

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
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CHAPTER 229

HOUSE BILL 2499

AN ACT

AMENDING SECTIONS 15-393, 15-782.02 AND 15-901.06, ARIZONA REVISED STATUTES;
RELATING TO JOINT TECHNICAL 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 technical education district governing board;
5 report; definitions

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 course or program provided
42 pursuant to this article is provided in a facility owned or operated by a
43 school district in which a pupil is enrolled, including satellite courses,
44 the sum of the average daily membership, as provided in section 15-901,
45 subsection A, paragraph 1, for that pupil in both the school district and~~

1 ~~joint technical education district shall not exceed 1.25. The sum of the~~
2 ~~average daily membership, as provided in section 15-901, subsection A,~~
3 ~~paragraph 1, shall not exceed 1.25 for the courses taken in the school~~
4 ~~district and the facility, including satellite courses. The school district~~
5 ~~and the joint district shall determine the apportionment of the average daily~~
6 ~~membership for that pupil between the school district and the joint district.~~

7 4. 3. The student count for the first year of operation of a joint
8 technical education district as provided in this article shall be determined
9 as follows:

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

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

23 (c) For the first year of operation, the joint district shall revise
24 the student count to the actual average daily membership as prescribed in
25 section 15-901, subsection A, paragraph 1 for students attending classes in
26 the joint district. A joint district shall revise its student count, the
27 base support level as provided in section 15-943.02, the revenue control
28 limit as provided in section 15-944.01, the capital outlay revenue limit and
29 the soft capital allocation as provided in section 15-962.01 prior to May 15.
30 A joint district that overestimated its student count shall revise its budget
31 prior to May 15. A joint district that underestimated its student count may
32 revise its budget prior to May 15.

33 (d) After March 15 of the first year of operation, the district of
34 residence shall adjust its student count by reducing it to reflect the
35 courses actually taken at the joint district. The district of residence
36 shall revise its student count, the base support level as provided in section
37 15-943, the revenue control limit as provided in section 15-944, the capital
38 outlay revenue limit as provided in section 15-961 and the soft capital
39 allocation as provided in section 15-962 prior to May 15. A district that
40 underestimated the student count for students attending the joint district
41 shall revise its budget prior to May 15. A district that overestimated the
42 student count for students attending the joint district may revise its budget
43 prior to May 15.

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

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

3 (g) Pupils in an approved joint technical education district
4 centralized program may generate an average daily membership of 1.0 during
5 any day of the week and at any time between July 1 and June 30 of each fiscal
6 year.

7 For the purposes of this paragraph, "district of residence" means the
8 district that included the pupil in its average daily membership for the year
9 before the first year of operation of the joint district and that would have
10 included the pupil in its student count for the purposes of computing its
11 base support level for the fiscal year of the first year of operation of the
12 joint district if the pupil had not enrolled in the joint district.

13 ~~5.~~ 4. A student includes any person enrolled in the joint district
14 without regard to the person's age or high school graduation status, except
15 that:

16 (a) A student in a kindergarten program or in grades one through nine
17 who enrolls in courses offered by the joint technical education district
18 shall not be included in the joint district's student count or average daily
19 membership.

20 (b) A student in a kindergarten program or in grades one through nine
21 who is enrolled in career and technical education courses shall not be funded
22 in whole or in part with monies provided by a joint technical education
23 district, except that a pupil in grade eight or nine may be funded with
24 monies generated by the five cent qualifying tax rate authorized in
25 subsection F of this section.

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

29 ~~6.~~ 5. A joint district may operate for more than one hundred
30 seventy-five days per year, with expanded hours of service.

31 ~~7. A joint district may use the excess utility costs provisions of~~
32 ~~section 15-910 in the same manner as a school district for fiscal years~~
33 ~~1999-2000 and 2000-2001, except that the base year shall be the first full~~
34 ~~fiscal year of operations.~~

35 ~~8.~~ 6. A joint district may use the carryforward provisions of section
36 15-943.01 retroactively to July 1, 1993.

37 ~~9.~~ 7. A school district that is part of a joint district shall use
38 any monies received pursuant to this article to supplement and not supplant
39 base year career and technical education courses, and directly related
40 equipment and facilities, except that a school district that is part of a
41 joint technical education district and that has used monies received pursuant
42 to this article to supplant career and technical education courses that were
43 offered before the first year that the school district participated in the
44 joint district or the first year that the school district used monies
45 received pursuant to this article or that used the monies for purposes other

1 than for career and technical education courses shall use one hundred per
2 cent of the monies received pursuant to this article to supplement and not
3 supplant base year career and technical education courses.

4 ~~10.~~ 8. A joint technical education district shall use any monies
5 received pursuant to this article to enhance and not supplant career and
6 technical education courses and directly related equipment and facilities.

7 ~~11.~~ 9. A joint technical education district or a school district that
8 is part of a joint district shall only include pupils in grades ten through
9 twelve in the calculation of student count or average daily membership if the
10 pupils are enrolled in courses that are approved jointly by the governing
11 board of the joint technical education district and each participating school
12 district for satellite courses taught within the participating school
13 district, or approved solely by the joint technical education district for
14 centrally located courses. Student count and average daily membership from
15 courses that are not part of an approved program for career and technical
16 education shall not be included in student count and average daily membership
17 of a joint technical education district.

18 E. The joint board shall appoint a superintendent as the executive
19 officer of the joint district.

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

27 G. The schools in the joint district are available to all persons who
28 reside in the joint district and to pupils whose district of residence is
29 paying tuition on behalf of the pupils to a district of attendance that is a
30 member of the joint technical education district, subject to the rules for
31 admission prescribed by the joint board.

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

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

39 J. One member of the joint board shall be selected chairman. The
40 chairman shall be selected annually on a rotation basis from among the
41 participating school districts. The chairman of the joint board shall be a
42 voting member.

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

1 L. Any agreement between the governing board of a joint technical
2 education district and another joint technical education district, a school
3 district, a charter school or a community college district shall be in the
4 form of an intergovernmental agreement or other written contract. The
5 auditor general shall modify the uniform system of financial records and
6 budget forms in accordance with this subsection. The intergovernmental
7 agreement or other written contract shall completely and accurately specify
8 each of the following:

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

11 2. The accountability provisions of the intergovernmental agreement or
12 other written contract.

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

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

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

21 6. The transportation services that will be provided under the
22 intergovernmental agreement or other written contract and the manner in which
23 transportation costs will be paid.

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

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

30 9. That the payment for services shall not exceed the cost of the
31 services provided.

32 M. On or before December 31 of each year, each joint technical
33 education district shall submit a detailed report to the career and technical
34 education division of the department of education. The career and technical
35 education division of the department of education shall collect, summarize
36 and analyze the data submitted by the joint districts, shall submit an annual
37 report that summarizes the data submitted by the joint districts to the
38 governor, the speaker of the house of representatives, the president of the
39 senate and the state board of education and shall submit a copy of this
40 report to the secretary of state. The data submitted by each joint technical
41 education district shall include the following:

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

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

1 3. The costs associated with each program offered by the joint
2 district.

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

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

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

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

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

15 N. If the career and technical education division of the department of
16 education determines that a course does not meet the criteria for approval as
17 a joint technical education course, the governing board of the joint
18 technical education district may appeal this decision to the state board of
19 education acting as the state board of vocational education.

20 ~~O. Notwithstanding any other law, the average daily membership of a
21 pupil in grade ten, eleven or twelve who is enrolled in a course that meets
22 for at least one hundred fifty minutes per class period at a centralized
23 campus owned and operated by a joint technical education district shall be
24 0.75. The sum of the average daily membership, as provided in section
25 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the
26 member school district and joint technical education district courses
27 provided at a community college pursuant to subsection K of this section or
28 at a facility owned and operated by a joint technical education district that
29 is not located on a site of a member district shall not exceed 1.75. The
30 member school district and the joint district shall determine the
31 apportionment of the average daily membership and student enrollment for that
32 pupil between the member school district and the joint district, except the
33 amount apportioned shall not exceed 1.0 for either entity.~~

34 ~~P. O. Notwithstanding any other law, the average daily membership for
35 a pupil who is enrolled in a joint technical education course defined in
36 section 15-391 and who does not meet the criteria specified in subsection ~~Q~~
37 Q OR R of this section shall be 0.25 for each course, except the sum of the
38 average daily membership shall not exceed the limits prescribed by subsection
39 D, ~~or~~ ~~Q OR R OF THIS SECTION~~, as applicable.~~

40 P. IF A CAREER AND TECHNICAL EDUCATION COURSE OR PROGRAM IS PROVIDED
41 ON A SATELLITE CAMPUS, THE SUM OF THE AVERAGE DAILY MEMBERSHIP, AS PROVIDED
42 IN SECTION 15-901, SUBSECTION A, PARAGRAPH 1, FOR THAT PUPIL IN BOTH THE
43 SCHOOL DISTRICT AND JOINT TECHNICAL EDUCATION DISTRICT SHALL NOT EXCEED 1.25.
44 THE SCHOOL DISTRICT AND THE JOINT DISTRICT SHALL DETERMINE THE APPORTIONMENT
45 OF THE AVERAGE DAILY MEMBERSHIP FOR THAT PUPIL BETWEEN THE SCHOOL DISTRICT

1 AND THE JOINT DISTRICT. A PUPIL WHO ATTENDS A COURSE OR PROGRAM AT A
2 SATELLITE CAMPUS AND WHO IS NOT ENROLLED IN THE SCHOOL DISTRICT WHERE THE
3 SATELLITE CAMPUS IS LOCATED MAY GENERATE THE AVERAGE DAILY MEMBERSHIP
4 PURSUANT TO THIS SUBSECTION IF THE PUPIL IS ENROLLED IN A SCHOOL DISTRICT
5 THAT IS A MEMBER DISTRICT IN THE SAME JOINT TECHNICAL EDUCATION DISTRICT.

6 Q. THE SUM OF THE AVERAGE DAILY MEMBERSHIP OF A PUPIL WHO IS ENROLLED
7 IN BOTH THE SCHOOL DISTRICT AND JOINT TECHNICAL EDUCATION DISTRICT COURSE OR
8 PROGRAM PROVIDED AT A COMMUNITY COLLEGE PURSUANT TO SUBSECTION K OF THIS
9 SECTION OR AT A CENTRALIZED CAMPUS SHALL NOT EXCEED 1.75. THE MEMBER SCHOOL
10 DISTRICT AND THE JOINT DISTRICT SHALL DETERMINE THE APPORTIONMENT OF THE
11 AVERAGE DAILY MEMBERSHIP AND STUDENT ENROLLMENT FOR THAT PUPIL BETWEEN THE
12 MEMBER SCHOOL DISTRICT AND THE JOINT DISTRICT, EXCEPT THAT THE AMOUNT
13 APPORTIONED SHALL NOT EXCEED 1.0 FOR EITHER ENTITY. NOTWITHSTANDING ANY
14 OTHER LAW, THE AVERAGE DAILY MEMBERSHIP FOR A PUPIL IN GRADE TEN, ELEVEN OR
15 TWELVE WHO IS ENROLLED IN A COURSE THAT MEETS FOR AT LEAST ONE HUNDRED FIFTY
16 MINUTES PER CLASS PERIOD AT A CENTRALIZED CAMPUS SHALL BE 0.75. TO QUALIFY
17 FOR FUNDING PURSUANT TO THIS SUBSECTION, A CENTRALIZED CAMPUS SHALL OFFER
18 PROGRAMS AND COURSES TO ALL ELIGIBLE STUDENTS IN EACH MEMBER DISTRICT OF THE
19 JOINT TECHNICAL EDUCATION DISTRICT.

20 R. THE AVERAGE DAILY MEMBERSHIP FOR A PUPIL IN GRADE TEN, ELEVEN OR
21 TWELVE WHO IS ENROLLED IN A COURSE THAT MEETS FOR AT LEAST ONE HUNDRED FIFTY
22 MINUTES PER CLASS PERIOD AT A LEASED CENTRALIZED CAMPUS SHALL NOT EXCEED
23 0.75. THE SUM OF THE AVERAGE DAILY MEMBERSHIP, AS PROVIDED IN SECTION
24 15-901, SUBSECTION A, PARAGRAPH 1, OF A PUPIL WHO IS ENROLLED IN BOTH THE
25 SCHOOL DISTRICT AND IN JOINT TECHNICAL EDUCATION DISTRICT COURSES PROVIDED AT
26 A LEASED CENTRALIZED CAMPUS SHALL NOT EXCEED 1.75 IF ALL OF THE FOLLOWING
27 CONDITIONS ARE MET:

28 1. THE COURSE QUALIFIES AS A JOINT TECHNICAL EDUCATION COURSE AS
29 DEFINED IN SECTION 15-391.

30 2. THE COURSE IS OFFERED TO ALL ELIGIBLE STUDENTS IN EACH MEMBER
31 DISTRICT OF THE JOINT TECHNICAL EDUCATION DISTRICT AND ENROLLS STUDENTS FROM
32 MULTIPLE HIGH SCHOOLS.

33 3. THE JOINT TECHNICAL EDUCATION DISTRICT PROGRAM IN WHICH THE COURSE
34 IS INCLUDED ADDRESSES A SPECIFIC INDUSTRY NEED AND HAS BEEN DEVELOPED IN
35 COOPERATION WITH THAT INDUSTRY, OR THE LEASED FACILITY IS A STATE OR FEDERAL
36 ASSET THAT WOULD OTHERWISE BE UNUSED OR UNDERUTILIZED.

37 4. THE LEASE IS ESTABLISHED AT FAIR MARKET VALUE IF THE LEASE IS
38 EXECUTED FOR A FACILITY LOCATED ON THE SITE OF A MEMBER DISTRICT AND WAS
39 APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW, EXCEPT THAT A LEASE THAT
40 WAS EXECUTED OR RENEWED BEFORE DECEMBER 31, 2012 IS NOT SUBJECT TO APPROVAL
41 BY THE JOINT COMMITTEE ON CAPITAL REVIEW. THE REQUIREMENT PRESCRIBED IN THIS
42 PARAGRAPH DOES NOT APPLY FROM AND AFTER DECEMBER 31, 2016.

43 S. A STUDENT WHO IS ENROLLED IN AN ACCOMMODATION SCHOOL AS DEFINED IN
44 SECTION 15-101 MAY BE TREATED AS A STUDENT OF THE SCHOOL DISTRICT IN WHICH
45 THE STUDENT PHYSICALLY RESIDES FOR THE PURPOSES OF ENROLLMENT IN A JOINT

1 TECHNICAL EDUCATION DISTRICT AND SHALL BE INCLUDED IN THE CALCULATION OF
2 AVERAGE DAILY MEMBERSHIP FOR EITHER THE JOINT TECHNICAL EDUCATION DISTRICT OR
3 THE ACCOMMODATION SCHOOL, OR BOTH.

4 ~~Q.~~ T. Notwithstanding any other law, beginning in fiscal year
5 2011-2012, the student count for a joint technical education district shall
6 be equivalent to the joint technical education district's average daily
7 membership.

8 ~~R.~~ U. For the purposes of this section,—:

9 1. "Base year" means the complete school year in which voters of a
10 school district elected to join a joint technical education district.

11 2. "CENTRALIZED CAMPUS" MEANS A FACILITY THAT IS OWNED AND OPERATED BY
12 A JOINT TECHNICAL EDUCATION DISTRICT FOR THE PURPOSE OF OFFERING JOINT
13 TECHNICAL EDUCATION PROGRAMS OR JOINT TECHNICAL EDUCATION COURSES AS DEFINED
14 IN SECTION 15-391.

15 3. "LEASE" MEANS A WRITTEN AGREEMENT IN WHICH THE RIGHT OF OCCUPANCY
16 OR USE OF REAL PROPERTY IS CONVEYED FROM ONE PERSON OR ENTITY TO ANOTHER
17 PERSON OR ENTITY FOR A SPECIFIED PERIOD OF TIME.

18 4. "LEASED CENTRALIZED CAMPUS" MEANS A FACILITY THAT IS LEASED AND
19 OPERATED BY A JOINT TECHNICAL EDUCATION DISTRICT FOR THE PURPOSE OF OFFERING
20 JOINT TECHNICAL EDUCATION PROGRAMS OR JOINT TECHNICAL EDUCATION COURSES AS
21 DEFINED IN SECTION 15-391.

22 5. "SATELLITE CAMPUS" MEANS A FACILITY THAT IS OWNED OR OPERATED BY A
23 SCHOOL DISTRICT FOR THE PURPOSE OF OFFERING JOINT TECHNICAL EDUCATION
24 PROGRAMS OR JOINT TECHNICAL EDUCATION COURSES AS DEFINED IN SECTION 15-391.

25 Sec. 2. Section 15-782.02, Arizona Revised Statutes, is amended to
26 read:

27 15-782.02. Career and technical education and vocational
28 education programs; fingerprint clearance card;
29 expanded hours; tuition

30 A. School districts with career and technical education and vocational
31 education programs may offer vocational educational services without regard
32 to students' age or high school graduation status, except that vocational
33 education services provided to persons over twenty-two years of age shall be
34 offered only for the purpose of skill upgrading or skill retraining and shall
35 not be offered for college level credit. Persons over twenty-two years of
36 age shall not attend vocational programs in high school buildings during
37 regular school hours, except that a person over twenty-two years of age may
38 attend vocational programs other than massage therapy programs during regular
39 school hours on a central campus that is owned and operated by a joint
40 technical education district pursuant to section 15-393, subsection D,
41 paragraph 5- 4 if the vocational program has additional student capacity
42 after the enrollment of persons who are twenty-two years of age or younger.
43 A person over twenty-two years of age shall not be admitted to or attend a
44 vocational program during regular school hours pursuant to this subsection
45 unless the person has a valid fingerprint clearance card pursuant to title

1 41, chapter 12, article 3.1. The costs of the fingerprint clearance card
2 shall be paid by the applicant. A joint technical education district shall
3 immediately notify in writing the parent or guardian of each pupil under
4 eighteen years of age in a vocational program during regular school hours
5 when a person over twenty-two years of age enrolls in the vocational program.

6 B. The department of education shall distribute twenty-six dollars for
7 every day that a full-time student attends an extended year or summer school
8 program in a joint technical education district and thirteen dollars for
9 every day that a part-time student attends an extended year or summer school
10 program in a joint technical education district, subject to appropriation
11 except that the department of education shall not distribute monies pursuant
12 to this section for any student who has either graduated from high school or
13 obtained a general education diploma or who has reached twenty-two years of
14 age, whichever occurs first.

15 C. School districts with career and technical education and vocational
16 education programs may operate those programs for more than one hundred
17 seventy-five days per year, with expanded hours of service.

18 D. Career and technical education and vocational education programs
19 run by school districts may charge tuition to offset expenses associated with
20 serving adult students.

21 Sec. 3. Section 15-901.06, Arizona Revised Statutes, is amended to
22 read:

23 15-901.06. Dropout recovery programs; written learning plan;
24 requirements; definitions

25 A. Each school district and charter school that provides instruction
26 to high school pupils may offer a dropout recovery program for eligible
27 pupils.

28 B. The state board of education shall prescribe standards and
29 achievement testing requirements for dropout recovery programs that attempt
30 to ensure that the programs are compatible with public school education goals
31 and requirements. The standards shall require dropout recovery programs to
32 do all of the following:

33 1. Provide curriculum aligned to the academic standards adopted by the
34 state board of education. The curriculum may be delivered online. A
35 provider of Arizona online instruction pursuant to section 15-808 may not
36 also operate a dropout recovery program pursuant to this section.

37 2. Provide standardized tests required by federal and state law.

38 3. Make available appropriate and sufficient supports for pupils,
39 including tutoring, career counseling and college counseling.

40 4. Comply with federal and state laws governing pupils with
41 disabilities.

42 5. Meet state requirements for high school graduation.

43 C. Each eligible pupil enrolled in a dropout recovery program shall
44 have a written learning plan developed by the pupil's assigned mentor. The
45 written learning plan shall include the following elements:

1 1. The start date and anticipated end date of the plan.
2 2. Courses to be completed by the pupil during the academic year.
3 3. Whether courses will be taken sequentially or concurrently.
4 4. State competency exams to be taken, as necessary.
5 5. Expectations for satisfactory monthly progress.
6 6. Expectations for contact with the pupil's assigned mentor.
7 D. The monthly participation in a dropout recovery program shall be
8 recorded on or before the tenth school day of each month and shall be
9 reported to the department of education at the same time as other data
10 required pursuant to section 15-1042. Monthly participation calculations
11 shall include:

12 1. Newly enrolled pupils who have a written learning plan on file on
13 or before the first school day of the previous month.

14 2. Pupils who met the expectations for satisfactory monthly progress
15 in the previous month.

16 3. Pupils who did not meet the expectations for satisfactory monthly
17 progress in the previous month but did meet the expectations in the month
18 before the previous month.

19 4. Pupils who met expectations for program reentry in the revised
20 written learning plan in the previous month.

21 E. Because dropout recovery pupils are not expected to regularly
22 attend classes at the district facilities, standard procedures for recording
23 pupil attendance cannot be effectively applied to those students. For pupils
24 participating in a dropout recovery program, an eligible pupil shall be
25 counted as being in attendance in the school's average daily attendance
26 calculations pursuant to subsection F of this section if the pupil meets one
27 of the following conditions:

28 1. Is in the first month of enrollment in the program and completes
29 the program orientation during that month.

30 2. Is enrolled in teacher-facilitated courses and meets the
31 expectations for satisfactory monthly progress for the current or previous
32 month. A pupil who does not meet expectations for monthly progress for two
33 or more consecutive months shall not be reported as being in attendance until
34 the pupil meets the expectations for program reentry.

35 3. Meets the expectations for program reentry in the revised written
36 learning plan.

37 F. If a pupil is enrolled in a school district or charter school other
38 than the school district or charter school that participates in the dropout
39 recovery program and also participates in a dropout recovery program in the
40 same fiscal year, ~~the sum of the average daily membership as prescribed in~~
41 ~~section 15-901, subsection A, paragraph 1, subdivisions (a) and (b), and~~
42 ~~average daily attendance as prescribed in section 15-901, subsection A,~~
43 ~~paragraph 5,~~ for that pupil in the school district or charter school and in a
44 dropout recovery program shall not exceed 1.0, except that if the pupil is
45 enrolled in a dropout recovery program and a joint technical education

1 district, the average daily membership provisions of section
2 15-393, ~~subsection D, paragraph 3~~ apply. If the pupil is enrolled in both a
3 school district or charter school and a dropout recovery program in the same
4 fiscal year and the sum of the average daily membership and average daily
5 attendance for that pupil is greater than 1.0 or the amount prescribed in
6 section 15-393, ~~subsection D, paragraph 3~~ if the pupil is enrolled in a joint
7 technical education district, the sum shall be reduced to 1.0 or to the
8 amount specified in section 15-393, ~~subsection D, paragraph 3~~ if the pupil is
9 enrolled in a joint technical education district and shall be apportioned
10 between the school district or charter school and the joint technical
11 education district, if applicable, and the dropout recovery program based on
12 the proportionate shares of average daily membership in the school district
13 or charter school and the average daily attendance in the dropout recovery
14 program. The uniform system of financial records shall include guidelines
15 for the apportionment of pupil enrollment and attendance as provided in this
16 subsection. Pupils in a dropout recovery program do not incur absences for
17 purposes of this subsection and may generate average daily attendance for
18 attendance during any hour of the day, during any day of the week and at any
19 time between July 1 and June 30 of each fiscal year. The average daily
20 attendance of a pupil who participates in a dropout recovery program shall
21 not exceed 1.0 or the amount prescribed in section 15-393, ~~subsection D,~~
22 ~~paragraph 3~~ if the pupil is enrolled in a joint technical education district,
23 and shall be calculated by fulfilling the requirements of subsection E of
24 this section. Average daily membership shall not be calculated on the one
25 hundredth day of instruction for the purposes of this section.

26 G. Notwithstanding section 15-901, subsection A, paragraph 1, the
27 average daily membership for pupils enrolled in a dropout recovery program
28 shall equal the average daily attendance of the pupils.

29 H. School districts and charter schools shall be responsible for
30 tuition charges and fees related to pupil participation in a dropout recovery
31 program, including course materials and access to technology for use with
32 online courses.

33 I. School districts and charter schools may contract with an
34 educational management organization to provide a dropout recovery program.
35 If contracting with an educational management organization, the school
36 district or charter school shall ensure that all of the following
37 requirements are met:

38 1. The educational management organization is accredited by a regional
39 accrediting body.

40 2. Teachers provided by the educational management organization hold a
41 current teaching license from any state and a valid Arizona fingerprint
42 clearance card pursuant to section 15-534, and teachers of core subjects are
43 highly qualified in the subjects to which they are assigned.

1 J. Dropout recovery programs shall be classified as alternative
2 schools and shall be subject to the accountability provisions of section
3 15-241, subsection J.

4 K. Entities that are contracted to provide dropout recovery programs
5 may conduct outreach to encourage pupils who are not currently enrolled in a
6 school district or charter school in this state to return to school.
7 Entities that are contracted to provide dropout recovery programs shall not
8 conduct advertising or marketing campaigns directed at pupils who are
9 currently enrolled in a school district or charter school, or undertake any
10 other activity that encourages pupils who are currently enrolled in a school
11 district or charter school to stop attending school in order to qualify for a
12 dropout recovery program.

13 L. For the purposes of this section:

14 1. "Eligible pupil" means a pupil who, if enrolled, would be eligible
15 for placement in an alternative school but who is not currently enrolled in a
16 school district or charter school and who has been withdrawn from a school
17 district or charter school for at least thirty days, unless the district
18 determines that the student is unable to participate in other district
19 programs.

20 2. "Satisfactory monthly progress" means an amount of progress that is
21 measurable on a monthly basis and that, if continued for a ~~full~~ twelve
22 months, would result in the same amount of academic credit being awarded to
23 the pupil as would be awarded to a pupil in a traditional education program
24 who completes a full school year. Satisfactory monthly progress may include
25 a lesser required amount of progress for the first two months that a pupil
26 participates in the program.

27 Sec. 4. Retroactivity

28 Section 15-393, subsection Q, paragraph 4, Arizona Revised Statutes, as
29 amended by this act, applies retroactively to, from and after December 31,
30 2012.

APPROVED BY THE GOVERNOR JUNE 19, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.

Passed the House February 25, 2013

Passed the Senate June 13, 2013

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

0 Nays, 2 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 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~~

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

June 13, 2013,

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting



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

14 day of June, 2013,

at 10:25 o'clock A M.


Secretary to the Governor

Approved this 19th day of

June, 2013,

at 2:45 o'clock P. M.


Governor of Arizona

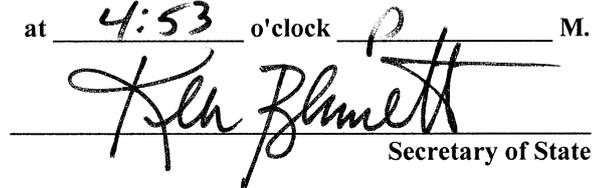
H.B. 2499

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of June, 2013,

at 4:53 o'clock P. M.


Secretary of State