Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 178

SENATE BILL 1103

AN ACT

AMENDING SECTION 15-189.01, ARIZONA REVISED STATUTES; RELATING TO CHARTER SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-189.01, Arizona Revised Statutes, is amended to read:

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 ~~in which schools operated by school districts are not prohibited by~~ 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 ~~in~~ ON PROPERTY THAT IS LESS THAN AN ACRE IN SIZE AND THAT IS LOCATED WITHIN an existing single family residence ~~that is located on property of less than an acre~~ 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 ~~applicable~~ 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 ~~subsection A~~ THIS SECTION.

F. Notwithstanding subsections A and B OF THIS SECTION, a charter school shall not be established or operated on commercial or residential

1 property in an age restricted community that is located in unorganized
2 territory.
3 G. A CHARTER SCHOOL MAY AUTHORIZE A THIRD PARTY TO APPLY TO A
4 MUNICIPALITY OR COUNTY AS THE REPRESENTATIVE OF THAT CHARTER SCHOOL FOR ANY
5 APPLICATION OR ACTION PRESCRIBED IN SUBSECTIONS A THROUGH D OF THIS SECTION.

APPROVED BY THE GOVERNOR MAY 2, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2013.

Passed the House April 23, 2013,

by the following vote: 37 Ayes,

20 Nays, 3 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate February 11, 2013,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

30 day of April, 2013,

at 2:00 o'clock P M.

Mikhaila Howard
Secretary to the Governor

Approved this 2nd day of

May, 2013,

at 2:26 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2nd day of May, 2013,

at 4:55 o'clock P M.

Jim Drake
acting Secretary of State

S.B. 1103