

Senate Engrossed House Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 258

HOUSE BILL 2237

AN ACT

AMENDING SECTION 15-393, ARIZONA REVISED STATUTES; RELATING TO JOINT
TECHNICAL EDUCATION DISTRICTS; PROVIDING FOR CONDITIONAL ENACTMENT.

(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 technical education district governing board;
5 report; definition

6 A. The management and control of the joint district are vested in the
7 joint technical education district governing board, including the content and
8 quality of the courses offered by the district, the quality of teachers who
9 provide instruction on behalf of the district, the salaries of teachers who
10 provide instruction on behalf of the district and the reimbursement of other
11 entities for the facilities used by the district. Unless the governing
12 boards of the school districts participating in the formation of the joint
13 district vote to implement an alternative election system as provided in
14 subsection B of this section, the joint board shall consist of five members
15 elected from five single member districts formed within the joint district.
16 The single member district election system shall be submitted as part of the
17 plan for the joint district pursuant to section 15-392 and shall be
18 established in the plan as follows:

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

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

30 3. A person who is a registered voter of this state and who is a
31 resident of the single member district is eligible for election to the office
32 of joint board member from the single member district. The terms of office
33 of the members of the joint board shall be as prescribed in section 15-427,
34 subsection B. An employee of a joint technical education district or the
35 spouse of an employee shall not hold membership on a governing board of a
36 joint technical education district by which the employee is employed. A
37 member of one school district governing board or joint technical education
38 district governing board is ineligible to be a candidate for nomination or
39 election to or serve simultaneously as a member of any other governing board,
40 except that a member of a governing board may be a candidate for nomination
41 or election for any other governing board if the member is serving in the
42 last year of a term of office. A member of a governing board shall resign
43 the member's seat on the governing board before becoming a candidate for
44 nomination or election to the governing board of any other school district or

1 joint technical education district, unless the member of the governing board
2 is serving in the last year of a term of office.

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

5 B. The governing boards of the school districts participating in the
6 formation of the joint district may vote to implement any other alternative
7 election system for the election of joint district board members. If an
8 alternative election system is selected, it shall be submitted as part of the
9 plan for the joint district pursuant to section 15-392, and the
10 implementation of the system shall be as approved by the United States
11 justice department.

12 C. The joint technical education district shall be subject to the
13 following provisions of this title:

- 14 1. Chapter 1, articles 1 through 6.
- 15 2. Sections 15-208, 15-210, 15-213 and 15-234.
- 16 3. Articles 2, 3 and 5 of this chapter.
- 17 4. Section 15-361.
- 18 5. Chapter 4, articles 1, 2 and 5.
- 19 6. Chapter 5, articles 1, 2 and 3.
- 20 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729
21 and 15-730.
- 22 8. Chapter 7, article 5.
- 23 9. Chapter 8, articles 1, 3 and 4.
- 24 10. Sections 15-828 and 15-829.
- 25 11. Chapter 9, article 1, article 6, except for section 15-995, and
26 article 7.
- 27 12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.
- 28 13. Sections 15-1101 and 15-1104.
- 29 14. Chapter 10, articles 2, 3, 4 and 8.

30 D. Notwithstanding subsection C of this section, the following apply
31 to a joint technical education district:

32 1. A joint district may issue bonds for the purposes specified in
33 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
34 aggregate, including the existing indebtedness, not exceeding one per cent of
35 the taxable property used for secondary tax purposes, as determined pursuant
36 to title 42, chapter 15, article 1, within the joint technical education
37 district as ascertained by the last property tax assessment previous to
38 issuing the bonds.

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

41 3. If a career and technical education and ~~vocational education~~ course
42 or program provided pursuant to this article is provided in a facility owned
43 or operated by a school district in which a pupil is enrolled, including
44 satellite courses, the sum of the AVERAGE daily attendance MEMBERSHIP, as
45 provided in section 15-901, subsection A, paragraph 5- 1, for that pupil in

1 both the school district and joint technical education district shall not
2 exceed 1.25. and The sum of the ~~fractional student enrollment~~ AVERAGE DAILY
3 MEMBERSHIP, as provided in section 15-901, subsection A, paragraph 1,
4 ~~subdivision (a)~~, shall not exceed 1.25 for the courses taken in the school
5 district and the facility, including satellite courses. The school district
6 and the joint district shall determine the apportionment of the ~~daily~~
7 ~~attendance and fractional student enrollment~~ AVERAGE DAILY MEMBERSHIP for
8 that pupil between the school district and the joint district. ~~Pupils in an~~
9 ~~approved joint technical education district satellite program may generate an~~
10 ~~average daily attendance for attendance hours during any hour of the day,~~
11 ~~during any day of the week and at any time beginning July 1 through June 30~~
12 ~~of each fiscal year.~~

13 4. The student count for the first year of operation of a joint
14 technical education district as provided in this article shall be determined
15 as follows:

16 (a) Determine the estimated student count for joint district classes
17 that will operate in the first year of operation. This estimate shall be
18 based on actual registration of pupils as of March 30 scheduled to attend
19 classes that will be operated by the joint district. The student count for
20 the district of residence of the pupils registered at the joint district
21 shall be adjusted. The adjustment shall cause the district of residence to
22 reduce the student count for the pupil to reflect the courses to be taken at
23 the joint district. The district of residence shall review and approve the
24 adjustment of its own student count as provided in this subdivision before
25 the pupils from the school district can be added to the student count of the
26 joint district.

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

29 ~~(c) After the first one hundred days or two hundred days in session,~~
30 ~~as applicable,~~ For the first year of operation, the joint district shall
31 revise the student count to the actual ~~student count~~ AVERAGE DAILY MEMBERSHIP
32 AS PRESCRIBED IN SECTION 15-901, SUBSECTION A, PARAGRAPH 1 for students
33 attending classes in the joint district. A joint district shall revise its
34 student count, the base support level as provided in section 15-943.02, the
35 revenue control limit as provided in section 15-944.01, the capital outlay
36 revenue limit and the soft capital allocation as provided in section
37 15-962.01 prior to May 15. A joint district that overestimated its student
38 count shall revise its budget prior to May 15. A joint district that
39 underestimated its student count may revise its budget prior to May 15.

40 (d) ~~After the first one hundred days or two hundred days in session,~~
41 ~~as applicable,~~ for MARCH 15 OF the first year of operation, the district of
42 residence shall adjust its student count by reducing it to reflect the
43 courses actually taken at the joint district. The district of residence
44 shall revise its student count, the base support level as provided in section
45 15-943, the revenue control limit as provided in section 15-944, the capital

1 outlay revenue limit as provided in section 15-961 and the soft capital
2 allocation as provided in section 15-962 prior to May 15. A district that
3 underestimated the student count for students attending the joint district
4 shall revise its budget prior to May 15. A district that overestimated the
5 student count for students attending the joint district may revise its budget
6 prior to May 15.

7 (e) A joint district for the first year of operation shall not be
8 eligible for adjustment pursuant to section 15-948.

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

11 (g) Pupils in an approved joint technical education district
12 centralized program may generate an average daily ~~attendance~~ MEMBERSHIP of
13 1.0 ~~for attendance hours during any hour of the day~~, during any day of the
14 week and at any time between July 1 and June 30 of each fiscal year.

15 For the purposes of this paragraph, "district of residence" means the
16 district that included the pupil in its average daily membership for the year
17 before the first year of operation of the joint district and that would have
18 included the pupil in its student count for the purposes of computing its
19 base support level for the fiscal year of the first year of operation of the
20 joint district if the pupil had not enrolled in the joint district.

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

24 (a) A student in a kindergarten program or in grades one through eight
25 who enrolls in courses offered by the joint technical education district
26 shall not be included in the joint district's average daily membership.

27 (b) A student in a kindergarten program or in grades one through eight
28 who is enrolled in ~~vocational~~ CAREER AND TECHNICAL education courses shall
29 not be funded in whole or in part with monies provided by a joint technical
30 education district, EXCEPT THAT A PUPIL IN GRADE NINE MAY BE FUNDED WITH
31 MONIES GENERATED BY THE FIVE CENT QUALIFYING TAX RATE AUTHORIZED IN
32 SUBSECTION F OF THIS SECTION.

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

36 (d) A student in grade nine who enrolls in a career exploration course
37 shall not be included in the joint district's average daily membership.

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

40 7. A joint district may use the excess utility costs provisions of
41 section 15-910 in the same manner as a school district for fiscal years
42 1999-2000 and 2000-2001, except that the base year shall be the first full
43 fiscal year of operations.

44 8. A joint district may use the carryforward provisions of section
45 15-943.01 retroactively to July 1, 1993.

1 9. A school district that is part of a joint district shall use any
2 monies received pursuant to this article to supplement and not supplant base
3 year career and technical education ~~and vocational education~~ courses, and
4 directly related equipment and facilities, except that a school district that
5 is part of a joint technical education district and that has used monies
6 received pursuant to this article to supplant career and ~~technological~~
7 TECHNICAL education ~~and vocational education~~ courses that were offered before
8 the first year that the school district participated in the joint district or
9 the first year that the school district used monies received pursuant to this
10 article or that used the monies for purposes other than for career and
11 ~~technological~~ TECHNICAL education ~~and vocational education~~ courses shall use
12 one hundred per cent of the monies received pursuant to this article to
13 supplement and not supplant base year career and technical education ~~and~~
14 ~~vocational education~~ courses.

15 10. A joint technical education district shall use any monies received
16 pursuant to this article to enhance and not supplant career and technical
17 education ~~and vocational education~~ courses and directly related equipment and
18 facilities.

19 11. A joint technical education district or a school district that is
20 part of a joint district shall only include pupils in grades nine through
21 twelve in the calculation of average daily membership if the pupils are
22 enrolled in courses that are approved jointly by the governing board of the
23 joint technical education district and each participating school district for
24 satellite courses taught within the participating school district, or
25 approved solely by the joint technical education district for centrally
26 located courses. Average daily membership from courses that are not part of
27 an approved program for career and technical education shall not be included
28 in average daily membership of a joint technical education district. A
29 student in grade nine who enrolls in a career exploration course shall not be
30 included in the joint district's average daily membership.

31 E. The joint board shall appoint a superintendent as the executive
32 officer of the joint district.

33 F. Taxes may be levied for the support of the joint district as
34 prescribed in chapter 9, article 6 of this title, except that a joint
35 technical education district shall not levy a property tax pursuant to law
36 that exceeds five cents per one hundred dollars assessed valuation except for
37 bond monies pursuant to subsection D, paragraph 1 of this section. Except
38 for the taxes levied pursuant to section 15-994, such taxes shall be obtained
39 from a levy of taxes on the taxable property used for secondary tax purposes.

40 G. The schools in the joint district are available to all persons who
41 reside in the joint district AND TO PUPILS WHOSE DISTRICT OF RESIDENCE IS
42 PAYING TUITION ON BEHALF OF THE PUPILS TO A DISTRICT OF ATTENDANCE THAT IS A
43 MEMBER OF THE JOINT TECHNICAL EDUCATION DISTRICT, subject to the rules for
44 admission prescribed by the joint board.

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

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

8 J. One member of the joint board shall be selected chairman. The
9 chairman shall be selected annually on a rotation basis from among the
10 participating school districts. The chairman of the joint board shall be a
11 voting member.

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

15 L. Any agreement between the governing board of a joint technical
16 education district and another joint technical education district, a school
17 district, a charter school or a community college district shall be in the
18 form of an intergovernmental agreement or other written contract. The
19 auditor general shall modify the uniform system of financial records and
20 budget forms in accordance with this subsection. The intergovernmental
21 agreement or other written contract shall completely and accurately specify
22 each of the following:

23 1. The financial provisions of the intergovernmental agreement or
24 other written contract and the format for the billing of all services.

25 2. The accountability provisions of the intergovernmental agreement or
26 other written contract.

27 3. The responsibilities of each joint technical education district,
28 each school district, each charter school and each community college district
29 that is a party to the intergovernmental agreement or other written contract.

30 4. The type of instruction that will be provided under the
31 intergovernmental agreement or other written contract, including
32 individualized education programs pursuant to section 15-763.

33 5. The quality of the instruction that will be provided under the
34 intergovernmental agreement or other written contract.

35 6. The transportation services that will be provided under the
36 intergovernmental agreement or other written contract and the manner in which
37 transportation costs will be paid.

38 7. The amount that the joint technical education district will
39 contribute to a course and the amount of support required by the school
40 district or the community college.

41 8. That the services provided by the joint technical education
42 district, the school district, the charter school or the community college
43 district be proportionally calculated in the cost of delivering the service.

44 9. That the payment for services shall not exceed the cost of the
45 services provided.

1 10. That any initial intergovernmental agreement or other written
2 contract and any addendums between the governing board of a joint technical
3 education district and another joint technical education district, a school
4 district, a charter school or a community college district be submitted by
5 the joint technical education district to the joint legislative budget
6 committee for review.

7 M. On or before December 31 of each year, each joint technical
8 education district shall submit a detailed report to the career and technical
9 education division of the department of education. The career and technical
10 education division of the department of education shall collect, summarize
11 and analyze the data submitted by the joint districts, shall submit an annual
12 report that summarizes the data submitted by the joint districts to the
13 governor, the speaker of the house of representatives, the president of the
14 senate and the state board of education and shall submit a copy of this
15 report to the secretary of state. The data submitted by each joint technical
16 education district shall include the following:

17 1. The average daily membership of the joint district.

18 2. The program listings and program descriptions of programs offered
19 by the joint district, including the course sequences for each program.

20 3. The costs associated with each program offered by the joint
21 district.

22 4. The completion rate for each program offered by the joint district.
23 For the purposes of this paragraph, "completion rate" means the completion
24 rate for students who are designated as concentrators in that program by the
25 department of education under the career and technology approved plan.

26 5. The graduation rate from the school district of residence of
27 students who have completed a program in the joint district.

28 6. A detailed description of the career opportunities available to
29 students after completion of the program offered by the joint district.

30 7. A detailed description of the career placement of students who have
31 completed the program offered by the joint district.

32 8. Any other data deemed necessary by the department of education to
33 carry out its duties under this subsection.

34 N. If the career and technical education division of the department of
35 education determines that a course does not meet the criteria for approval as
36 a joint technical education course, the governing board of the joint
37 technical education district may appeal this decision to the state board of
38 education acting as the state board of vocational education.

39 O. Notwithstanding any other law, the average daily membership of a
40 pupil who is enrolled in a course that meets for at least one hundred fifty
41 minutes per class period at a centralized campus owned and operated by a
42 joint technical education district shall be 0.75. The sum of THE AVERAGE
43 daily ~~attendance~~ MEMBERSHIP, as provided in section 15-901, subsection A,
44 paragraph 6-1 and ~~the sum of the fractional student enrollment, as provided~~
45 ~~in section 15-901, subsection A, paragraph 2, subdivision (a), for that OF A~~

1 pupil WHO IS ENROLLED in both the member school district and joint technical
2 education district courses provided at a community college pursuant to
3 subsection K of this section or at a facility owned and operated by a joint
4 technical education district that is not located on a site of a member
5 district shall not exceed 1.75. The member school district and the joint
6 district shall determine the apportionment of the AVERAGE daily attendance
7 MEMBERSHIP and student enrollment for that pupil between the member school
8 district and the joint district, except the amount apportioned shall not
9 exceed 1.0 for either entity.

10 P. NOTWITHSTANDING ANY OTHER LAW, THE AVERAGE DAILY MEMBERSHIP FOR A
11 PUPIL WHO IS ENROLLED IN A JOINT TECHNICAL EDUCATION COURSE APPROVED PURSUANT
12 TO SECTION 15-391 AND WHO DOES NOT MEET THE CRITERIA SPECIFIED IN
13 SUBSECTION O OF THIS SECTION SHALL BE 0.25 FOR EACH COURSE, EXCEPT THE SUM OF
14 THE AVERAGE DAILY MEMBERSHIP SHALL NOT EXCEED THE LIMITS PRESCRIBED BY
15 SUBSECTION D OR O, AS APPLICABLE.

16 Q. NOTWITHSTANDING ANY OTHER LAW, BEGINNING IN FISCAL YEAR 2011-2012,
17 THE STUDENT COUNT FOR A JOINT TECHNICAL EDUCATION DISTRICT SHALL BE
18 EQUIVALENT TO THE JOINT TECHNICAL EDUCATION DISTRICT'S AVERAGE DAILY
19 MEMBERSHIP.

20 P- R. For the purposes of this section, "base year" means the
21 complete school year in which voters of a school district elected to join a
22 joint technical education district.

23 Sec. 2. Conditional enactment

24 Because section 1 of this act amends section 15-393, Arizona Revised
25 Statutes, as amended by Senate Bill 1419 (reviser's technical corrections;
26 2011), that section is effective only if Senate Bill 1419, fiftieth
27 legislature, first regular session, relating to multiple, defective and
28 conflicting legislative dispositions of statutory text, is enacted into law.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Passed the House February 24, 2011

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 13, 2011

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2237

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 20 11,

by the following vote: 46 Ayes,

14 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 20 11,

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 26th day of

April, 20 11,

at 3:20 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2237

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26th day of April, 20 11,

at 4:57 o'clock P. M.

[Signature]
Secretary of State