

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 103

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

HOUSE BILL 2186

AN ACT

AMENDING SECTIONS 15-301, 15-302, 15-362 AND 15-365, ARIZONA REVISED STATUTES;
RELATING TO LIBRARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-301, Arizona Revised Statutes, is amended to
3 read:

4 15-301. Office of county school superintendent;
5 qualifications; travel expenses

6 A. A person is eligible for election as county school
7 superintendent if the person holds a basic or standard certificate to
8 teach in the schools of this state.

9 B. In addition to the salary allowed by law, the county school
10 superintendent is eligible for reimbursement of travel expenses.

11 C. The office of county school superintendent is designated as a
12 local education agency for the purpose of serving as an education service
13 agency that is eligible to receive and spend local, state and federal
14 monies to provide programs and services to school districts, ~~and~~ charter
15 schools, COUNTY FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES within that
16 county.

17 D. The office of county school superintendent shall be under the
18 jurisdiction of the elected county school superintendent.

19 Sec. 2. Section 15-302, Arizona Revised Statutes, is amended to
20 read:

21 15-302. Powers and duties

22 A. The county school superintendent shall:

23 1. Distribute all laws, reports, circulars, instructions and forms
24 that he may receive for the use of school officers.

25 2. Record all official acts.

26 3. Appoint governing board members of school districts to fill all
27 vacancies, but the term of the appointment shall be until the next regular
28 election for governing board members, at which time a successor shall be
29 elected to serve the unexpired portion of the term. Within thirty days
30 after notification of a vacancy, the school district governing board may
31 submit up to three names to the county school superintendent for
32 consideration of an appointment to fill the vacancy. The county school
33 superintendent is not required to appoint a governing board member from
34 the list of names submitted by the governing board. The county school
35 superintendent, if he deems it in the best interest of the community, may
36 call a special election to fill the vacancies. If an election is called,
37 the newly elected member shall serve for the remainder of the unexpired
38 portion of the term.

39 4. Make reports, when directed by the superintendent of public
40 instruction, showing matters relating to schools in his county as may be
41 required on the forms furnished by the superintendent of public
42 instruction.

43 5. Have such powers and perform such duties as otherwise prescribed
44 by law.

1 6. On or before October 1 of each year, make a report to the
2 superintendent of public instruction showing the amount of monies received
3 from state school funds, special school district taxes and other sources,
4 the total expenditures for school purposes and the balance on hand to the
5 credit of each school district at the close of the school year.

6 7. Contract with the board of supervisors for the board of
7 supervisors to conduct all regular school district elections.

8 8. Be responsible, in cooperation with the governing boards and the
9 board of supervisors, for all special school district elections.

10 9. Maintain teacher and administrator certification records of
11 effective dates and expiration dates of teachers' and administrators'
12 certificates in compliance with guidelines prescribed in the uniform
13 system of financial records for those school districts for which the
14 county school superintendent is the fiscal agent. The county school
15 superintendent shall not draw a warrant in payment of a teacher's,
16 substitute teacher's or administrator's salary unless the teacher,
17 substitute teacher or administrator is legally certified during the fiscal
18 year in which the term for payment is demanded.

19 10. Notify a school district three years before the expiration of a
20 revenue control limit override that the school district's budget must be
21 adjusted in the final two years of the override pursuant to section
22 15-481, subsections P and Q, if the voters do not approve another
23 override.

24 11. In collaboration with the department of education and other
25 state agencies, provide assistance to school districts, ~~and~~ charter
26 schools, COUNTY FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES on the use
27 of student data, staff development, curriculum alignment and technology to
28 improve student performance.

29 12. Assist schools in meeting yearly adequate progress goals as
30 defined by criteria established by the state board of education and
31 implemented by the department of education.

32 B. At the request of school districts and charter schools, the
33 county school superintendent may provide discretionary programs in
34 addition to the programs prescribed in subsection A of this section.

35 C. The county school superintendent may provide the services
36 prescribed in subsections A and B of this section in the county or jointly
37 with two or more counties pursuant to title 11, chapter 7, article 3.

38 D. Each county school superintendent may establish an advisory
39 committee to the office of the county school superintendent.

40 Sec. 3. Section 15-362, Arizona Revised Statutes, is amended to
41 read:

42 15-362. Libraries; powers and duties; authority to contract
43 with a county free library or other public library

44 A. The governing board of a school district may establish and
45 maintain libraries. Such libraries shall be under control of the board.

1 The board shall be accountable for the care of the libraries, but it may
2 appoint district librarians, or it may put the libraries under direct
3 charge of a teacher or other qualified person. When requested, the board
4 shall report on the libraries to the county school superintendent on forms
5 supplied by the superintendent of public instruction.

6 B. The governing board shall:
7 1. Enforce the rules prescribed for government of school libraries.
8 2. Exclude from school libraries all books, publications and papers
9 of a sectarian, partisan or denominational character. This paragraph
10 shall not be construed to prohibit any materials for the elective course
11 permitted by section 15-717.01.

12 C. A district library shall be free to all pupils of suitable age
13 who attend the school. Residents of the district may become entitled to
14 library privileges by payment of fees and compliance with regulations
15 prescribed by the board. The governing board may enter into a contract or
16 agreement with the proper authorities of a county free library or other
17 public library possessing facilities for rendering the desired service for
18 the procurement of reference or other library books or the extension
19 services of such library. The amount so expended shall not exceed two ~~per~~
20 ~~cent~~ PERCENT of the total school district budget for the school year
21 during which the services are utilized.

22 D. A SCHOOL DISTRICT GOVERNING BOARD MAY ENTER INTO
23 INTERGOVERNMENTAL AGREEMENTS WITH COUNTY FREE LIBRARY DISTRICTS AND
24 MUNICIPAL LIBRARIES IN THE COUNTY WHERE THE SCHOOL DISTRICT IS LOCATED.

25 Sec. 4. Section 15-365, Arizona Revised Statutes, is amended to
26 read:

27 15-365. Service programs operated through the office of a
28 county school superintendent; reports; definitions

29 A. The county school superintendent may establish service programs
30 which THAT shall be available to any COUNTY FREE LIBRARY DISTRICT,
31 MUNICIPAL LIBRARY OR local school district governing board officially
32 requesting such programs.

33 B. Both central administrative costs and general service costs
34 shall be shared on a user basis and budgeted and paid as contract costs by
35 the districts using such programs, except as provided in subsections E, F
36 and H of this section.

37 C. Agreements or contracts entered into pursuant to this section
38 shall not be subject to title 11, chapter 7, article 3 relating to
39 intergovernmental agreements and contracts.

40 D. Each county school superintendent shall submit to the school
41 districts involved and to the board of supervisors no later than May 31 of
42 each year a program progress report and a fiscal report, including actual
43 expenditures through March 31 and estimates for the remainder of the
44 fiscal year on each service program in operation in such county.

1 E. County school superintendents may establish special small
2 district service programs designed to meet the special needs of school
3 districts with a total student count of fewer than six hundred in such
4 areas as administrative assistance and specialized services as follows:

5 1. For counties with seven or more school districts with a student
6 count of fewer than six hundred, the small district service program may
7 serve a single county or two or more counties.

8 2. Except as provided in subsection I of this section, for counties
9 with fewer than seven school districts with a student count of fewer than
10 six hundred, the small district service program shall serve two or more
11 counties as determined by the superintendent of public instruction.

12 F. The costs of the small district service program are payable in
13 part from the small district service program fund. Costs in excess of the
14 amount available in the small district service program fund shall be
15 shared on a user basis and budgeted and paid as contract costs by the
16 district using such programs. The small district service program fund for
17 each program shall consist of a base amount plus a per district amount for
18 each school district in the county or counties served which has a student
19 count of fewer than six hundred. For fiscal year 1989-1990, the base
20 amount is fifty-six thousand four hundred ninety-four dollars and the per
21 district amount is five thousand eighty-four dollars. Beginning with
22 fiscal year 1990-1991, the base amount and per district amount are the
23 amounts for the prior year adjusted by the growth rate prescribed by law,
24 subject to appropriation. The base amount and per district amount for
25 each county or counties served shall be funded with state general fund
26 monies, subject to appropriation. The county school superintendent must
27 submit claims for payments to the state superintendent of public
28 instruction. The county school superintendent shall deposit the payments
29 into the small district service program fund.

30 G. School districts ~~which~~ THAT provide only financing for pupils
31 who are instructed by another district shall be included in determining
32 the number of districts counted for the small district service program
33 fund.

34 H. For each small district service program ~~which~~ THAT serves two or
35 more counties, a county of jurisdiction shall be selected by the
36 superintendent of public instruction. Payment shall be made into the
37 small district service program fund in the county of jurisdiction from
38 monies that are received from the superintendent of public instruction
39 pursuant to this section for all counties served by the county of
40 jurisdiction.

41 I. If a small district service program is established before fiscal
42 year 1987-1988, the program may continue to operate as a single county
43 program if the county contains fewer than seven, but at least four, school
44 districts with a student count of fewer than six hundred.

1 J. A school district with a student count of six hundred or more in
2 the current year ~~which~~ THAT participated in a small district service
3 program and ~~which~~ had a student count of fewer than six hundred in the
4 prior year may continue to participate in the program for the current year
5 and one additional year. The amount in the small district service program
6 fund shall be determined as if the district had a student count of fewer
7 than six hundred.

8 K. ~~In~~ FOR THE PURPOSES OF this section, ~~unless the context~~
9 ~~otherwise requires:~~

10 1. "Central administrative costs" means only those costs ~~which~~ THAT
11 are incurred by the county school superintendent in administering any
12 service program ~~which~~ THAT benefits all the school districts in the
13 program and ~~which~~ THAT are shared on a user basis and budgeted and paid as
14 contract costs by districts, except as provided in subsections E, F and H
15 of this section.

16 2. "General service costs" means those costs ~~which~~ THAT are
17 directly related to each of the service programs, ~~which~~ THAT are shared on
18 a user basis and ~~which~~ THAT are budgeted and paid as contract costs by
19 districts, except as provided in subsections E, F and H of this section.

20 3. "Service programs" means those programs ~~which~~ THAT can be
21 accomplished more efficiently and economically as multidistrict or
22 multicounty operations.

23 4. "Student count" means the student count as defined in section
24 15-901, subsection A, except that it shall not include pupils enrolled in
25 grades nine through twelve to whom the district does not provide
26 instruction if the district is a common school district ~~which~~ THAT is not
27 within a high school district.

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.

Passed the House February 10, 20 15

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]

Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 21, 20 15

by the following vote: 28 Ayes,

0 Nays, 2 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

25th day of March, 20 15

at 3:31 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 30th day of

March

at 12:30 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 31st day of March, 20 15

at 10:00 o'clock A M.

[Signature]
Secretary of State

H.B. 2186