

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 251

HOUSE BILL 2560

AN ACT

AMENDING SECTIONS 15-392, 15-393, 15-395, 15-947.01 AND 15-1444, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-392, Arizona Revised Statutes, is amended to
3 read:

4 15-392. Formation of district

5 A. Notwithstanding any other provision of law, districts interested
6 in forming a joint technological education district shall conduct a study to
7 determine the need to establish a joint technological education district in
8 an area consisting of two or more school districts. The districts shall also
9 initiate a plan for the establishment and operation of the joint district,
10 which shall include a proposed budget based on a reasonable estimate of
11 student enrollment in the new joint district. Any school district may assist
12 in the preparation and payment of costs of the study and plan. The districts
13 shall file a copy of the plan with the governing board of each school
14 district included in the plan for the joint district. The districts shall
15 submit the results of the study and the plan, along with evidence of approval
16 by the governing board of each school district included in the selected plan
17 for the joint district, to the state board for vocational and technological
18 education.

19 B. If the state board for vocational and technological education
20 determines that the plan submitted for the proposed joint district has met
21 the requirements of this section, UNTIL DECEMBER 31, 2001, the question shall
22 be submitted to the qualified electors of each school district at a general
23 election OR AT ANY OTHER ELECTION HELD ON A DATE PRESCRIBED IN SECTION
24 16-204. AFTER DECEMBER 31, 2001, THE QUESTION SHALL BE SUBMITTED TO THE
25 QUALIFIED ELECTORS OF THE DISTRICT SEEKING TO BECOME A PART OF THE JOINT
26 DISTRICT AT AN ELECTION HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN
27 NOVEMBER. If the electors in a district approve, then that district is
28 authorized to participate in a joint technological education district. The
29 joint district shall become operational on July 1 following the election held
30 pursuant to this subsection except as provided in subsection D of this
31 section.

32 C. The governing boards of the school districts participating in the
33 joint district may pay on a proportional basis the administrative, clerical
34 and other expenses necessary for the establishment and operation of the joint
35 district until monies are otherwise provided.

36 D. A joint technological education district after receiving voter
37 approval as provided in subsection B of this section shall be governed by a
38 joint board consisting of members elected pursuant to section 15-393, except
39 that the initial composition of the joint board shall consist of one person
40 not currently a board member of any school district appointed by the
41 governing board of each district participating in the joint technological
42 education district. The terms of office of the joint board members shall
43 become effective on January 1 following the election held pursuant to
44 subsection B of this section. Upon the effective date of the term of office
45 for joint board members, the joint board may begin necessary operations and

1 activities related to making the district operational pursuant to subsection
2 B of this section. If less than five districts are participating in the
3 joint district, the initial composition of the joint board shall consist of
4 two persons who are not currently board members of any school district
5 appointed by each participating district's governing board. The appointed
6 members shall serve until January 1 following the next general election. At
7 the general election held next following the formation of the joint district
8 and thereafter, joint board members shall be elected as prescribed in section
9 15-393.

10 Sec. 2. Section 15-393, Arizona Revised Statutes, is amended to read:
11 15-393. Joint technological education district governing board

12 A. The management and control of the joint district are vested in the
13 joint technological education district governing board. Unless the governing
14 boards of the school districts participating in the formation of the joint
15 district vote to implement an alternative election system as provided in
16 subsection B of this section, the joint board shall consist of five members
17 elected from five single member districts formed within the joint district.
18 The single member district election system shall be submitted as part of the
19 plan for the joint district pursuant to section 15-392 and shall be
20 established in the plan as follows:

21 1. The governing boards of the school districts participating in the
22 formation of the joint district shall define the boundaries of the single
23 member districts so that the single member districts are as nearly equal in
24 population as is practicable, except that if the joint district lies in part
25 in each of two or more counties, at least one single member district may be
26 entirely within each of the counties comprising the joint district if this
27 district design is consistent with the obligation to equalize the population
28 among single member districts.

29 2. The boundaries of each single member district shall follow
30 election precinct boundary lines, as far as practicable, in order to avoid
31 further segmentation of the precincts.

32 3. A person who is a registered voter of this state and who is a
33 resident of the single member district is eligible for election to the office
34 of joint board member from the single member district. The terms of office
35 of the members of the joint board shall be as prescribed in section 15-427,
36 subsection B.

37 4. Nominating petitions shall be signed by the number of qualified
38 electors of the single member district as provided in section 16-322.

39 B. The governing boards of the school districts participating in the
40 formation of the joint district may vote to implement any other alternative
41 election system for the election of joint district board members. If an
42 alternative election system is selected, it shall be submitted as part of the
43 plan for the joint district pursuant to section 15-392, and the
44 implementation of the system shall be as approved by the United States
45 justice department.

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40 formation of the joint district may vote to implement any other alternative
41 election system for the election of joint district board members. If an
42 alternative election system is selected, it shall be submitted as part of the
43 plan for the joint district pursuant to section 15-392, and the
44 implementation of the system shall be as approved by the United States
45 justice department.

1 C. The joint technological education district shall be subject to the
2 following provisions of this title:

- 3 1. Chapter 1, articles 1 through 6.
- 4 2. Sections 15-208, 15-210, 15-213 and 15-234.
- 5 3. Chapter 3, articles 2, 3 and 5.
- 6 4. Section 15-361.
- 7 5. Chapter 4, articles 1, 2 and 5.
- 8 6. Chapter 5, articles 1, 2 and 3.
- 9 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729
10 and 15-730.
- 11 8. Chapter 7, article 5.
- 12 9. Chapter 8, articles 1, 3 and 4.
- 13 10. Sections 15-828 and 15-829.
- 14 11. Chapter 9, articles 1, 6 and 7.
- 15 12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.
- 16 13. Sections 15-1101 and 15-1104.
- 17 14. Chapter 10, articles 2, 3, 4 and 8.

18 D. Notwithstanding subsection C of this section, the following apply
19 to a joint technological education district:

20 1. A joint district may issue bonds for the purposes specified in
21 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
22 aggregate, including the existing indebtedness, not exceeding one per cent
23 of the taxable property used for secondary tax purposes, as determined
24 pursuant to title 42, chapter 15, article 1, within the joint technological
25 education district as ascertained by the last property tax assessment
26 previous to issuing the bonds.

27 2. The number of governing board members for a joint district shall
28 be as prescribed in subsection A of this section.

29 3. If a vocational and technological course or program provided
30 pursuant to this article is provided in a facility owned and operated by a
31 school district in which a pupil is enrolled, the sum of the daily
32 attendance, as provided in section 15-901, subsection A, paragraph 6, for
33 that pupil in both the school district and joint technological education
34 district shall not exceed 1.250 and the sum of the fractional student
35 enrollment, as provided in section 15-901, subsection A, paragraph 2,
36 subdivision (a), shall not exceed 1.250 for the courses taken in the school
37 district and the facility. The school district and the joint district shall
38 determine the apportionment of the daily attendance and fractional student
39 enrollment for that pupil between the school district and the joint district.

40 4. The student count for the first year of operation of a joint
41 technological education district as provided in this article shall be
42 determined as follows:

43 (a) Determine the estimated student count for joint district classes
44 which will operate in the first year of operation. This estimate shall be
45 based upon actual registration of pupils as of March 30 scheduled to attend

1 classes which will be operated by the joint district. The student count for
2 the district of residence of the pupils registered at the joint district
3 shall be adjusted. The adjustment shall cause the district of residence to
4 reduce the student count for the pupil to reflect the courses to be taken at
5 the joint district. The district of residence shall review and approve the
6 adjustment of its own student count as provided in this subdivision before
7 the pupils from the school district can be added to the student count of the
8 joint district.

9 (b) The student count for the new joint district shall be the student
10 count as determined in subdivision (a) of this paragraph.

11 (c) After the first one hundred days or two hundred days in session,
12 as applicable, for the first year of operation, the joint district shall
13 revise the student count to the actual student count for students attending
14 classes in the joint district. A joint district shall revise its student
15 count and revise the base support level as provided in section 15-943.02, the
16 revenue control limit, as provided in section 15-944.01, the capital outlay
17 revenue limit and the soft capital allocation, as provided in section
18 15-962.01 prior to May 15. A joint district which overestimated its student
19 count shall revise its budget prior to May 15. A joint district which
20 underestimated its student count may revise its budget prior to May 15.

21 (d) After the first one hundred days or two hundred days in session,
22 as applicable, for the first year of operation, the district of residence
23 shall adjust its student count by reducing it to reflect the courses actually
24 taken at the joint district. The district of residence shall revise its
25 student count, the base support level as provided in section 15-943, the
26 revenue control limit as provided in section 15-944, the capital outlay
27 revenue limit as provided in section 15-961 and the soft capital allocation
28 as provided in section 15-962 prior to May 15. A district which
29 underestimated the student count for students attending the joint district
30 shall revise its budget prior to May 15. A district which overestimated the
31 student count for students attending the joint district may revise its budget
32 prior to May 15.

33 (e) A joint district for the first year of operation shall not be
34 eligible for the provisions of section 15-948.

35 (f) The procedures for implementing the provisions of this paragraph
36 shall be as prescribed in the uniform system of financial records.

37 (g) If the district of residence utilizes the provisions of section
38 15-942 to determine its student count, the district shall reduce its student
39 count as provided in this paragraph by subtracting the appropriate count from
40 the student count determined as provided in section 15-942.

41 (h) For the purposes of this paragraph, "district of residence" means
42 the district which included the pupil in its average daily membership for the
43 year before the first year of operation of the joint district and would have
44 included the pupil in its student count for the purposes of computing its

1 base support level for the fiscal year of the first year of operation of the
2 joint district if the pupil had not enrolled in the joint district.

3 5. A student includes any person enrolled in the joint district
4 without regard to the person's age or high school graduation status.

5 6. A joint district may operate for more than one hundred
6 seventy-five days per year, with expanded hours of service.

7 7. A joint district may use the excess utility costs provisions of
8 section 15-910 in the same manner as a school district for fiscal years
9 1999-2000 and 2000-2001, except that the base year shall be the first full
10 fiscal year of operations.

11 8. A joint district may use the carryforward provisions of section
12 15-943.01 retroactively to July 1, 1993.

13 E. The joint board shall appoint a superintendent as the executive
14 officer of the joint district.

15 F. Taxes may be levied for the support of the joint district as
16 prescribed in chapter 9, article 6 of this title. Except for the taxes
17 levied pursuant to section 15-994, such taxes shall be obtained from a levy
18 of taxes upon the taxable property used for secondary tax purposes.

19 G. The schools in the joint district are available to all children of
20 school age who reside in the joint district subject to the rules for
21 admission prescribed by the joint board.

22 H. The joint board may collect tuition for adult students and the
23 attendance of pupils who are residents of school districts which are not
24 participating in the joint district pursuant to arrangements made between the
25 governing board of the district and the joint board.

26 I. The joint board may accept gifts, grants, federal monies, tuition
27 and other allocations of monies to erect, repair and equip buildings and for
28 the cost of operation of the schools of the joint district.

29 J. One member of the joint board shall be selected chairman. The
30 chairman shall be selected annually on a rotation basis from among the
31 participating school districts. The chairman of the joint board shall be a
32 voting member.

33 K. A JOINT BOARD AND A COMMUNITY COLLEGE DISTRICT MAY ENTER INTO
34 AGREEMENTS FOR THE PROVISION OF ADMINISTRATIVE, OPERATIONAL AND EDUCATIONAL
35 SERVICES AND FACILITIES.

36 Sec. 3. Section 15-395, Arizona Revised Statutes, is amended to read:
37 15-395. Enlarging joint district

38 A. To add school districts to a joint district, the joint board shall
39 first publish a copy of a proposed resolution accepting the school district
40 into the joint district in a newspaper of general circulation in the school
41 district proposing to join the joint district once a week for at least two
42 weeks immediately before the date of the consideration of the adoption of the
43 proposed resolution by the joint board.

44 B. After adoption by the joint board of the resolution accepting the
45 school district into the joint district, UNTIL DECEMBER 31, 2001, the

1 question shall be submitted to the qualified electors of the district seeking
2 to become a part of the joint district at a general election OR AT ANY OTHER
3 ELECTION HELD ON A DATE PRESCRIBED IN SECTION 16-204. AFTER DECEMBER 31,
4 2001, THE QUESTION SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE
5 DISTRICT SEEKING TO BECOME A PART OF THE JOINT DISTRICT AT AN ELECTION HELD
6 ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER. Authorization is
7 required through an intergovernmental agreement between the joint district
8 and the district seeking to become part of the joint district in order to
9 enlarge the joint district.

10 Sec. 4. Section 15-947.01, Arizona Revised Statutes, is amended to
11 read:

12 15-947.01. Revenue control limit; general budget limit; total
13 capital budget limit for joint technological
14 education districts

15 A. The revenue control limit and district support level for a joint
16 technological education district are equal to the base support level
17 determined in section 15-943.02.

18 B. The general budget limit for each joint technological education
19 district, for each fiscal year, is the sum of the following:

20 1. The revenue control limit for the budget year.

21 2. The capital outlay revenue limit for the budget year.

22 3. Tuition revenues for attendance of nonresident pupils.

23 4. P.L. 81-874 assistance determined for children with disabilities,
24 children with specific learning disabilities and children residing on Indian
25 lands as provided in section 15-905, subsections K and O.

26 5. EXPENDITURES FOR EXCESS UTILITY COSTS AS PROVIDED IN SECTION
27 15-910.

28 C. The unrestricted capital budget limit for each joint technological
29 education district for the budget year is as provided in section 15-947,
30 subsection D.

31 D. The soft capital allocation limit for each joint technological
32 education district for the budget year is as provided in section 15-947,
33 subsection E.

34 Sec. 5. Section 15-1444, Arizona Revised Statutes, is amended to read:
35 15-1444. Powers and duties

36 A. Except as otherwise provided, the district board shall:

37 1. Maintain each community college for a period of not less than eight
38 months in each year and, if the funds of the district are sufficient,
39 maintain each community college for a longer period.

40 2. Enforce the courses of study prescribed by the state board.

41 3. Visit each community college and examine carefully into its
42 management, conditions and needs.

43 4. Exclude from each community college all books, publications or
44 papers of a sectarian, partisan or denominational character intended for use
45 as textbooks.

1 5. Appoint and employ a chancellor or chancellors, vice-chancellors,
2 a president or presidents, vice-presidents, deans, professors, instructors,
3 lecturers, fellows and such other officers and employees it deems necessary.
4 Notwithstanding subsection B, paragraph 3 of this section and section
5 15-1424, subsection B, paragraph 4, the district board may enter into
6 employment contracts with chancellors, vice-chancellors and presidents for
7 a duration of more than one year but not more than five years.

8 6. Determine the salaries of persons it appoints and employs.

9 7. Remove any officer or employee if in its judgment the interests of
10 education in this state require the removal.

11 8. Award degrees, certificates and diplomas upon the completion of
12 courses and curriculum as it deems appropriate.

13 9. Appoint, if it deems necessary, police officers who shall have the
14 authority and power of peace officers. The police officers who have received
15 a certificate from the Arizona peace officer standards and training board are
16 eligible for membership in and benefits under either title 38, chapter 5,
17 article 2 or the public safety personnel retirement system under title 38,
18 chapter 5, article 4.

19 10. Receive, hold, make and take leases of and sell personal property
20 for the benefit of the community colleges under its jurisdiction.

21 11. Obtain insurance against loss, to the extent it is determined
22 necessary on community college buildings of the district, whether financed
23 in whole or in part by state monies. The local district shall have an
24 insurable interest in the buildings.

25 B. The district board may:

26 1. Administer trusts declared or created for the district and receive
27 by gift or devise and hold in trust or otherwise property wheresoever
28 located, and if not otherwise provided, dispose of the property for the
29 benefit of the district, if, with respect to real property, the state board
30 has consented to the disposition of the real property.

31 2. Lease real property, as lessor or as lessee, if authorized by the
32 state board as provided in section 15-1424. If a district is the lessee, the
33 lease may contain an option to purchase the property. The district board may
34 adopt policies as are deemed necessary and may delegate in writing to the
35 chancellor or president of the district, or their designees, all or any part
36 of its authority to lease property under this paragraph. A district
37 governing board shall not delegate the authority to execute a lease that
38 exceeds one hundred thousand dollars per year. Any delegation by the
39 district board pursuant to this paragraph may be rescinded in whole or in
40 part at any time by the district board.

41 3. Contract, subject to the rules and limitations prescribed by the
42 state board as provided in section 15-1424. The district board may adopt
43 such policies as are deemed necessary and may delegate in writing to the
44 chancellor or president of the district, or their designees, all or any part
45 of its authority to contract under this paragraph. Any delegation of

1 authority under this paragraph may be rescinded by the district board at any
2 time in whole or in part.

3 4. Construct, remodel and repair buildings subject to the rules
4 prescribed by the state board as provided in section 15-1424.

5 5. Provide a plan or plans for employee benefits which may include
6 optional retirement programs pursuant to section 15-1451, subsection A, which
7 allow for participation in a cafeteria plan that meets the requirements of
8 the United States internal revenue code of 1986.

9 C. From and after December 31, 1988, in a district whose boundaries
10 encompass a vehicle emissions control area as defined in section 49-541 the
11 district board shall require all out of county and out of state students to
12 sign an affidavit at the time of course registration that the student's
13 vehicle meets the requirements of section 49-542. From and after December
14 31, 1988, the district board on property under its jurisdiction within a
15 vehicle emissions control area shall prohibit the parking of those vehicles
16 which fail to comply with section 49-542.

17 D. A COMMUNITY COLLEGE DISTRICT AND A JOINT TECHNOLOGICAL EDUCATION
18 DISTRICT GOVERNING BOARD MAY ENTER INTO AGREEMENTS FOR THE PROVISION OF
19 ADMINISTRATIVE, OPERATIONAL AND EDUCATIONAL SERVICES AND FACILITIES.

20 Sec. 6. Report on joint student enrollment

21 A. By September 1, 2001, each superintendent of a joint technological
22 education district operating during the school year 2000-2001 shall submit
23 a report to the joint legislative budget committee staff containing the
24 following information:

25 1. The total number of students enrolled during the 2000-2001 school
26 year at the joint technological education district.

27 2. The average daily membership for the 2000-2001 school year.

28 3. A description of the classes or courses offered by the joint
29 technological education district and the total number of instructional hours
30 provided for each course.

31 4. The location where each course is taught.

32 5. The number of students enrolled in each course.

33 6. Identify which courses, if any, the student received community
34 college credit.

35 7. Identify which courses, if any, that a community college may
36 include the instructional hours toward the college's full-time equivalent
37 student count.

38 8. The amount of funding, if any, that the joint technological
39 district provides to a community college for courses taught on a community
40 college campus or by a community college instructor.

41 9. The number of subjects, if any, that the student took during school
42 year 2000-2001 from a high school program at either a charter school or
43 school district.

44 10. The number of nonhigh school enrolled students taking courses
45 through the joint technological district.

1 B. The joint legislative budget committee staff shall develop the form
2 and instructions for the reporting of this information.

3 Sec. 7. Emergency

4 This act is an emergency measure that is necessary to preserve the
5 public peace, health or safety, and is operative immediately as provided by
6 law.

NOT ENACTED

THIS BILL HAVING REMAINED WITH THE GOVERNOR FIVE DAYS,
SUNDAY EXCLUDED, AND THE LEGISLATURE BEING IN SESSION, IT HAS
BECOME A LAW THIS 25th .DAY OF APRIL 2001.
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2001.

Passed the House March 20, 2001,

Passed the Senate April 12, 2001,

by the following vote: 54 Ayes,

by the following vote: 16 Ayes,

0 Nays, 6 Not Voting
with emergency

13 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____,
_____, 20____

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

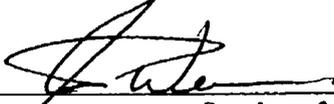
H.B. 2560

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

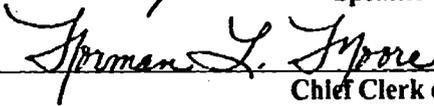
April 18, 2001,

by the following vote: 31 Ayes,

27 Nays, 2 Not Voting



Speaker of the House



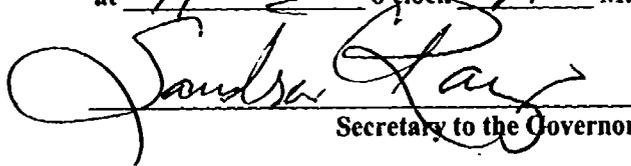
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18 day of April, 2001,

at 11:34 o'clock A M.



Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

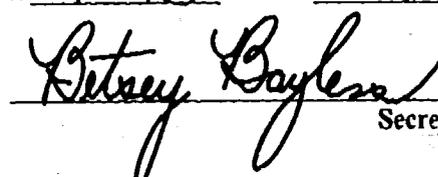
H.B. 2560

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2001,

at 4:45 o'clock P M.



Secretary of State