilities shall annually submit the list to the governor, the president of the senate and the speaker of the house of representatives and provide a copy of the list to the secretary of state and the state board for charter schools.

B. If a school district decides to sell or lease a vacant building or partially used building, the school district may not prohibit a charter school or a private school from negotiating to buy or lease the property in the same manner as other potential buyers or lessees. A school district may not accept an offer for the sale or lease of the vacant building or partially used building from a potential buyer or lessee that is less than an offer from a

charter school or private school. This section does not require the owner of a building on the list to sell or lease the building or a portion of the building to a charter school, to any other school or to any other prospective buyer or tenant, except that the owner of a building on the list may not withdraw the property from sale or lease solely because a charter school or private school is the highest bidder. At the conclusion of a lease for an existing tenant that is a public school or that is providing services to public school students, the lease may be terminated, renewed according to the terms of the existing agreement, or renewed with a negotiated increase. The building owner must provide the rationale for a proposed increase to the lessee, which may include considerations for the percentage of revenue that should be dedicated to educational facilities, inflators related to student enrollment increases or the annual GDP price deflator as defined in section 41-563, or expenses for building and parking lot maintenance and upgrades.

C. A school district may sell used equipment to a charter school or private school before the school district attempts to sell or dispose of the equipment by other means.

D. Buildings that are used for career and technical education, special education services, preschool programs, schools that have been open for fewer than five years or magnet schools are not considered partially used buildings for the purposes of this section, except that this exemption may not be applied to more than twenty-five percent of a district's school buildings.

E. For the purposes of this section:

1. "Partially used building" means a building with at least four thousand five hundred square feet of contiguous, unused space.

2. "Vacant building" means a building that has been vacant and unused for at least two years.

15-120. Suicide prevention training; approved materials; posting; immunity; spending classification

A. Beginning in the 2020-2021 school year, school districts and charter schools shall provide training in suicide awareness and prevention for school guidance counselors, teachers, principals and other school personnel who work with pupils in grades six through twelve. Each person who is required to obtain training pursuant to this section shall complete that training at least once every three years. The training must include:

1. Training in suicide prevention.

2. Training to identify the warning signs of suicidal behavior in adolescents and teens.

3. Appropriate intervention and referral techniques.

B. The training prescribed in subsection A of this section:

1. Must use evidence-based training materials.

2. May be provided within the framework of existing in-service training programs offered by the school district or charter school or as part of professional development activities.

C. The Arizona health care cost containment system administration shall make available suicide prevention training that complies with the requirements of this section and post this training information on the administration's website. On or before July 1, 2020, the administration shall identify or develop and post on the administration's website a list of approved materials that schools may use to provide the training prescribed in subsection A of this section. The administration shall annually update these approved materials.

D. School personnel, entities or any other persons are not civilly liable for any actions taken in good faith pursuant to this section except in cases of gross negligence, wilful misconduct or intentional wrongdoing.

E. The auditor general shall classify any costs incurred by school districts in implementing this section as classroom spending for the purposes of the annual report prepared pursuant to section 41-1279.03, subsection A, paragraph 9.

15-120.01. Public schools; child care services; reduced fees

A public school that provides or contracts for child care services may reduce the fee a public school employee pays for the child care services if the cost the public school pays for those services is not grossly disproportionate to the total consideration received from the employee.

15-120.02. Interscholastic and intramural athletics; designation of teams; biological sex; cause of action; definition

A. Each interscholastic or intramural athletic team or sport that is sponsored by a public school or a private school whose students or teams compete against a public school shall be expressly designated as one of the following based on the biological sex of the students who participate on the team or in the sport:

1. "Males", "men" or "boys".

2. "Females", "women" or "girls".

3. "Coed" or "mixed".

B. Athletic teams or sports designated for "females", "women" or "girls" may not be open to students of the male sex.

C. This section does not restrict the eligibility of any student to participate in any interscholastic or intramural athletic team or sport designated as being for "males", "men" or "boys" or designated as "coed" or "mixed".

D. A government entity, any licensing or accrediting organization or any athletic association or organization may not entertain a complaint, open an investigation or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

E. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a school knowingly violating this section has a private cause of action for injunctive relief, damages and any other relief available under law against the school.

F. Any student who is subject to retaliation or another adverse action by a school or an athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school or the athletic association or organization, or to any state or federal agency with oversight of schools in this state, has a private cause of action for injunctive relief, damages and any other relief available under law against the school or the athletic association or organization.

G. Any school that suffers any direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages and any other relief available under law against the government entity, the licensing or accrediting organization or the athletic association or organization.

H. All civil actions must be initiated within two years after the alleged violation of this section occurred. A person or organization that prevails on a claim brought pursuant to this section is entitled to monetary damages, including damages for any psychological, emotional or physical harm suffered, reasonable attorney fees and costs and any other appropriate relief.

I. For the purposes of this section, "school" means either:

1. A school that provides instruction in any combination of kindergarten programs or grades one through twelve.

2. An institution of higher education.

15-120.03. Sexually explicit materials; prohibition; exemptions; definition

A. Except as prescribed in section 15-711, a public school in this state may not refer students to or use any sexually explicit material in any manner.

B. Materials may be exempted from the provisions of subsection A if all of the following requirements are met:

1. The exempted material possesses serious educational value for minors or possesses serious literary, artistic, political or scientific value.

2. The public school requires written parental consent before the public school refers a student to or uses the exempted material. The public school shall require parental consent on a per-material basis.

3. The public school provides students for whom parental consent is not secured under paragraph 2 of this subsection with an alternative assignment that does not contain sexually explicit material.

C. For the purposes of this section, "sexually explicit materials" includes textual, visual or audio materials or materials accessed via any other medium that depict any of the following:

1. Sexual conduct. For the purposes of this paragraph, "sexual conduct" means acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

2. Sexual excitement. For the purposes of this paragraph, "sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

3. Ultimate sexual acts. For the purposes of this paragraph, "ultimate sexual acts" means sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy. A sexual act is simulated when it depicts explicit sexual activity that gives the appearance of consummation of ultimate sexual acts.

15-120.04. Postings on website; satisfaction of requirement

Notwithstanding any other law:

1. A school district, a school that is operated by a school district or a charter school may satisfy any statutory requirement to post, prominently display, make accessible or otherwise include specified information on its website by making a link to the information available on the school district's, the school's or the charter school's home page.

2. A school district, a school that is operated by a school district or a charter school may consolidate all information that it is statutorily required to post, prominently display, make accessible or otherwise include on its website on a single webpage and post a link to the webpage on the school district's, the school's or the charter school's home page.

Article 2 Employee Annuity and Deferred Compensation Plans

15-121. School employees; participation in federal retirement plans and deferred compensation plans; prohibition against use of public monies; exceptions

A. Employees of school districts, accommodation school employees, employees of the community college districts, employees of the universities and all other certificated and noncertificated employees of the schools of this state, including those located at state institutions, may participate in federal retirement or deferred compensation plans as provided in 26 United States Code sections 401(a), 403(b) and 457(b), if the governing body approves.

B. Upon election by an employee to participate through salary reduction contributions if permitted under federal law or by election of the governing board to make nonelective employer contributions, the governing board of a school district, the county school superintendent, the community college district governing board, the Arizona board of regents or other governing body or employer of the employee shall:

1. Invest such an amount as authorized by the employee, to be reduced from the regular annual salary of the employee, in a 26 United States Code section 403(b) tax sheltered annuity or custodial account or a 26 United States Code section 457(b) deferred compensation plan.

2. Invest nonelective employer contributions in a 26 United States Code section 401(a) defined contribution plan or a 26 United States Code section 403(b) tax sheltered annuity or custodial account.

C. The amount to be invested shall be determined by the employee not less than fifteen days before the employee's first payday in the school year, or at any time during the school year at the option of the governing body. The employing body or county school superintendent shall assume no responsibility other than to make the requested payments during the actual time of the employment of the employee. The employer shall transfer to the fund manager the employee contributions within ten working days after each and every payroll date. Contributions transferred after that date shall include a penalty of six per cent a year for each day the contributions are late. The penalty shall be paid by the employer. If the employee changes the employee's employment to another school or school district, the employee may authorize the employee's new employer to continue the payments if the governing body approves.

D. State, county, district or other public monies shall not be used in the purchase of any annuity or payment of any deferred compensation authorized by this article, except for monies authorized for the following purposes:

1. The recruitment and retention of selected employees, including teachers when there are shortages of teachers.

2. As a benefit to encourage teachers specifically selected by the governing board or the board's authorized designee to teach in an underperforming school.

3. For the reduction of the unfunded liabilities of unused leave pay accruals with in-service nonelective employer contributions.

4. For the replacement of unused leave pay or other types of severance pay at the time of severance of employment.
 5. To buy out the individually negotiated contracts of key employees.
 6. To provide incentives for the early retirement of selected employees as determined by the governing board.
- E. If monies are contributed pursuant to subsection D, paragraph 4, 5 or 6, at the discretion of the governing board, those monies may be contributed pursuant to 26 United States Code section 401(a) only in the final year of service, or pursuant to 26 United States Code section 403(b) both in the final year of service and for up to five tax years following the tax year of the final year of service.

Article 3 Teacher Exchange

15-131. Exchange teacher agreements

- A. The governing board of any school district in this state or the Arizona board of regents may enter into agreements with any foreign country, state, territory or possession of the United States or other school district within the state for the exchange and employment of teachers or professors having required certificates in this state and teachers or professors in the public schools, universities or colleges of any foreign country, state, territory or possession of the United States or other school district within the state having certification or qualifications equivalent to that of the exchange teacher or professor of this state.
- B. In all cases of the exchange of any foreign teacher or professor such exchange shall be contracted for and effected exclusively through the teacher exchange program as authorized by federal statutes enacted by the Congress of the United States.

15-132. Certification of exchange teachers and professors

The state board of education shall issue temporary certificates to exchange teachers and professors of foreign countries and other states whose training and background comply with the rules promulgated by the board for certification and are equivalent to those of the local teacher with whom the exchange is made.

15-133. Certification required; employment

An international teacher or professor may not be employed in this state unless the international teacher or professor has been issued proper certification.

15-134. Payment of salaries of exchange teachers

During the exchange teaching provided for in this article, the salaries of the exchange teachers or professors may be paid by either the school districts or universities or colleges by which they are regularly employed, or by the school districts or universities or colleges in which the exchange teaching service is rendered. The school district or university or college shall pay the salary of only one of the two exchange teachers and in an amount not to exceed the annual salary of its regularly employed teachers or professors.

15-135. Deductions for retirement; preservation of rights

- A. All regular deductions for retirement as required by law shall be made from the salary of the local teacher or professor participating in exchange teaching pursuant to this article.
- B. No such teacher or professor shall lose any right of certification, retirement, salary status or other benefit provided by law or by the rules of the governing board of the school district or the Arizona board of regents due to exchange teaching under this article.

Article 4 Educational Records

15-141. Educational records; injunction; special action

- A. The right to inspect and review educational records and the release of or access to these records, other information or instructional materials is governed by federal law in the family educational and privacy rights act of 1974 (20 United States Code sections 1232g, 1232h and 1232i), and federal regulations issued pursuant to such act.
- B. In addition to the enforcement procedures provided in the family educational and privacy rights act of 1974, the superior court may grant injunctive or special action relief if any educational agency or institution or an officer or employee of an agency or institution fails to comply with the act regardless of whether the agency or institution is the recipient of any federal funds subject to termination pursuant to the act or whether administrative remedies through any federal agency have been exhausted.

C. Notwithstanding any financial debt owed by the pupil, the governing board of a school district shall release to the department of juvenile corrections all educational records relating to a pupil who is awarded to the department of juvenile corrections within ten working days after the date the request is received.

D. A juvenile court may require a school district to provide the court with the educational records of a juvenile who is accused of committing a delinquent or incorrigible act before the juvenile is adjudicated. The educational records shall include the juvenile's cumulative file and discipline file and, if applicable, records that are compiled pursuant to the individuals with disabilities education act (P.L. 91-230; 84 Stat. 175; 20 United States Code section 1400) and the rehabilitation act of 1973 (P.L. 93-112; 87 Stat. 394; 29 United States Code section 794). The presiding judge of the juvenile court shall adopt procedures for the transmission of the educational records from the school district to the juvenile court. The disclosure of the educational records shall comply with the family educational and privacy rights act of 1974 (20 United States Code section 1232g) and shall ensure the ability of the juvenile court to effectively serve, before adjudication, the juvenile whose records are released. Nothing in this subsection shall be considered to prevent the juvenile court from adjudicating a juvenile prior to receiving educational records pursuant to this subsection.

E. A school district may release pupil attendance, disciplinary and other educational records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement among the school district, law enforcement agency, county attorney and other state, local or tribal government agencies to create a local or tribal governmental juvenile justice network for the purpose of:

1. Providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.
2. Providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
3. Increasing the safety and security of the community and its children by reducing juvenile crime.

F. Educational records provided pursuant to an intergovernmental agreement entered into pursuant to subsection E shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

15-142. Access to directory information relating to pupils and to school property; violation

A. If the governing board of a school district or the governing body of a charter school permits the release of directory information relating to pupils or permits access to school buildings, school grounds or other school property to persons who inform pupils of educational or occupational opportunities, the governing board or governing body shall provide access to directory information relating to pupils and to school property on the same basis for official recruiting representatives of the militia of this state and the armed services of the United States for the purpose of informing pupils of educational and occupational opportunities available in the militia and the armed services. If the school district or charter school permits the release of directory information relating to pupils, the information shall be released on or before October 31 of each year. The department of education shall design and provide to school districts and charter schools a form to allow pupils to request that directory information not be released pursuant to the elementary and secondary education act as reauthorized by the no child left behind act of 2001. School districts and charter schools shall distribute the form to pupils each year separate from any other form. If a school district or charter school distributes materials to pupils through electronic communication or on an internet website, the form may be distributed in the same manner. A person who is wrongfully denied access to directory information or access to school buildings, school grounds or other school property may notify the department of education, which shall report the alleged violation to the United States department of education.

B. Notwithstanding subsection A of this section, pupil transcripts shall not be released to representatives of postsecondary institutions, the militia of this state or the armed services of the United States unless the pupil consents in writing to the release of the pupil's transcript. The governing board of the school district or the governing body of the charter school shall provide the pupil with a transcript release form that allows the pupil to designate in separate check boxes whether the transcript is to be released to postsecondary institutions, the militia of this state or the armed services of the United States, or to any combination of these entities.

C. This section shall not be construed to authorize school districts or charter schools to release information that would violate the family educational rights and privacy act of 1974 (20 United States Code section 1232g). Any person who suspects that a school district or charter school has knowingly violated the family educational rights and privacy act may notify the principal of the charter school or the superintendent of the school district. If the matter is not satisfactorily resolved by the principal of the charter school or the superintendent

of the school district within sixty days after the notice, the person may file a complaint with the superintendent of public instruction. If the superintendent of public instruction determines that a school district or charter school is knowingly in violation of the family educational rights and privacy act, the superintendent of public instruction shall notify the school district or charter school that it is in violation of the family educational rights and privacy act. If the superintendent of public instruction determines that the school district or charter school has failed to correct the violation within sixty days after a notice has been issued pursuant to this subsection, the superintendent of public instruction may inform the family policy compliance office of the United States department of education of a possible violation of the family educational rights and privacy act.

15-143. Educational records; rights of parents

A. In accordance with the rights secured under section 1-602, subsection A, paragraph 2, a parent shall have access to all written and electronic records of a school district or charter school or a school district or charter school employee concerning the parent's child and to all electronic accounts of the parent's child, including all of the following:

1. Attendance records.
2. Test scores of school-administered tests and statewide assessments.
3. Grades.
4. Extracurricular activities or club participation.
5. Disciplinary records.
6. Counseling records.
7. Psychological records.
8. Applications for admission.
9. Health and immunization information, including any medical records that are maintained by a health clinic or medical facility operated or controlled by the school district or charter school or that are located on school district or charter school property.
10. Teacher and counselor evaluations.
11. Reports of behavioral patterns.
12. Email accounts.
13. Online or virtual accounts or data.

B. A parent may file suit against a school district or charter school that violates subsection A of this section in the superior court in the county in which the violation occurs. This section does not preclude a parent from filing a suit asserting a violation of this section or any other claim otherwise allowed by law.

C. A parent who successfully asserts a claim under subsection A of this section may recover:

1. Declaratory relief.
2. Injunctive relief to prevent or remedy a violation of subsection A of this section or the effects of the violation.
3. Reasonable attorney fees and costs.
4. Any other appropriate relief.

Article 5 Safety Requirements

15-151. Eye protective devices; definition

A. Every student, teacher and visitor in public and private schools, community colleges, colleges and universities shall wear appropriate eye protective ware while participating in or when observing vocational, technical, industrial arts, art or laboratory science activities involving exposure to:

1. Molten metals or other molten materials.
2. Cutting, shaping and grinding of materials.

3. Heat treatment, tempering or kiln firing of any metal or other materials.

4. Welding fabrication processes.

5. Explosive materials.

6. Caustic solutions.

7. Radioactive materials.

B. The governing board of every school district, the governing board of every community college district, the Arizona board of regents and every person maintaining a private or parochial school in this state shall equip schools within their jurisdiction with eye protective ware for use as required in this article.

C. Standards and rules for the enforcement of this article shall be prescribed by the governing board of every school district, the community college district governing board of each community college district and the Arizona board of regents.

D. Schools, community colleges, colleges and universities may receive and expend federal, state and local monies to provide eye protective devices.

E. For purposes of this article, "eye protective wear" means devices meeting the standards of the American national standards institute's standards for occupational and education eye protection, Z87.1-1989.

15-152. Pest management at schools; notice

A. The governing board of each school district shall develop and adopt a policy to provide pupils and employees with at least forty-eight hours' notice before pesticides are applied on school property. The policy shall include at least the following:

1. Procedures for oral notification to pupils and employees during the regular school session.

2. Procedures for written, electronic or telephonic notification to parents or guardians at least forty-eight hours prior to the application of pesticides.

B. For purposes of this section, pesticides do not include:

1. Nonrestricted use disinfectants, sanitizers or deodorizers regulated by the federal insecticide, fungicide and rodenticide act but include other pesticides regulated under the federal insecticide, fungicide and rodenticide act (P.L. 100-532; 102 Stat. 2654; 7 United States Code section 136).

2. Nonresidual pesticide applications performed or contracted by public health agencies for vector control.

3. Emergency applications of a pesticide that has a toxicity category of III or IV pursuant to 40 Code of Federal Regulations section 156.62 to control harmful pests that pose an imminent threat to the public health.

15-153. Crime reporting; policies and procedures; notification; discipline

A. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures for school personnel to report any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to an employee, student or other person on the school property. The policies shall dictate a process for employees to document and report the conduct, including specifying the employees responsible for making a report to the local law enforcement agency pursuant to section 15-341, subsection A, paragraph 30. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to policies adopted pursuant to section 15-341, subsection A, paragraph 36.

B. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described in subsection A of this section, subject to the requirements of federal law.

C. On or before January 1, 2020, each school district or charter school shall post the policies and procedures prescribed by this section on its website. If the school district or charter school maintains an online manual of policies and procedures, the school district or charter school may post a link to that manual with a reference to the appropriate policies and procedures.

D. A person who violates subsection A of this section may be disciplined for violating the policies of the school district governing board or charter school governing body pursuant to section 15-341, subsection A, paragraphs 21 and 22, and, notwithstanding section 15-341, subsection A, paragraphs 21 and 22, may be subject to dismissal. Each school district governing board and charter school governing body shall prescribe and enforce policies and procedures that require the school district or charter school to maintain a record on any person who is disciplined pursuant to this subsection and, on request, shall make that record available to any public school, school district governing board or charter school governing body that is considering hiring that person.

E. By July 1, 2020, the department of education shall develop a process to verify that each school district and charter school has adopted the policies and procedures required by this section.

F. Beginning January 21, 2020, a school district or charter school that has not adopted the policies and procedures required by this section is not eligible to apply for school safety program grants pursuant to section 15-154.

15-154. School safety program; purpose; program proposals; requirements; annual report; definitions

A. The school safety program is established within the department of education to support, promote and enhance safe and effective learning environments for all students by supporting the costs of placing school resource officers, juvenile probation officers, school counselors and school social workers on school campuses. A school district or charter school may apply to participate in the school safety program as provided in this section for up to three fiscal years by submitting by April 15 a program proposal to the department of education. A school district or charter school that receives approval for a three-year program under this subsection may annually submit a modified spending plan for its approved program.

B. A program proposal submitted by a school district or charter school for supporting the costs of placing school resource officers or juvenile probation officers, or both, on a school campus shall contain:

1. A detailed description of the school safety needs of the charter school or school district.
2. A plan for implementing a law-related education program or a plan that demonstrates the existence of a law-related education program as a school safety prevention strategy.
3. A plan to use trained school resource officers or juvenile probation officers in the school, or both.
4. If the school district or charter school has already participated in the school safety program, information on the success, compliance and implementation of the most recent grant.

C. A program proposal submitted by a school district or charter school for supporting the costs of placing school counselors or school social workers, or both, on a school campus shall contain:

1. A detailed description of the school safety needs of the charter school or school district.
2. A plan for implementing a school guidance and counseling program that includes the following:
 - (a) A detailed description of the relationship between the school counselor or the social worker, or both, and local community resources.
 - (b) A plan for using school counselor and school social worker services in the school, or both.
 - (c) A detailed description of the methods for evaluating the effectiveness of the school guidance and counseling plan.
 - (d) Policies on confidentiality under the school guidance and counseling plan.
 - (e) Policies on notifying parents and other family members of issues or concerns as identified in the school guidance and counseling plan.
 - (f) A detailed description of the school's, school district's or charter school's referral procedures to the appropriate community entities and state agencies.

3. If the school district or charter school has already participated in the school safety program, information on the success, compliance and implementation of the most recent approved program proposal.

D. The department of education shall review and administer the school resource officers and juvenile probation officers program proposals in cooperation with the courts, law enforcement agencies and law-related education providers awarded a contract pursuant to section 41-2534, subject to review and approval by the state board of education. The department of education shall use relevant crime statistics to assess the

needs of each program proposal and shall visit school districts and charter schools that submit program proposals in order to verify the information contained in the program proposals. The department of education shall contract to provide guidelines, curricula and support resources for school resource officers and juvenile probation officers to use in implementing a law-related education program.

E. The department of education shall review and administer the school counselors and school social workers program proposals in cooperation with school administrators, principals, teachers, parents and community mental health professionals. The department of education shall use relevant school-level academic, social and emotional statistics to assess the needs of each program proposal and shall visit school districts and charter schools that submit program proposals in order to verify the information contained in the program proposals.

F. The department of education, subject to the review and approval of the state board of education, shall distribute monies to the school districts and charter schools that are in compliance with program requirements and whose program proposals have been approved by the state board of education.

G. The department of education shall review program proposals submitted by school districts and charter schools for participation in the school safety program and shall select school sites that are eligible to receive funding based on school safety needs pursuant to this section. The department of education may prioritize program proposals for school resource officer and juvenile probation officer grants to school districts and charter schools that have agreements to share the cost of the school resource officer or juvenile probation officer with a law enforcement agency or the courts.

H. The department of education shall evaluate the effectiveness of all the approved program proposals submitted pursuant to subsections B and C of this section within the school safety program and report on the activities of the program and the participants in the school safety program to the president of the senate, the speaker of the house of representatives and the governor on or before November 1 of each year and shall provide a copy of this report to the secretary of state. The evaluation and report shall include survey results from participating schools and data from participating schools on the impact of participating in the school safety program. The department shall establish data guidelines for school safety program participants to follow in reporting pursuant to this subsection.

I. The school safety program established by this section shall include a school safety program guidance manual adopted by the department of education that requires a dispute resolution process to be included in the service agreement between a school district or charter school that submitted a program proposal and received a school resource officer grant from the school safety program and the law enforcement agency that provides services to the school district or charter school.

J. Any appropriations that are made to the department of education for the approved program proposals within the school safety program are exempt from the provisions of section 35-190 relating to lapsing of appropriations. All monies that are not used for an approved program proposal within the school safety program during the fiscal year for which the monies were appropriated revert to the department of education for distribution to the program in the following fiscal year.

K. Monies received by a school district or charter school under the program shall be spent to implement the approved program proposals.

L. The auditor general shall include the school safety program as part of its ongoing sunset review of agencies and programs.

M. For the purposes of this section:

1. "Law-related education" means interactive education to equip children and youth with knowledge and skills pertaining to the law, school safety and effective citizenship.

2. "Law-related education program" means a program designed to provide children and youth with knowledge, skills and activities pertaining to the law and legal process and to promote law-abiding behavior with the purpose of preventing children and youth from engaging in delinquency or violence and enabling them to become productive citizens.

3. "School counselor" means a professional educator who holds a valid school counselor certificate issued by the department of education.

4. "School guidance and counseling program" means a counseling program that supports, promotes and enhances the academic, personal, social, emotional and career development of all students.

5. "School resource officer" means a peace officer or a full-authority reserve peace officer who is certified by the Arizona peace officer standards and training board.

6. "School social worker" means a professional educator who holds a valid school social worker certificate issued by the department of education.

15-154.01. Character education matching grant program

A. Any public or charter school that teaches a character education curriculum pursuant to section 15-719 is eligible for a state matching grant. The school shall provide matching monies from any lawful source, except that the school shall not use resources obtained from a federal character education grant as matching monies to obtain a second state character education grant.

B. The character education program shall be an age-specific, stand-alone character education curriculum with the following elements:

1. Applicable definitions for character qualities that include at least five of the following attributes:

(a) Attentiveness.

(b) Caring.

(c) Citizenship.

(d) Compassion.

(e) Diligence.

(f) Discernment.

(g) Forgiveness.

(h) Generosity.

(i) Gratefulness.

(j) Initiative.

(k) Orderliness.

(l) Respect.

(m) Responsibility.

(n) Sincerity.

(o) Trustworthiness.

(p) Virtue.

(q) Wisdom.

2. Activities that provide a forum for practical application and an environment in which character-related behavior is identified, recognized and reinforced, such as literature or visual media presentations or discussion of character values as they relate to a specific story.

3. Stories from the lives of our nation's leaders in which character qualities are demonstrated.

4. Mentors or teachers who demonstrate the character qualities defined in the lessons presented.

5. Mentor and teacher training for praising students who demonstrate specific character qualities.

6. A precourse and postcourse survey of parents, teachers and students on their assessment of the program.

C. The department of education shall administer the program and distribute the state matching grant monies. The department may annually retain up to seven per cent of the state matching grant monies for the cost of administering the program. Programs must demonstrate proven and effective curriculum and training to receive matching grant funds.

D. The department of education shall distribute the state matching grant monies under this section for services provided by organizations that have been previously preapproved as providers of proven and effective programs. Grant applications submitted by schools:

1. Shall be submitted to the department of education and shall list a selected preapproved program provider.

2. Shall be fairly and objectively reviewed and approved by a technical evaluation team that is appointed by the procurement division of the department of education and that is composed of representatives from the department of education, the education community, the business community and nonprofit organizations.

3. Are subject to the procurement laws of this state.

E. The department of education shall apply for all applicable character education grants from the federal government.

F. The department of education shall evaluate the effectiveness of all character education programs funded by state and federal resources.

15-155. School safety program; funding

A. The department of education shall cooperate with the county school superintendent, the county sheriff and the local chief of police to allow a law enforcement agency, with the consent of the school, to assign a peace officer or a full authority Arizona peace officer standards and training board certified reserve peace officer to participate in the school safety program in each school in the county. The cost of the peace officer is a state charge that is funded by the department of education, except for agreements to share the cost of the school resource officer pursuant to section 15-154, subsection G.

B. In cooperation with the department of education and the county school superintendent and with the consent of the school, the presiding judge of the juvenile court may assign juvenile probation officers to participate in the school safety program in each school in the county. The cost of juvenile probation officers is a state charge that is funded by the department of education, except for agreements to share the cost of the juvenile probation officer pursuant to section 15-154, subsection G.

15-156. Liquid roofing systems; violation; classification; definition

A. A person shall not knowingly apply or allow to be applied a liquid roofing system that the person knows or with the exercise of reasonable care should know contains at least one-tenth of one per cent by weight or volume of any diisocyanate on a building that is owned or operated by a public school while a teacher or student is present in the building.

B. A person shall not knowingly allow any teacher or student to remain in a building that is owned or operated by a public school during, and for at least two hours after, a liquid roofing system has been applied that the person knows or with the exercise of reasonable care should know contains at least one-tenth of one per cent by weight or volume of any diisocyanate.

C. Current material safety data sheets must be supplied to the school prior to the application of liquid roofing systems containing more than one-tenth of one per cent by weight or volume of any diisocyanate on a building owned or operated by a public school. Applicators of liquid roofing systems must follow all applicable occupational safety and health administration regulations. All federal, state, and local regulations governing the use, shipment, and disposal of diisocyanates shall be followed and strictly adhered to.

D. A person who violates this section is guilty of a class 2 misdemeanor.

E. For the purposes of this section, "diisocyanate" means any diisocyanate used in a liquid applied roofing system including methylene bisphenyl diisocyanate, also known as methylene diphenyl diisocyanate or MDI, polymeric methylene bisphenyl diisocyanate, also known as polymeric MDI, or hexamethylene diisocyanate or HDI.

15-157. Emergency administration of epinephrine auto-injectors by trained personnel; immunity

Pursuant to a standing order issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13, a doctor of naturopathic medicine licensed pursuant to title 32, chapter 14, a doctor of osteopathic medicine licensed pursuant to title 32, chapter 17, a nurse practitioner licensed pursuant to title 32, chapter 15 or a physician assistant licensed pursuant to title 32, chapter 25, an employee of a school district or charter school who is trained in the administration of epinephrine auto-injectors may administer or assist in the administration of epinephrine auto-injectors to a pupil or an adult whom the employee believes in good faith to be exhibiting symptoms of anaphylactic shock while at school or at school-sponsored activities. Each school district and charter school may stock two or more juvenile doses and two or more adult doses of epinephrine auto-injectors at each school pursuant to a standing order issued by the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13, a doctor of naturopathic medicine licensed pursuant to title 32,

chapter 14, a doctor of osteopathic medicine licensed pursuant to title 32, chapter 17, a nurse practitioner licensed pursuant to title 32, chapter 15 or a physician assistant licensed pursuant to title 32, chapter 25. A school district or charter school may accept monetary donations for or apply for grants for the purchase of epinephrine auto-injectors or may participate in third-party programs to obtain epinephrine auto-injectors at fair market, free or reduced prices. The chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13, a doctor of naturopathic medicine licensed pursuant to title 32, chapter 14, a doctor of osteopathic medicine licensed pursuant to title 32, chapter 17, a nurse practitioner licensed pursuant to title 32, chapter 15 or a physician assistant licensed pursuant to title 32, chapter 25, a school district, a charter school and employees of a school district or charter school are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence, wilful misconduct or intentional wrongdoing.

15-158. Emergency administration of inhalers by trained personnel; immunity; definitions

A. Pursuant to a standing order issued by the chief medical officer of a county health department, a physician licensed pursuant to title 32, chapter 13 or 17 or a nurse practitioner licensed pursuant to title 32, chapter 15, a nurse who is under contract with a school district or charter school or an employee of a school district or charter school who is trained in the administration of inhalers may administer or assist in the administration of an inhaler to a pupil or an adult whom the employee or contracted nurse believes in good faith to be exhibiting symptoms of respiratory distress while at school or at a school-sponsored activity. A school district or charter school may accept monetary donations for or apply for grants for the purchase of inhalers and spacers or holding chambers or may accept donations of inhalers and spacers or holding chambers directly from the product manufacturer.

B. Chief medical officers of county health departments, physicians licensed pursuant to title 32, chapter 13 or 17, nurse practitioners licensed pursuant to title 32, chapter 15, school districts, charter schools, employees of school districts and charter schools and nurses who are under contract with a school district or charter school are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence, wilful misconduct or intentional wrongdoing.

C. For the purposes of this section:

1. "Bronchodilator" means albuterol or another short-acting bronchodilator that is approved by the United States food and drug administration for the treatment of respiratory distress.

2. "Inhaler" means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress, that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that includes a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

3. "Respiratory distress" includes the perceived or actual presence of coughing, wheezing or shortness of breath.

15-159. Use of sunscreen in schools

A pupil who attends any public school in this state may possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional.

15-160. Student identification cards; suicide prevention; contact information required

A. Beginning July 1, 2021, if a school district governing board or charter school governing body issues identification cards to students in grades nine through twelve, the school district governing board or charter school governing body shall include at least one of the following on each new identification card issued to a student in grade nine through twelve:

1. The telephone number for a national suicide prevention lifeline.
2. The telephone number for a national network of local crisis centers.
3. A statement describing how to access a text-based emotional support service.
4. The telephone number for a local suicide prevention hotline.

B. A school district governing board or charter school governing body may include the information described in subsection A of this section on student identification cards by printing the information on, or by affixing a sticker that contains the information to, the identification cards.

15-160.01. Child abuse hotline; required posting

Each school that is operated by a school district and each charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign that contains all of the following:

1. In boldfaced type, the telephone number of the centralized intake hotline that is established pursuant to section 8-455 concerning suspected abuse and neglect of children.
2. Instructions to call 911 for emergencies.
3. Directions for accessing the website of the department of child safety for more information on reporting child abuse, child neglect and the exploitation of children.

15-160.02. Seizure management and treatment plans; requirements; immunity; online instruction; rules

A. Beginning in the 2022-2023 school year, the parent or guardian of a student who has a seizure disorder and who is enrolled in a school that is operated by a school district or a charter school in this state may submit to the school district or charter school in which the student is enrolled a copy of a seizure management and treatment plan for school personnel to use if the student suffers a seizure at school or while participating in a school-sponsored activity. The plan must be developed by the student's parent or guardian and the physician or registered nurse practitioner as defined in section 32-1601 responsible for the student's seizure treatment. The plan must be submitted to and reviewed by the school district or charter school:

1. Before or at the beginning of the school year.
2. If the student enrolls in the school district or charter school after the beginning of the school year, when the student enrolls.
3. As soon as practicable following a diagnosis of the student's seizure disorder.

B. A seizure management and treatment plan must meet all of the following requirements:

1. Outline procedures recommended by the physician or registered nurse practitioner as defined in section 32-1601 responsible for the student's seizure treatment to manage an active seizure if the student suffers a seizure at school or while participating in a school-sponsored activity.
2. Outline other health care services available at the school that the student may receive to help to manage the student's seizure disorder at school or while participating in a school-sponsored activity.
3. Be signed by the student's parent or guardian and the physician or registered nurse practitioner as defined in section 32-1601 responsible for the student's seizure treatment.

C. A school nurse who is employed by or under contract with a school district or charter school shall review each seizure management and treatment plan. If a school nurse is not available, the school district or charter school shall designate an employee who is responsible for reviewing seizure management and treatment plans.

D. School districts, charter schools, employees of school districts or charter schools and nurses who are under contract with a school district or charter school are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of a seizure management and treatment plan submitted pursuant to this section, including an action or failure to act in administering a medication, assisting with self-administration or otherwise providing for the care of a student under a seizure management and treatment plan submitted for the student under this section, except in cases of gross negligence, wilful misconduct or intentional wrongdoing.

E. A school nurse who is employed by or under contract with a school district or charter school that has received a seizure management and treatment plan shall complete an online course of instruction for school nurses regarding managing students with seizure disorders. The course must be approved by the state board of education and include information about seizure recognition and related first aid. The training prescribed in this subsection may not be required more than once in a five-year period.

F. A school principal, guidance counselor, teacher, bus driver or classroom aide whose duties at the school include regular contact with students who have submitted a seizure management and treatment plan shall complete an online course of instruction for school personnel regarding awareness of students with seizure

disorders. The course must be approved by the state board of education and include information about seizure recognition and related first aid. The training prescribed in this subsection may not be required more than once in a five-year period.

G. A school district or charter school complies with this section if a student requires an educational accommodation under section 504 of the rehabilitation act of 1973 (P.L. 93-112; 87 Stat. 355; 29 United States Code section 794) and the student's accommodation plan includes a seizure management and treatment plan.

H. Beginning September 1, 2023, each charter school and school that is operated by a school district shall have at least one school employee at the school other than a school nurse who has met the training requirements necessary to administer or assist with the self-administration of both of the following:

1. A seizure rescue medication or a medication prescribed to treat seizure disorder symptoms as approved by the United States food and drug administration, or its successor agency.

2. A manual dose of prescribed electrical stimulation using a vagus nerve stimulator magnet as approved by the United States food and drug administration, or its successor agency.

I. Not later than December 1, 2022, the state board of education shall approve an online course of instruction that is provided free of charge by a nonprofit national foundation and that supports the welfare of individuals with epilepsy and seizure disorders to satisfy the training required by subsections E and F of this section.

J. The state board of education shall adopt rules as necessary to administer this section.

Article 6 State Prohibitions

15-161. State control over private schools

Nothing in this title shall be construed to provide the state board of education or the governing boards of school districts control or supervision over private schools.

Article 8 Charter Schools

15-181. Charter schools; purpose; scope

A. Charter schools may be established pursuant to this article to provide a learning environment that will improve pupil achievement. Charter schools provide additional academic choices for parents and pupils. Charter schools may consist of new schools or all or any portion of an existing school. Charter schools are public schools that serve as alternatives to traditional public schools and charter schools are not subject to the requirements of article XI, section 1, Constitution of Arizona, or title 41, chapter 56.

B. Charter schools shall comply with all provisions of this article in order to receive state funding as prescribed in section 15-185.

15-182. State board for charter schools; membership; terms; compensation; duties

A. The state board for charter schools is established consisting of the following members:

1. The superintendent of public instruction or the superintendent's designee.

2. Five members of the general public, at least two of whom reside in a school district where at least sixty percent of the children who attend school in the district meet the eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1785) for free lunches, and at least one of whom resides on an Indian reservation, who are appointed by the governor pursuant to section 38-211.

3. Two members of the business community who are appointed by the governor pursuant to section 38-211.

4. A teacher who provides classroom instruction at a charter school and who is appointed by the governor pursuant to section 38-211.

5. An operator of a charter school who is appointed by the governor pursuant to section 38-211.

6. An operator of an alternative charter school, as recognized by the department of education as a school whose sole and clearly stated mission is to serve specific populations of at-risk students, who is appointed by the governor pursuant to section 38-211.

7. Three members of the legislature who serve as advisory members and who are appointed jointly by the president of the senate and the speaker of the house of representatives.

B. The superintendent of public instruction shall serve a term on the state board for charter schools that runs concurrently with the superintendent's term of office. The members appointed pursuant to subsection A, paragraph 7 of this section shall serve two-year terms on the state board for charter schools that begin and end on the third Monday in January and that run concurrently with their respective terms of office. Members appointed pursuant to subsection A, paragraphs 2, 3, 4, 5 and 6 of this section shall serve staggered four-year terms that begin and end on the third Monday in January.

C. The state board for charter schools shall annually elect a president and such other officers as it deems necessary from among its membership.

D. Members of the state board for charter schools are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. The state board for charter schools shall:

1. Exercise general supervision over charter schools that are sponsored by the board, recommend legislation pertaining to charter schools to the legislature and adopt rules and policies that the board deems necessary to accomplish the purposes prescribed in this section.

2. Grant charter status to qualifying applicants for charter schools pursuant to section 15-183.

3. Adopt and use an official seal in the authentication of its acts.

4. Keep a record of its proceedings.

5. Adopt rules for its own government.

6. Determine the policy of the board and the work undertaken by it.

7. Delegate to the superintendent of public instruction the execution of board policies.

8. Prepare a budget for expenditures necessary for the proper maintenance of the board and the accomplishment of its purpose.

F. The state board for charter schools may:

1. Contract.

2. Sue and be sued.

3. Use the services of the auditor general.

4. Subject to title 41, chapter 4, article 4 and legislative appropriation, employ staff.

G. The state board for charter schools may accept gifts or grants of monies or real or personal property from public and private organizations, if the purpose of the gift or grant specified by the donor is approved by the board and is within the scope of the board's powers and duties. The board shall establish and administer a gift and grant fund for the deposit of monies received pursuant to this subsection.

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

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

1. A detailed educational plan.

2. A detailed business plan.

3. A detailed operational plan.

4. Any other materials required by the sponsor.

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

C. The sponsor of a charter school may be either the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts, subject to the following requirements:

1. An applicant may not apply for sponsorship to any person or entity other than those prescribed in this subsection.
2. The applicant may apply to the state board of education or the state board for charter schools. Notwithstanding any other law, neither the state board for charter schools nor the state board of education shall grant a charter to a school district governing board for a new charter school or for the conversion of an existing district public school to a charter school. The state board of education or the state board for charter schools may approve the application if the application meets the requirements of this article and may approve the charter if the proposed sponsor determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school and that the applicant is applying to operate as a separate charter holder by considering factors such as whether:
 - (a) The schools have separate governing bodies, governing body membership, staff, facilities and student population.
 - (b) Daily operations are carried out by different administrators.
 - (c) The applicant intends to have an affiliation agreement for the purpose of providing enrollment preferences.
 - (d) The applicant's charter management organization has multiple charter holders serving varied grade configurations on one physical site or nearby sites serving one community.
 - (e) The applicant is reconstituting an existing school site population at the same or new site.
 - (f) The applicant is reconstituting an existing grade configuration from a prior charter holder with at least one grade remaining on the original site with the other grade or grades moving to a new site. The state board of education or the state board for charter schools may approve any charter schools transferring charters. If the state board of education or the state board for charter schools rejects the preliminary application, the state board of education or the state board for charter schools shall notify the applicant in writing of the reasons for the rejection and of suggestions for improving the application. An applicant may submit a revised application for reconsideration by the state board of education or the state board for charter schools. The applicant may request, and the state board of education or the state board for charter schools may provide, technical assistance to improve the application.
3. The applicant may submit the application to a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts. A university, a community college district or a group of community college districts shall not grant a charter to a school district governing board for a new charter school or for the conversion of an existing district public school to a charter school. A university, a community college district or a group of community college districts may approve the application if it meets the requirements of this article and if the proposed sponsor determines, in its sole discretion, that the applicant is sufficiently qualified to operate a charter school.
4. Each applicant seeking to establish a charter school shall submit a full set of fingerprints to the approving agency for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. If an applicant will have direct contact with students, the applicant shall possess a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The criminal records check shall be completed before the issuance of a charter.
5. All persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal and all charter representatives, charter school governing body members and officers, directors, members and partners of the charter holder shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1, unless the person is a volunteer or guest speaker who is accompanied in the classroom by a person with a valid fingerprint clearance card. A charter school shall not employ in any position that requires a valid fingerprint clearance card a person against whom the state board of education has taken disciplinary action as prescribed in section 15-505 or whose certificate has been suspended, surrendered or revoked, unless the person's certificate has been subsequently reinstated by the state board of education. All other personnel shall be fingerprint checked pursuant to section 15-512, or the charter school may require those personnel to obtain a fingerprint clearance card issued pursuant to title 41, chapter 12, article 3.1. Before employment, the charter school shall make documented, good faith efforts to contact previous employers of a person to obtain information and recommendations that may be relevant to the person's fitness for employment as prescribed in section 15-512, subsection F, including checking the educator information system that is maintained by the department of education pursuant to section 15-505. The charter school shall notify the department of public safety if the

charter school or sponsor receives credible evidence that a person who possesses a valid fingerprint clearance card is arrested for or is charged with an offense listed in section 41-1758.03, subsection B. A person who is employed at a charter school that has met the requirements of this paragraph is not required to meet any additional requirements that are established by the department of education or that may be established by rule by the state board of education. The state board of education may not adopt rules that exceed the requirements for persons who are qualified to teach in charter schools prescribed in title I of the every student succeeds act (P.L. 114-95) or the individuals with disabilities education improvement act of 2004 (P.L. 108-446). Charter schools may hire personnel who have not yet received a fingerprint clearance card if proof is provided of the submission of an application to the department of public safety for a fingerprint clearance card and if the charter school that is seeking to hire the applicant does all of the following:

- (a) Documents in the applicant's file the necessity for hiring and placing the applicant before the applicant receives a fingerprint clearance card.
- (b) Ensures that the department of public safety completes a statewide criminal records check on the applicant. A statewide criminal records check shall be completed by the department of public safety every one hundred twenty days until the date that the fingerprint check is completed or the fingerprint clearance card is issued or denied.
- (c) Obtains references from the applicant's current employer and the two most recent previous employers except for applicants who have been employed for at least five years by the applicant's most recent employer.
- (d) Provides general supervision of the applicant until the date that the fingerprint card is obtained.
- (e) Completes a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous five years.
- (f) Verifies the fingerprint status of the applicant with the department of public safety.

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

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

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

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

- (a) Surrender any certificates issued by the department of education.
- (b) Notify the person's employer or potential employer of the conviction.
- (c) Notify the department of public safety of the conviction.
- (d) Surrender the person's fingerprint clearance card.

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

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

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

2. Ensure that it is nonsectarian in its programs, admission policies and employment practices and all other operations.
3. Ensure that it provides a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve, except that a school may offer this curriculum with an emphasis on a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language.
4. Ensure that it designs a method to measure pupil progress toward the pupil outcomes adopted by the state board of education pursuant to section 15-741.01, including participation in the statewide assessment and the nationally standardized norm-referenced achievement test as designated by the state board and the completion and distribution of an annual report card as prescribed in chapter 7, article 3 of this title.
5. Ensure that, except as provided in this article and in its charter, it is exempt from all statutes and rules relating to schools, governing boards and school districts.
6. Ensure that, except as provided in this article, it is subject to the same financial and electronic data submission requirements as a school district, including the uniform system of financial records as prescribed in chapter 2, article 4 of this title, procurement rules as prescribed in section 15-213 and audit requirements. The auditor general shall conduct a comprehensive review and revision of the uniform system of financial records to ensure that the provisions of the uniform system of financial records that relate to charter schools are in accordance with commonly accepted accounting principles used by private business. A school's charter may include exceptions to the requirements of this paragraph that are necessary as determined by the university, the community college district, the group of community college districts, the state board of education or the state board for charter schools. The department of education or the office of the auditor general may conduct financial, program or compliance audits.
7. Ensure compliance with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.
8. Ensure that it provides for a governing body for the charter school that is responsible for the policy decisions of the charter school. Notwithstanding section 1-216, if there is a vacancy or vacancies on the governing body, a majority of the remaining members of the governing body constitute a quorum for the transaction of business, unless that quorum is prohibited by the charter school's operating agreement.
9. Ensure that it provides a minimum of one hundred eighty instructional days before June 30 of each fiscal year unless it is operating on an alternative calendar approved by its sponsor. The superintendent of public instruction shall adjust the apportionment schedule accordingly to accommodate a charter school utilizing an alternative calendar.
- F. A charter school shall collect and maintain information about each teacher's educational and teaching background and experience in a particular academic content subject area. A charter school shall either post the information on the charter school's website or make the information available for inspection on request of parents and guardians of pupils enrolled at the charter school. This subsection does not require any charter school to release personally identifiable information in relation to any teacher, including the teacher's address, salary, social security number or telephone number.
- G. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor.
- H. Charter schools may contract, sue and be sued.
- I. The charter is effective for fifteen years from the first day of the fiscal year as specified in the charter, subject to the following:
 1. At least eighteen months before the charter expires, the sponsor shall notify the charter school that the charter school may apply for renewal and shall make the renewal application available to the charter school. A charter school that elects to apply for renewal shall file a complete renewal application at least fifteen months before the charter expires. A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school at least twelve months before the expiration of the charter. The sponsor shall make data used in making renewal decisions available to the school and the public and shall provide a public report summarizing the evidence basis for each decision. The sponsor may deny the request for renewal if, in its judgment, the charter holder has failed to do any of the following:

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

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

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

(d) Complete the obligations of the contract.

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

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

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

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

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

(d) Complete the obligations of the contract.

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

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

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

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

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

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

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

5. Before the sponsor adopts a determination of intent to revoke a charter, the charter holder shall have at least thirty days to address the problems, as necessary or applicable, associated with the reason or reasons for the determination of intent to revoke. The sponsor is not required to provide the charter holder with thirty days to correct the problems associated with the reason or reasons for adopting a determination of intent to revoke if the reason or reasons cannot be remedied, including a failure to submit required financial audits pursuant to subsection E, paragraph 6 of this section and section 15-914, or for a matter of health or safety, or both. Before the sponsor adopts a determination of intent to revoke a charter, the sponsor shall give written notice to the charter holder that includes the reason or reasons for the sponsor's consideration to revoke the charter. Notice may be provided by electronic means or by United States mail and is effective on the date of email or, if sent by United States mail, the earlier of the date of receipt by the charter holder or within five days after the notice is mailed. The determination of whether to proceed to revocation shall be made at a public meeting called for that purpose.

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

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

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

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

(a) Disciplinary or corrective action.

(b) Detail, transfer or reassignment.

(c) Suspension, demotion or dismissal.

(d) An unfavorable performance evaluation.

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

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

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

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

(a) Suspension or termination of the program.

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

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

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

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

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

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

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

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

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

1. The academic performance expectations of the charter school and the measurement of sufficient progress toward the academic performance expectations.
2. The operational expectations of the charter school, including adherence to all applicable laws and obligations of the charter contract.
3. The financial expectations of the charter school.
4. Intervention and improvement policies.
- S. Charter schools may pledge, assign or encumber their assets to be used as collateral for loans or extensions of credit.
- T. All property accumulated by a charter school shall remain the property of the charter school.
- U. Charter schools may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the charter school may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the charter school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.
- V. A transfer of a charter to another sponsor, a transfer of a charter school site to another sponsor or a transfer of a charter school site to a different charter shall be completed before the beginning of the fiscal year that the transfer is scheduled to become effective. An entity that sponsors charter schools may accept a transferring school after the beginning of the fiscal year if the transfer is approved by the superintendent of public instruction. The superintendent of public instruction shall have the discretion to consider each transfer during the fiscal year on a case-by-case basis. A charter holder seeking to transfer sponsors shall comply with the current charter terms regarding assignment of the charter. A charter holder transferring sponsors shall notify the current sponsor that the transfer has been approved by the new sponsor.
- W. Notwithstanding subsection V of this section, a charter holder on an improvement plan must notify parents or guardians of registered students of the intent to transfer the charter and the timing of the proposed transfer. On the approved transfer, the new sponsor shall enforce the improvement plan but may modify the plan based on performance.
- X. Notwithstanding subsection Y of this section, the state board for charter schools shall charge a processing fee to any charter school that amends its contract to participate in Arizona online instruction pursuant to section 15-808. The charter Arizona online instruction processing fund is established consisting of fees collected and administered by the state board for charter schools. The state board for charter schools shall use monies in the fund only for processing contract amendments for charter schools participating in Arizona online instruction. Monies in the fund are continuously appropriated.
- Y. The sponsoring entity may not charge any fees to a charter school that it sponsors unless the sponsor has provided services to the charter school and the fees represent the full value of those services provided by the sponsor. On request, the value of the services provided by the sponsor to the charter school shall be demonstrated to the department of education.
- Z. Charter schools may enter into an intergovernmental agreement with a presiding judge of the juvenile court to implement a law-related education program as defined in section 15-154. The presiding judge of the juvenile court may assign juvenile probation officers to participate in a law-related education program in any charter school in the county. The cost of juvenile probation officers who participate in the program implemented pursuant to this subsection shall be funded by the charter school.
- AA. The sponsor of a charter school shall modify previously approved curriculum requirements for a charter school that wishes to participate in the board examination system prescribed in chapter 7, article 6 of this title.
- BB. If a charter school decides not to participate in the board examination system prescribed in chapter 7, article 6 of this title, pupils enrolled at that charter school may earn a Grand Canyon diploma by obtaining a passing score on the same board examinations.
- CC. Notwithstanding subsection Y of this section, a sponsor of charter schools may charge a new charter application processing fee to any applicant. The application fee shall fully cover the cost of application review and any needed technical assistance. Authorizers may approve policies that allow a portion of the fee to be returned to the applicant whose charter is approved.

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

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

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

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

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

1. The current number of charters authorized and the number of schools operated by authorized charter holders.
2. The academic, operational and financial performance of the sponsor's charter portfolio as measured by the sponsor's adopted performance framework.
3. For the prior year, the number of new charters approved, the number of charter schools closed and the reason for the closure.
4. The sponsor's application, amendment, renewal and revocation processes, charter contract template and current performance framework as required by this section.

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

15-183.01. New charter application processing fund

The new charter application processing fund is established consisting of fees collected by the state board for charter schools. The state board for charter schools shall administer the fund. The state board for charter schools shall use monies in the fund only for the processing of applications submitted for new charters. Monies in the fund are continuously appropriated.

15-184. Charter schools; admissions requirements; parental classroom visits

- A.** A charter school shall enroll all eligible pupils who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building.
- B.** A charter school shall give enrollment preference to pupils who are returning to the charter school in the second or any subsequent year of its operation and to siblings of pupils who are already enrolled in the charter school.
- C.** A charter school may give enrollment preference to children who are in foster care or meet the definition of unaccompanied youth prescribed in the McKinney-Vento homeless assistance act (42 United States Code section 11434a).
- D.** A charter school may give enrollment preference to and reserve capacity for pupils who either:

1. Are children, grandchildren or legal wards of any of the following:
 - (a) Employees of the school.
 - (b) Employees of the charter holder.
 - (c) Members of the governing body of the school.
 - (d) Directors, officers, partners or board members of the charter holder.
 2. Attended another charter school or are the siblings of that pupil if the charter school previously attended by the pupil has the identical charter holder, board and governing board membership as the enrolling charter school or is managed by the same educational management organization, charter management organization or educational service provider as determined by the charter authorizer.
 3. Are children of a member of the armed forces of the United States who either is on active duty or was killed in the line of duty.
- E. If remaining capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall select pupils through an equitable selection process such as a lottery except that preference shall be given to siblings of a pupil who is selected through an equitable selection process such as a lottery.
- F. Except as provided in subsections A through D of this section, a charter school shall not limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language or athletic ability.
- G. A charter school may limit admission to pupils within a given age group or grade level.
- H. A charter school may provide instruction to pupils of a single gender with the approval of the sponsor of the charter school. An existing charter school may amend its charter to provide instruction to pupils of a single gender and, if approved by the sponsor of the charter school, may provide instruction to pupils of a single gender at the beginning of the next school year.
- I. A charter school may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.
- J. A charter school governing body must develop and adopt in a public meeting policies to allow for visits, tours and observations of all classrooms by parents of enrolled pupils and parents who wish to enroll their children in the charter school unless a visit, tour or observation threatens the health and safety of pupils and staff. These policies and procedures must be easily accessible from the home page on each school's website.

15-185. Charter schools; financing; civil penalties; transportation; definition

- A. A school district is not financially responsible for any charter school that is sponsored by the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts.
- B. Financial provisions for a charter school that is sponsored by the state board of education, the state board for charter schools, a university, a community college district or a group of community college districts are as follows:
1. The charter school shall calculate a base support level as prescribed in section 15-943, except that:
 - (a) Section 15-941 does not apply to these charter schools.
 - (b) The small school weights prescribed in section 15-943, paragraph 1 apply if a charter holder holds one charter for one or more school sites and the average daily membership for the school sites are combined for the calculation of the small school weight. The small school weight shall not be applied individually to a charter holder if one or more of the following conditions exist and the combined average daily membership derived from the following conditions is greater than six hundred:
 - (i) The organizational structure or management agreement of the charter holder requires the charter holder or charter school to contract with a specific management company.
 - (ii) The governing body of the charter holder has identical membership to another charter holder in this state.
 - (iii) The charter holder is a subsidiary of a corporation that has other subsidiaries that are charter holders in this state.
 - (iv) The charter holder holds more than one charter in this state.

(c) Notwithstanding subdivision (b) of this paragraph, for fiscal years 2015-2016 and 2016-2017, the department of education shall reduce by thirty-three percent the amount provided by the small school weight for charter schools prescribed in subdivision (b) of this paragraph.

2. Notwithstanding paragraph 1 of this subsection, the student count shall be determined initially using an estimated student count based on actual registration of pupils before the beginning of the school year. Notwithstanding section 15-1042, subsection F, student level data submitted to the department may be used to determine estimated student counts. After the first forty days, one hundred days or two hundred days in session, as applicable, the charter school shall revise the student count to be equal to the actual average daily membership, as defined in section 15-901, of the charter school. Before the fortieth day, one hundredth day or two hundredth day in session, as applicable, the state board of education, the state board for charter schools, the sponsoring university, the sponsoring community college district or the sponsoring group of community college districts may require a charter school to report periodically regarding pupil enrollment and attendance, and the department of education may revise its computation of equalization assistance based on the report. A charter school shall revise its student count, base support level and charter additional assistance before May 15. A charter school that overestimated its student count shall revise its budget before May 15. A charter school that underestimated its student count may revise its budget before May 15.

3. A charter school may use section 15-855 for the purposes of this section. The charter school and the department of education shall prescribe procedures for determining average daily membership.

4. Equalization assistance for the charter school shall be determined by adding the amount of the base support level and charter additional assistance. The amount of the charter additional assistance is \$2,090.10 per student count in preschool programs for children with disabilities, kindergarten programs and grades one through eight and \$2,435.97 per student count in grades nine through twelve.

5. The state board of education shall apportion state aid from the appropriations made for such purposes to the state treasurer for disbursement to the charter schools in each county in an amount as determined by this paragraph. The apportionments shall be made as prescribed in section 15-973, subsection B.

6. The charter school shall not charge tuition for pupils who reside in this state, levy taxes or issue bonds. A charter school may admit pupils who are not residents of this state and shall charge tuition for those pupils in the same manner prescribed in section 15-823.

7. Not later than noon on the day preceding each apportionment date established pursuant to paragraph 5 of this subsection, the superintendent of public instruction shall furnish to the state treasurer an abstract of the apportionment and shall certify the apportionment to the department of administration, which shall draw its warrant in favor of the charter schools for the amount apportioned.

C. If a pupil is enrolled in both a charter school and a public school that is not a charter school, the sum of the daily membership, which includes enrollment as prescribed in section 15-901, subsection A, paragraph 1, subdivisions (a) and (b) and daily attendance as prescribed in section 15-901, subsection A, paragraph 5, for that pupil in the school district and the charter school shall not exceed 1.0. If a pupil is enrolled in both a charter school and a public school that is not a charter school, the department of education shall direct the average daily membership to the school with the most recent enrollment date. On validation of actual enrollment in both a charter school and a public school that is not a charter school and if the sum of the daily membership or daily attendance for that pupil is greater than 1.0, the sum shall be reduced to 1.0 and shall be apportioned between the public school and the charter school based on the percentage of total time that the pupil is enrolled or in attendance in the public school and the charter school. The uniform system of financial records shall include guidelines to apportion the pupil enrollment and attendance as provided in this section.

D. Charter schools are allowed to accept grants and gifts to supplement their state funding, but it is not the intent of the charter school law to require taxpayers to pay twice to educate the same pupils. The base support level for a charter school or for a school district sponsoring a charter school shall be reduced by an amount equal to the total amount of monies received by a charter school from a federal or state agency if the federal or state monies are intended for the basic maintenance and operations of the school. The superintendent of public instruction shall estimate the amount of the reduction for the budget year and shall revise the reduction to reflect the actual amount before May 15 of the current year. If the reduction results in a negative amount, the negative amount shall be used in computing all budget limits and equalization assistance, except that:

1. Equalization assistance shall not be less than zero.
 2. For a charter school sponsored by the state board of education, the state board for charter schools, a university, a community college district or a group of community college districts, the total of the base support level and the charter additional assistance shall not be less than zero.
- E. If a charter school was a district public school in the prior year and sponsored by the state board of education, the state board for charter schools, a university, a community college district or a group of community college districts, the reduction in subsection D of this section applies. The reduction to the base support level of the charter school shall equal the sum of the base support level and the charter additional assistance received in the current year for those pupils who were enrolled in the traditional public school in the prior year and are now enrolled in the charter school in the current year.
- F. Equalization assistance for charter schools shall be provided as a single amount based on average daily membership without categorical distinctions between maintenance and operations or capital.
- G. At the request of a charter school, the county school superintendent of the county where the charter school is located may provide the same educational services to the charter school as prescribed in section 15-308, subsection A. The county school superintendent may charge a fee to recover costs for providing educational services to charter schools.
- H. If the sponsor of the charter school determines at a public meeting that the charter school is not in compliance with federal law, with the laws of this state or with its charter, the sponsor of a charter school may submit a request to the department of education to withhold up to ten percent of the monthly apportionment of state aid that would otherwise be due the charter school. The department shall adjust the charter school's apportionment accordingly. The sponsor shall provide written notice to the charter school at least seventy-two hours before the meeting and shall allow the charter school to respond to the allegations of noncompliance at the meeting before the sponsor makes a final determination to notify the department of education of noncompliance. The charter school shall submit a corrective action plan to the sponsor on a date specified by the sponsor at the meeting. The corrective action plan shall be designed to correct deficiencies at the charter school and to ensure that the charter school promptly returns to compliance. When the sponsor determines that the charter school is in compliance, the department shall restore the full amount of state aid payments to the charter school.
- I. In addition to the withholding of state aid payments pursuant to subsection H of this section, the sponsor of a charter school may impose a civil penalty of \$1,000 per occurrence if a charter school fails to comply with the fingerprinting requirements prescribed in section 15-183, subsection C or section 15-512. The sponsor of a charter school shall not impose a civil penalty if it is the first time the charter school is out of compliance with the fingerprinting requirements and if the charter school provides proof within forty-eight hours after written notification that an application for the appropriate fingerprint check has been received by the department of public safety. The sponsor of the charter school shall obtain proof that the charter school has been notified, and the notification shall identify the date of the deadline and shall be signed by both parties. The sponsor of a charter school shall automatically impose a civil penalty of \$1,000 per occurrence if the sponsor determines that the charter school subsequently violates the fingerprinting requirements. Civil penalties pursuant to this subsection shall be assessed by requesting the department of education to reduce the amount of state aid that the charter school would otherwise receive by an amount equal to the civil penalty. The amount of state aid withheld shall revert to the state general fund at the end of the fiscal year.
- J. A charter school may receive and spend monies distributed by the department of education pursuant to section 42-5029, subsection E, section 42-5029.02, subsection A and section 37-521, subsection B.
- K. If a school district transports or contracts to transport pupils to the Arizona state schools for the deaf and the blind during any fiscal year, the school district may transport or contract with a charter school to transport sensory impaired pupils during that same fiscal year to a charter school if requested by the parent of the pupil and if the distance from the pupil's place of actual residence within the school district to the charter school is less than the distance from the pupil's place of actual residence within the school district to the campus of the Arizona state schools for the deaf and the blind.
- L. Notwithstanding any other law, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts shall not include any student in the student count of the university, community college district or group of community college districts for state funding purposes if that student is enrolled in and attending a charter school sponsored by the university, community college district or group of community college districts.

M. The governing body of a charter school shall transmit a copy of its proposed budget or the summary of the proposed budget and a notice of the public hearing to the department of education for posting on the department of education's website not later than ten days before the hearing and meeting. If the charter school maintains a website, the charter school governing body shall post on its website a copy of its proposed budget or the summary of the proposed budget and a notice of the public hearing.

N. The governing body of a charter school shall collaborate with the private organization that is approved by the state board of education pursuant to section 15-792.02 to provide approved board examination systems for the charter school.

O. If allowed by federal law, a charter school may opt out of federal grant opportunities if the charter holder or the appropriate governing body of the charter school determines that the federal requirements impose unduly burdensome reporting requirements.

P. For the purposes of this section, "monies intended for the basic maintenance and operations of the school" means monies intended to provide support for the educational program of the school, except that it does not include supplemental assistance for a specific purpose or title VIII of the elementary and secondary education act of 1965 monies. The auditor general shall determine which federal or state monies meet this definition.

15-185.01. Charter school pupils attending career technical education districts; average daily membership calculation

Notwithstanding section 15-185, subsection C, if a pupil is enrolled in both a charter school and a career technical education district and resides within the boundaries of a school district participating in the career technical education district, the average daily membership for that pupil shall be calculated in the same manner prescribed for a pupil who is enrolled in both the member school district and a career technical education district pursuant to section 15-393.

15-186. Pupil disciplinary procedures; notification

Each charter school governing body shall develop procedures that require the charter school to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department of education shall compile this information and annually post the information on its website. The information shall not include personally identifiable information, shall comply with the family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat. 57; 20 United States Code section 1232g) and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

15-186.01. Parental notification; immunity

A. In addition to the notification requirements prescribed in section 15-186, each charter school governing body shall prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening, or intimidating conduct against that pupil. A charter school and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence or wanton or wilful neglect.

B. A person commits threatening or intimidating if the person threatens or intimidates by word or conduct to cause physical injury to another person or serious damage to the property of another on school grounds. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person anonymously or otherwise contacts, communicates or causes a communication with another person by verbal, electronic, mechanical, telephonic or written means in a manner that harasses on school grounds or substantially disrupts the school environment.

15-187. Charter schools; teachers; employment benefits

A. A teacher who is employed by or teaching at a charter school and who was previously employed as a teacher at a school district shall not lose any right of certification, retirement or salary status or any other benefit provided by law, by the rules of the governing board of the school district or by the rules of the board of directors of the charter school due to teaching at a charter school on the teacher's return to the school district.

B. A teacher who is employed by or teaching at a charter school and who submits an employment application to the school district where the teacher was employed immediately before employment by or at a charter school shall be given employment preference by the school district if both of the following conditions are met:

1. The teacher submits an employment application to the school district not later than three years after ceasing employment with the school district.

2. A suitable position is available at the school district.

C. A charter school that is sponsored by a university, a community college district, a group of community college districts, the state board of education or the state board for charter schools is eligible to participate in the Arizona state retirement system pursuant to title 38, chapter 5, article 2. The charter school is a political subdivision of this state for purposes of title 38, chapter 5, articles 2 and 2.1.

D. Notwithstanding any other law, a charter school shall not adopt policies that provide employment retention priority for teachers based on tenure or seniority.

15-187.01. Optional inclusion of charter school employees in state health and accident coverage; payment of premiums; advance notice; minimum period of participation; definition

A. If a governing body of a charter school determines that state health and accident insurance coverage is necessary or desirable and in the best interest of the charter school, it may provide for inclusion of the charter school's employees and spouses and dependents of the charter school's employees in state health and accident insurance coverage pursuant to section 38-651.

B. If the charter school elects to participate in the state health and accident insurance coverage, it shall be the only health and accident insurance coverage offered to charter school employees.

C. A charter school governing body that elects to include its employees in the state health and accident insurance coverage shall notify the department of administration of its intention to do so by January 15 of the calendar year prior to the school year starting after June 30 in which the charter school's employees would be eligible to receive state health and accident insurance coverage.

D. A charter school governing body that elects to include its employees in the state health and accident insurance coverage shall participate in state health and accident insurance coverage for at least two years.

E. Charter schools that opt to participate in the state health and accident insurance coverage shall agree to accept the benefit level, plan design, insurance providers, premium level and other terms and conditions determined by the department of administration and shall accept such other contractual arrangements made by the department of administration with health and accident insurance providers.

F. Charter schools shall reimburse the department of administration for administrative and operational costs associated with charter schools participating in the state health and accident insurance coverage determined pursuant to section 38-651, subsection K.

G. As used in this section, "state health and accident insurance coverage" means the health and accident coverage procured by the department of administration under section 38-651.

15-188. Charter schools stimulus fund

A. The charter schools stimulus fund is established for the purpose of providing financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating or remodeling existing buildings and structures. The fund consists of monies appropriated by the legislature and grants, gifts, devises and donations from any public or private source. The department of education shall administer the fund.

B. The state board of education shall adopt rules to implement the provisions of this section, including application and notification requirements. If sufficient monies are appropriated for this purpose, monies from the charter schools stimulus fund shall be distributed to qualifying charter school applicants and charter schools in the following manner:

1. Each qualifying charter school applicant or charter school shall be awarded an initial grant of up to one hundred thousand dollars during or before the first year of the charter school's operation. If an applicant for a charter school receives an initial grant pursuant to this paragraph and fails to begin operating a charter school within the next eighteen months, the applicant shall reimburse the department of education for the amount of the initial grant plus interest calculated at a rate of ten per cent a year.

2. Applicants for charter schools and charter schools that received initial grants pursuant to paragraph 1 may apply to the department of education for an additional grant of up to one hundred thousand dollars. If an applicant for a charter school receives an additional grant pursuant to this paragraph and fails to begin operating a charter school within the next eighteen months, the applicant shall reimburse the department of education for the amount of the additional grant plus interest calculated at a rate of ten per cent a year. A reimbursement required by this paragraph is in addition to any reimbursement required by paragraph 1.

C. Monies in the charter schools stimulus fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

15-189. Charter schools; total compensation statement

Each fiscal year, the governing body of a charter school shall provide to each charter school employee a total compensation statement that is broken down by category of benefit or payment and that includes, for that employee, at least all of the following:

1. Base salary and any additional pay.
2. Medical benefits and the value of any employer-paid portions of insurance plan premiums.
3. Retirement benefit plans, including social security.
4. Legally required benefits.
5. Any paid leave.
6. Any other payment made to or on behalf of the employee.
7. Any other benefit provided to the employee.

15-189.01. Charter schools; zoning; development fees

A. Charter schools shall be classified the same as public schools that are operated by a school district for the purposes of zoning and the assessment of zoning fees, site plan fees and development fees, including any required hearings or applications. Municipalities and counties shall allow a charter school to be established and operate at a location or in a facility for which the zoning regulations of the county or municipality cannot legally prohibit schools operated by school districts, except that a county or municipality may adopt zoning regulations that prohibit a charter school from operating on property that is less than an acre in size and that is located within an existing single family residence zoning district.

B. Except as provided in subsection D of this section, a charter school is subject to the same level of oversight and the same rules, hearing requirements, application requirements, ordinances, limitations and other requirements, if any, that would be applied to and enforced against a school that is operated by a school district. A municipality or county shall not enforce, or attempt to enforce, any ordinance, procedure or process against a charter school that cannot be legally enforced against a school district. Voluntary compliance of a school district in the zoning regulations of a municipality or a county does not result in the application of those zoning regulations to a charter school.

C. The construction and development of the charter school facility shall be subject to the building codes, including life and safety building codes, of the municipality, county or state in which the charter school facility is located.

D. Municipalities and counties shall adopt procedures to ensure that hearings and administrative reviews involving charter schools are scheduled and conducted on an expedited basis and that charter schools receive a final determination from the municipality or county within thirty days after the beginning of processes requiring only an administrative review and within ninety days after the beginning of processes requiring a public hearing and allowing an appeal to a board of adjustment, city or town governing body or board of supervisors.

E. Except as provided in subsection F of this section, no political subdivision of this state may enact or interpret any law, rule or ordinance in a manner that conflicts with this section.

F. Notwithstanding subsections A and B of this section, a charter school shall not be established or operated on commercial or residential property in an age restricted community that is located in unorganized territory.

G. A charter school may authorize a third party to apply to a municipality or county as the representative of that charter school for any application or action prescribed in subsections A through D of this section.

15-189.02. Charter schools; public bidding requirements

A. A charter school's procurement is exempt from public bidding requirements if the aggregate dollar amount of the procurement does not exceed the maximum amount of the exemption authorized by title 41, chapter 23 or pursuant to rules adopted by the director of the department of administration.

B. Notwithstanding subsection A, the state board for charter schools may authorize an exemption from public bidding requirements that exceeds the maximum exemption prescribed in subsection A of this section for any charter school sponsored by the state board for charter schools.

15-189.03. Academic credits; transfer

A. If a pupil who was previously enrolled in a charter school or school district enrolls in a charter school in this state, the charter school shall accept credits earned by the pupil in courses or instructional programs at the charter school or school district. A charter school governing board may adopt a policy concerning the application of transfer credits for the purpose of determining whether a credit earned by a pupil who was previously enrolled in a school district or charter school will be assigned as an elective or core credit.

B. A pupil who transfers from a charter school or school district shall be provided with a list that indicates which credits have been accepted as an elective credit and which credits have been accepted as a core credit by the charter school. Within ten school days after receiving the list, a pupil may request to take an examination in each particular course in which core credit has been denied. The charter school shall accept the credit as a core credit for each particular course in which the pupil takes an examination and receives a passing score on a test designed and evaluated by a teacher in the charter school who teaches the subject matter on which the examination is based.

15-189.04. Policies and procedures for the emergency administration of epinephrine and inhalers

The governing body of each charter school shall prescribe and enforce policies and procedures for the emergency administration of epinephrine auto-injectors by a trained employee of the charter school pursuant to section 15-157 and may prescribe and enforce policies and procedures for the emergency administration of inhalers by a trained employee of the charter school or a nurse who is under contract with the charter school pursuant to section 15-158.

15-189.05. Charter school budgets; posting of teacher salary information; annual report

A. The budget for each charter school shall contain the following information:

1. The average salary of all teachers employed by the charter school for the current year.
2. The average salary of all teachers employed by the charter school for the previous year.
3. The dollar increase in the average salary of all teachers employed by the charter school for the current year.
4. The percentage increase in the average salary of all teachers employed by the charter school for the current year.

B. Each charter school shall prominently post the information required by subsection A of this section on its website home page separately from its budget.

C. On or before November 30 of each year, the department of education shall electronically submit to the joint legislative budget committee and the governor's office of strategic planning and budgeting a report that compiles the information required by subsection A of this section for all charter schools statewide.

15-189.06. Charter schools; teacher performance evaluation systems; principal evaluation policies

A. Each charter school governing body shall establish a system to evaluate the performance of teachers in the charter school that results in at least one evaluation of each teacher by a qualified evaluator each school year. Each governing body shall establish a teacher performance evaluation system that meets all of the following criteria:

1. Is designed to improve teacher performance and student achievement.
2. Includes the use of quantitative data on the academic progress for all students, which shall account for between twenty percent and thirty-three percent of the evaluation outcomes.
3. Includes four performance classifications, designated as highly effective, effective, developing and ineffective.

B. Each charter school governing body shall adopt in a public meeting policies to implement for principal evaluations at the charter school. Before adopting principal evaluation policies, the governing body shall provide opportunities for public discussion on the proposed policies. For charter holders, the principal evaluation policies apply to each charter school's instructional leader whose primary responsibility is to oversee the academic performance of the charter school. This subsection does not apply to an officer, director, member or partner of the charter holder. Each governing body shall adopt principal evaluation policies that meet all of the following criteria:

1. Are designed to improve principal performance and student achievement.
2. Include the use of quantitative data on the academic progress for all students, which shall account for between twenty percent and thirty-three percent of the evaluation outcomes.
3. Include four performance classifications, designated as highly effective, effective, developing and ineffective.
4. Describe both of the following:
 - (a) The methods used to evaluate the performance of principals, including the data used to measure student performance and job effectiveness.
 - (b) The formula used to determine evaluation outcomes.

15-189.07. Library collection; parental access; public review; exemption

A. Each charter school governing body shall do all of the following:

1. Beginning January 1, 2023, in consultation with parents, teachers and administrators, develop and adopt procedures by which parents have access to the charter school's library collection of available books and materials and may receive a list of books and materials borrowed from the library by their children.
2. Make available on the charter school's website for review by the public a list of all books and materials purchased after January 1, 2023 for any of the charter school's school libraries for a period of at least sixty days after the purchase. Each charter school site shall make available on the school's website for review by the public a list of all books and materials purchased after January 1, 2023 for the school library for a period of at least sixty days after the purchase. This paragraph does not apply to the purchase of a book or material that is intended to replace a lost or damaged book or material.
3. Ensure that each charter school site notifies the parents of each pupil enrolled at the charter school site of the opening and closing dates of the public review required under paragraph 2 of this section within seven school days before the opening date.

B. Charter school sites without a full-time library media specialist or an equivalent position are exempt from the requirements of this section and from any procedures adopted pursuant to this section.

Article 9 Family Literacy Program

15-191. Definitions

In this article, unless the context otherwise requires:

1. "Eligible parent" means a parent who meets the following requirements:
 - (a) Has a three year old or four year old child.
 - (b) Lacks sufficient mastery of basic educational or basic English language skills needed to function effectively in society or lacks a high school diploma or its equivalent.
 - (c) Is a citizen or a legal resident of the United States or is otherwise lawfully present in the United States.
2. "Family literacy program" means a program that is established pursuant to this article and that is designed to promote the acquisition of language and literacy skills by parents and their preschool children in a shared instructional setting.

Other Chapters in Education

Chapter 2 STATE GOVERNANCE OF SCHOOLS

Chapter 3 LOCAL GOVERNANCE OF SCHOOLS

Chapter 4 SCHOOL ELECTIONS

Chapter 5 SCHOOL EMPLOYEES

Chapter 7 INSTRUCTION

Chapter 8 SCHOOL ATTENDANCE

Chapter 9 SCHOOL DISTRICT BUDGETING AND FINANCIAL ASSISTANCE

Chapter 10 SCHOOL DISTRICT FUNDS AND RELATED OPERATIONS

Chapter 10.1 ADDITIONAL SUPPORT FOR PUBLIC EDUCATION

Chapter 11 ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND

Chapter 11.1 STATE EDUCATIONAL SYSTEM FOR COMMITTED YOUTH FUNDING

Chapter 12 COMMUNITY COLLEGES

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