

State of Arizona  
House of Representative  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 294

# HOUSE BILL 2418

AN ACT

AMENDING SECTION 15-393, ARIZONA REVISED STATUTES; AMENDING LAWS 2002, CHAPTER 330, SECTION 51, AS AMENDED BY LAWS 2004, CHAPTER 278, SECTION 7 AND CHAPTER 341, SECTION 10; RELATING TO JOINT TECHNOLOGICAL EDUCATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 15-393, Arizona Revised Statutes, is amended to  
3 read:

4 15-393. Joint technological education district governing board;  
5 definition

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

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

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

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

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

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

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

42 1. Chapter 1, articles 1 through 6.

43 2. Sections 15-208, 15-210, 15-213 and 15-234.

44 3. ~~Chapter 3,~~ Articles 2, 3 and 5 OF THIS CHAPTER.

45 4. Section 15-361.

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

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

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

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

23           3. If a career and technical education and vocational education course  
24 or program provided pursuant to this article is provided in a facility owned  
25 and OR operated by a school district in which a pupil is enrolled, INCLUDING  
26 SATELLITE COURSES, the sum of the daily attendance, as provided in section  
27 15-901, subsection A, paragraph 6, for that pupil in both the school district  
28 and joint technological education district shall not exceed 1.250 and the sum  
29 of the fractional student enrollment, as provided in section 15-901,  
30 subsection A, paragraph 2, subdivision (a), shall not exceed 1.250 for the  
31 courses taken in the school district and the facility, INCLUDING SATELLITE  
32 COURSES. The school district and the joint district shall determine the  
33 apportionment of the daily attendance and fractional student enrollment for  
34 that pupil between the school district and the joint district.

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

38           (a) Determine the estimated student count for joint district classes  
39 that will operate in the first year of operation. This estimate shall be  
40 based on actual registration of pupils as of March 30 scheduled to attend  
41 classes that will be operated by the joint district. The student count for  
42 the district of residence of the pupils registered at the joint district  
43 shall be adjusted. The adjustment shall cause the district of residence to  
44 reduce the student count for the pupil to reflect the courses to be taken at  
45 the joint district. The district of residence shall review and approve the

1 adjustment of its own student count as provided in this subdivision before  
2 the pupils from the school district can be added to the student count of the  
3 joint district.

4 (b) The student count for the new joint district shall be the student  
5 count as determined in subdivision (a).

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

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

28 (e) A joint district for the first year of operation shall not be  
29 eligible for the ~~provisions of~~ ADJUSTMENT PURSUANT TO section 15-948.

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

32 (g) If the district of residence utilizes the ~~provisions of~~ section  
33 15-942 to determine its student count, the district shall reduce its student  
34 count as provided in this paragraph by subtracting the appropriate count from  
35 the student count determined as provided in section 15-942.

36 For the purposes of this paragraph, "district of residence" means the  
37 district that included the pupil in its average daily membership for the year  
38 before the first year of operation of the joint district and that would have  
39 included the pupil in its student count for the purposes of computing its  
40 base support level for the fiscal year of the first year of operation of the  
41 joint district if the pupil had not enrolled in the joint district.

42 5. A student includes any person, enrolled in the joint district  
43 without regard to the person's age or high school graduation status, except  
44 that:

1 (a) A STUDENT IN A KINDERGARTEN PROGRAM OR IN GRADES ONE THROUGH EIGHT  
2 WHO ENROLLS IN COURSES OFFERED BY THE JOINT TECHNOLOGICAL EDUCATION DISTRICT  
3 SHALL NOT BE INCLUDED IN THE JOINT DISTRICT'S AVERAGE DAILY ATTENDANCE OR  
4 AVERAGE DAILY MEMBERSHIP.

5 (b) A STUDENT IN A KINDERGARTEN PROGRAM OR IN GRADES ONE THROUGH SIX  
6 WHO IS ENROLLED IN VOCATIONAL EDUCATION COURSES SHALL NOT BE FUNDED IN WHOLE  
7 OR IN PART WITH MONIES PROVIDED BY A JOINT TECHNOLOGICAL EDUCATION DISTRICT.

8 (c) A student who is over twenty-two years of age shall not be  
9 included in the student count of the joint district for the purposes of  
10 chapter 9, articles 3, 4 and 5 of this title.

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

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

17 8. A joint district may use the carryforward provisions of section  
18 15-943.01 retroactively to July 1, 1993.

19 9. A SCHOOL DISTRICT THAT IS PART OF A JOINT DISTRICT SHALL USE ANY  
20 MONIES RECEIVED PURSUANT TO THIS ARTICLE TO SUPPLEMENT AND NOT SUPPLANT BASE  
21 YEAR CAREER AND TECHNICAL EDUCATION AND VOCATIONAL EDUCATION COURSES, AND  
22 DIRECTLY RELATED EQUIPMENT AND FACILITIES, EXCEPT THAT A SCHOOL DISTRICT THAT  
23 IS PART OF A JOINT TECHNOLOGICAL EDUCATION DISTRICT AND THAT HAS USED MONIES  
24 RECEIVED PURSUANT TO THIS ARTICLE TO SUPPLANT CAREER AND TECHNOLOGICAL  
25 EDUCATION AND VOCATIONAL EDUCATION COURSES THAT WERE OFFERED BEFORE THE FIRST  
26 YEAR THAT THE SCHOOL DISTRICT PARTICIPATED IN THE JOINT DISTRICT OR THE FIRST  
27 YEAR THAT THE SCHOOL DISTRICT USED MONIES RECEIVED PURSUANT TO THIS ARTICLE  
28 OR THAT USED THE MONIES FOR PURPOSES OTHER THAN FOR CAREER AND TECHNOLOGICAL  
29 EDUCATION AND VOCATIONAL EDUCATION COURSES SHALL:

30 (a) USE AT LEAST THIRTY-THREE PER CENT OF THE MONIES RECEIVED PURSUANT  
31 TO THIS ARTICLE IN FISCAL YEAR 2005-2006 TO SUPPLEMENT AND NOT SUPPLANT BASE  
32 YEAR CAREER AND TECHNICAL EDUCATION AND VOCATIONAL EDUCATION COURSES.

33 (b) USE AT LEAST SIXTY-SIX PER CENT OF THE MONIES RECEIVED PURSUANT TO  
34 THIS ARTICLE IN FISCAL YEAR 2006-2007 TO SUPPLEMENT AND NOT SUPPLANT BASE  
35 YEAR CAREER AND TECHNICAL EDUCATION AND VOCATIONAL EDUCATION COURSES.

36 (c) USE ONE HUNDRED PER CENT OF THE MONIES RECEIVED PURSUANT TO THIS  
37 ARTICLE IN FISCAL YEAR 2007-2008 AND EACH FISCAL YEAR THEREAFTER TO  
38 SUPPLEMENT AND NOT SUPPLANT BASE YEAR CAREER AND TECHNICAL EDUCATION AND  
39 VOCATIONAL EDUCATION COURSES.

40 10. A JOINT TECHNOLOGICAL EDUCATION DISTRICT SHALL USE ANY MONIES  
41 RECEIVED PURSUANT TO THIS ARTICLE TO ENHANCE CAREER AND TECHNICAL EDUCATION  
42 AND VOCATIONAL EDUCATION COURSES, AND DIRECTLY RELATED EQUIPMENT AND  
43 FACILITIES.

44 11. A JOINT TECHNOLOGICAL EDUCATION DISTRICT OR A SCHOOL DISTRICT THAT  
45 IS PART OF A JOINT DISTRICT SHALL ONLY INCLUDE PUPILS IN GRADES NINE THROUGH

1 TWELVE IN THE CALCULATION OF AVERAGE DAILY MEMBERSHIP OR AVERAGE DAILY  
2 ATTENDANCE IF THE PUPILS ARE ENROLLED IN COURSES THAT ARE APPROVED JOINTLY BY  
3 THE GOVERNING BOARD OF THE JOINT TECHNOLOGICAL EDUCATION DISTRICT AND EACH  
4 PARTICIPATING SCHOOL DISTRICT FOR SATELLITE COURSES TAUGHT WITHIN THE  
5 PARTICIPATING SCHOOL DISTRICT, OR APPROVED SOLELY BY THE JOINT TECHNOLOGICAL  
6 EDUCATION DISTRICT FOR CENTRALLY LOCATED COURSES. AVERAGE DAILY MEMBERSHIP  
7 AND AVERAGE DAILY ATTENDANCE FROM COURSES THAT ARE NOT PART OF AN APPROVED  
8 PROGRAM FOR CAREER AND TECHNICAL EDUCATION SHALL NOT BE INCLUDED IN AVERAGE  
9 DAILY MEMBERSHIP AND AVERAGE DAILY ATTENDANCE OF A JOINT TECHNOLOGICAL  
10 EDUCATION DISTRICT.

11 E. The joint board shall appoint a superintendent as the executive  
12 officer of the joint district.

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

17 G. The schools in the joint district are available to all persons who  
18 reside in the joint district subject to the rules for admission prescribed by  
19 the joint board.

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

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

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

31 K. A joint board and a community college district may enter into  
32 agreements for the provision of administrative, operational and educational  
33 services and facilities.

34 L. FOR THE PURPOSES OF THIS SECTION, "BASE YEAR" MEANS THE COMPLETE  
35 SCHOOL YEAR IN WHICH VOTERS OF A SCHOOL DISTRICT ELECTED TO JOIN A JOINT  
36 TECHNOLOGICAL EDUCATION DISTRICT.

37 Sec. 2. Laws 2002, chapter 330, section 51, as amended by Laws 2004,  
38 chapter 278, section 7 and chapter 341, section 10, is amended to read:

39 Sec. 51. Temporary prohibition on joining or forming joint  
40 technological education districts

41 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, notwithstanding  
42 sections 15-392 and 15-395, Arizona Revised Statutes, school districts shall  
43 not be allowed to:

1           1. Form any new joint technological education district between  
2 November 30, 2002 and June 30, 2005 2006, unless both of the following  
3 requirements are met:

4           (a) At least two school district governing boards voted to participate  
5 as part of the joint technological education district before February 1,  
6 2002.

7           (b) The joint technological education district is approved by the  
8 voters before November 30, 2002.

9           2. Join a joint technological education district between the effective  
10 date of this act and June 30, 2005 2006. ~~, unless the school district shares  
11 a border with a school district that currently belongs to the joint district  
12 or, if the school district does not share a border with a school district  
13 that currently belongs to the joint district, the governing board of the  
14 school district voted to become part of the joint technological education  
15 district at a public meeting before March 7, 2002 and the joinder is approved  
16 by the voters before November 30, 2002. The election requirements prescribed  
17 in sections 15-392 and 15-395, Arizona Revised Statutes, apply to any  
18 joinders entered into pursuant to this paragraph.~~

19           ~~B. For fiscal year 2004-2005, basic state aid funding to a new joint  
20 technological education district formed pursuant to subsection A, paragraph 1  
21 of this section shall be limited to no more than the amount of basic state  
22 aid funding that the district received in fiscal year 2003-2004.~~

23           B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A COUNTY WITH A  
24 POPULATION OF MORE THAN EIGHT HUNDRED THOUSAND PERSONS BUT LESS THAN ONE  
25 MILLION FIVE HUNDRED THOUSAND PERSONS.

26           Sec. 3. Task force on joint technological education districts;  
27                                   report

28           A. The task force on joint technological education districts is  
29 established consisting of members appointed by the president of the senate  
30 and the speaker of the house of representatives.

31           B. The task force shall:

32           1. Evaluate and make specific recommendations concerning the state and  
33 local funding of joint technological education districts, including options  
34 for various funding schemes that are not currently provided by law.

35           2. Evaluate and make specific recommendations concerning governance  
36 issues of joint technological education districts.

37           3. Evaluate and make specific recommendations concerning governance  
38 issues between school districts and joint technological education districts  
39 for vocational education courses offered between school districts and joint  
40 technological education districts.

41           4. Evaluate and make specific recommendations concerning joint  
42 technological education districts that provide courses primarily at  
43 facilities located at centralized campuses owned and operated by the joint  
44 technological education district and concerning joint technological education

1 districts that primarily provide satellite courses at facilities owned or  
2 operated by school districts.

3 5. Evaluate and make recommendations concerning which vocational  
4 education courses should be approved by the career and technical education  
5 division of the department of education.

6 6. Determine the appropriate funding level and funding mechanisms for  
7 students who are enrolled in high school courses that involve instructors,  
8 services and facilities furnished by a combination of a joint technological  
9 education district, a community college district and a school district.

10 7. Submit a report of its findings, recommendations and proposed  
11 legislation to the president of the senate, the speaker of the house of  
12 representatives and the governor on or before December 1, 2005. The task  
13 force shall provide a copy of the report to the secretary of state and the  
14 director of the Arizona state library, archives and public records.

15 C. The task force may use the services and staff of the department of  
16 education and the legislature.

17 Sec. 4. Delayed repeal

18 Section 3 of this act, relating to the task force on joint  
19 technological education districts, is repealed from and after September 30,  
20 2006.

21 Sec. 5. East valley institute of technology and northern  
22 Arizona vocational institute of technology; auditor  
23 general report; applicability

24 Notwithstanding the findings and conclusions reached by the auditor  
25 general in a report issued in December 2004, for fiscal year 2005-2006, the  
26 department of education shall not reduce the amount of state aid awarded to  
27 the east valley institute of technology or the northern Arizona vocational  
28 institute of technology due to previous miscalculation of average daily  
29 membership or require the east valley institute of technology or the northern  
30 Arizona vocational institute of technology to reimburse the department of  
31 education for all or any portion of previously miscalculated average daily  
32 membership.

33 Sec. 6. Dual enrollment pupils; calculation of average daily  
34 membership and full-time equivalent student  
35 enrollment for fiscal year 2005-2006

36 A. Notwithstanding any other law, for the purposes of calculating  
37 average daily membership in fiscal year 2005-2006, the maximum amount that a  
38 joint technological education district may calculate for a student who is  
39 enrolled in a high school course offered by a joint technological education  
40 district and that is taught on a community college campus is 0.5 students.

41 B. Notwithstanding any other law, for the purposes of calculating  
42 full-time equivalent student enrollment in fiscal year 2005-2006, a community  
43 college may include a student who is enrolled in a high school course offered  
44 by a joint technological education district and that is taught on a community  
45 college campus.

1 C. Notwithstanding any other law, for the purposes of calculating  
2 full-time equivalent student enrollment in fiscal year 2005-2006, a community  
3 college shall not include a student who is enrolled in a high school course  
4 offered by a joint technological education district and that is taught on the  
5 campus of a school district or a joint technological education district.

6 Sec. 7. Approval of vocational education courses by career and  
7 technical education division of the department of  
8 education

9 Notwithstanding section 15-393, subsection D, paragraph 11, Arizona  
10 Revised Statutes, as amended by this act, for fiscal year 2005-2006, a joint  
11 technological education district or a school district that is part of a joint  
12 district shall only include pupils in grades nine through twelve in the  
13 calculation of average daily membership or average daily attendance if the  
14 pupils are enrolled in vocational education courses that are approved by the  
15 career and technical education division of the department of education and  
16 that are approved jointly by the governing board of the joint technological  
17 education district and each participating school district for satellite  
18 courses taught within the participating school district, or approved solely  
19 by the joint technological education district for centrally located courses.  
20 Average daily membership and average daily attendance from courses that are  
21 not part of an approved program for career and technical education shall not  
22 be included in average daily membership and average daily attendance of a  
23 joint technological education district.

24 Sec. 8. Notice of joint technological education district  
25 boundaries

26 Notwithstanding section 42-17257, Arizona Revised Statutes, at the  
27 request of a joint technological education district established pursuant to  
28 title 15, chapter 3, article 6, Arizona Revised Statutes, in a county with a  
29 population of less than one hundred twenty-five thousand persons, the  
30 director of the department of revenue shall extend the deadline for  
31 notification of the district boundaries to May 15, 2005.

32 Sec. 9. Compliance; auditor general

33 The auditor general shall prescribe the procedures required for  
34 compliance with the financial provisions of this act.

35 Sec. 10. Retroactivity

36 Section 8 of this act relating to notice of joint technological education  
37 district boundaries is effective to from and after April 30, 2005.

APPROVED BY THE GOVERNOR MAY 20, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.



Passed the House February 21, 2005

Passed the Senate May 11, 2005

by the following vote: 59 Ayes,  
0 Nays, 1 Not Voting

by the following vote: 25 Ayes,  
4 Nays, 1 Not Voting

Speaker of the House

President of the Senate

Chief Clerk of the House

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. 2418

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 12, 2005,

by the following vote: 46 Ayes,

3 Nays, 11 Not Voting

  
Speaker of the House  
*Pro Tempore*  
Norman L. Minou  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of May, 2005

at 4:15 o'clock P. M.

Wennifer Harbo  
Secretary to the Governor

Approved this 20 day of

May, 2005,

at 7:15 o'clock A. M.

Jon Ruych  
Governor of Arizona

H.B. 2418

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2005

at 3:03 o'clock P. M.

Janice K. Brewer  
Secretary of State