

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HOUSE BILL 2372

AN ACT

AMENDING SECTIONS 15-1410 AND 15-1626, ARIZONA REVISED STATUTES; RELATING TO  
COMMUNITY COLLEGES AND UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-1410, Arizona Revised Statutes, is amended to  
3 read:  
4 15-1410. Credit and noncredit courses  
5 A. Courses offered for credit shall satisfy at least one of the  
6 following purposes and requirements:  
7 1. Credit courses shall satisfy one or more of the following purposes:  
8 (a) Qualify students for a community college certificate or degree.  
9 (b) Be acceptable for transfer to a regionally accredited public or  
10 private college or university.  
11 (c) Prepare students with skills to seek entry-level jobs in the field  
12 of specialization.  
13 (d) Improve the student's job skills or prepare the student for  
14 promotion in fields of employment.  
15 ~~(e) Provide skills necessary for success in other college courses.~~  
16 ~~(f) Provide continuing education and lifelong learning.~~  
17 2. A credit course shall satisfy all of the following requirements:  
18 (a) A formal course outline that defines the objectives and content of  
19 the course shall be on file and available for audit.  
20 (b) Students shall be evaluated and given a grade based on their  
21 mastery of the objectives and content of the course.  
22 (c) Faculty teaching the course shall meet the standards set by the  
23 district to teach in the subject area of the course.  
24 (d) The credits awarded for completion of the course shall be based on  
25 the effort required of, and the competencies gained by, the students in  
26 accordance with policies adopted by the district governing board.  
27 (e) Before enrollment in the course, students shall have achieved  
28 prerequisite competencies as defined in the syllabus or approved course  
29 guidelines.  
30 (f) The course shall have been developed using the district's formal  
31 curriculum review procedure.  
32 (g) The course shall have an evaluation component. The results of  
33 this evaluation shall be used for the purposes of formative and summative  
34 evaluation by the institution.  
35 ~~(h) A district board may adopt policies that allow students to receive~~  
36 ~~credit through a variety of other means, including national standardized~~  
37 ~~examinations and credit by evaluation or examination.~~  
38 (h) BEGINNING JULY 1, 2008, PROVIDE ACADEMIC SKILLS NECESSARY FOR  
39 SUCCESS IN OTHER COLLEGE COURSES OFFERED FOR CREDIT.  
40 (i) BEGINNING JULY 1, 2008, BE OFFERED AS A COURSE IN ACADEMIC  
41 PROGRAMS, TECHNICAL AND VOCATIONAL PROGRAMS OR CONTINUING EDUCATION PROGRAMS.  
42 (j) OTHER MEANS ADOPTED PURSUANT TO DISTRICT BOARD POLICIES, INCLUDING  
43 NATIONAL STANDARDIZED EXAMINATIONS AND CREDIT BY EVALUATION OR EXAMINATION.

1           3. BEGINNING JULY 1, 2008, IN ADDITION TO THE REQUIREMENTS CONTAINED  
2 IN PARAGRAPH 2 OF THIS SUBSECTION, CREDIT COURSES OFFERED IN ACADEMIC  
3 PROGRAMS AND VOCATIONAL AND TECHNICAL PROGRAMS SHALL SATISFY ALL OF THE  
4 FOLLOWING REQUIREMENTS:

5           (a) THE COURSE MUST BE FOUNDED IN AN ACCEPTED DISCIPLINE OR FIELD OF  
6 STUDY OFFERED IN A PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY AND COUNTED TOWARD  
7 COMPLETION OF THE CERTIFICATE OR TWO-YEAR OR FOUR-YEAR DEGREE PROGRAM.

8           (b) THE COURSE MUST BE CLEARLY UTILIZED IN THE PURSUIT OF A  
9 CERTIFICATE OR DEGREE PROGRAM, OR IN THE CASE OF GENERAL EDUCATIONAL  
10 DEVELOPMENT, ENGLISH LANGUAGE ACQUISITION FOR ADULTS AND REMEDIAL COURSEWORK,  
11 LEAD TO ENTRY INTO A CERTIFICATE OR DEGREE PROGRAM.

12           (c) THE COURSE, IF UTILIZED AS AN ELECTIVE, MUST BE ACCEPTABLE IN THE  
13 CERTIFICATE OR DEGREE PROGRAM, OR IN TRANSFER TO ANOTHER INSTITUTION OF  
14 HIGHER EDUCATION TO COUNT AS CREDIT TOWARD COMPLETION OF A BACCALAUREATE  
15 DEGREE.

16           B. Noncredit courses are courses that do not meet the criteria  
17 established in subsection A. BEGINNING JULY 1, 2008, NONCREDIT COURSES  
18 INCLUDE COMMUNITY SERVICE PROGRAMS. Noncredit courses shall be the financial  
19 responsibility of the district, EXCEPT THAT MONIES APPROPRIATED FROM THE  
20 STATE GENERAL FUND MAY BE USED ONLY FOR CREDIT COURSES AND, BEGINNING JULY 1,  
21 2008, SHALL NOT BE INCLUDED IN THE CALCULATION OF FULL-TIME EQUIVALENT  
22 STUDENT ENROLLMENT FOR STATE AID PURPOSES PURSUANT TO SECTION 15-1466 OR FOR  
23 EXPENDITURE LIMITATION PURPOSES PURSUANT TO ARTICLE IX, SECTION 21,  
24 CONSTITUTION OF ARIZONA.

25           C. FOR THE PURPOSES OF THIS SECTION:

26           1. "ACADEMIC PROGRAMS" MEANS PROGRAMS THAT PROVIDE CREDITS RESULTING  
27 IN A TWO-YEAR ASSOCIATE DEGREE OR THAT MAY BE TRANSFERRED TO AN ACCREDITED  
28 FOUR-YEAR COLLEGE OR UNIVERSITY.

29           2. "COMMUNITY SERVICE PROGRAMS" MEANS PROGRAMS, CLASS ACTIVITIES AND  
30 SERVICES SPONSORED BY A DISTRICT THAT ARE NOT FOR CREDIT OR PART OF AN  
31 ACADEMIC PROGRAM, VOCATIONAL AND TECHNICAL PROGRAM OR CONTINUING EDUCATION  
32 PROGRAM.

33           3. "CONTINUING EDUCATION PROGRAMS" MEANS PROGRAMS, CLASS ACTIVITIES  
34 AND SERVICES SPONSORED BY A DISTRICT THAT PROVIDE JOB SKILLS NECESSARY TO  
35 REMAIN IN OR ADVANCE AS A MEMBER OF THE WORKFORCE THAT DO NOT RESULT IN  
36 DEGREES OR CERTIFICATES.

37           4. "VOCATIONAL AND TECHNICAL PROGRAMS" MEANS PROGRAMS THAT PROVIDE JOB  
38 SKILLS NECESSARY TO ENTER, REMAIN IN OR ADVANCE AS A MEMBER OF THE WORKFORCE  
39 AND RESULT IN DEGREES OR CERTIFICATES.

40           Sec. 2. Section 15-1626, Arizona Revised Statutes, is amended to read:  
41 15-1626. General administrative powers and duties of board

42           A. The board shall:

43           1. Have and exercise the powers necessary for the effective governance  
44 and administration of the institutions under its control. To that end, the  
45 board may adopt, and authorize each university to adopt, such regulations,

1 policies, rules or measures as are deemed necessary and may delegate in  
2 writing to its committees, to its university presidents, or their designees,  
3 or to other entities under its control, any part of its authority for the  
4 administration and governance of such institutions, including those powers  
5 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs  
6 3, 4, 7, 8, 10 and 11 of this subsection and subsection B of this  
7 section. Any delegation of authority may be rescinded by the board at any  
8 time in whole or in part.

9 2. Appoint and employ and determine the compensation of presidents  
10 with such power and authority and for such purposes in connection with the  
11 operation of the institutions as the board deems necessary.

12 3. Appoint and employ and determine the compensation of  
13 vice-presidents, deans, professors, instructors, lecturers, fellows and such  
14 other officers and employees with such power and authority and for such  
15 purposes in connection with the operation of the institutions as the board  
16 deems necessary, or delegate its authority pursuant to paragraph 1 of this  
17 subsection.

18 4. Remove any officer or employee when the interests of education in  
19 this state so require in accordance with its personnel rules and policies.

20 5. Fix tuitions and fees to be charged and differentiate the tuitions  
21 and fees between institutions and between residents, nonresidents,  
22 undergraduate students, graduate students, students from foreign countries  
23 and students who have earned credit hours in excess of the credit hour  
24 threshold, except students whose chosen program requires for a degree  
25 additional credit hours above the credit hour threshold. For the purposes of  
26 this paragraph, the credit hour threshold is one hundred fifty-five hours in  
27 fiscal year 2006-2007, one hundred fifty hours in fiscal year 2007-2008 and  
28 one hundred forty-five hours after fiscal year 2007-2008. The amount of  
29 tuition, registration fees and other revenues included in the operating  
30 budget for the university adopted by the board as prescribed in paragraph 12  
31 of this subsection shall be deposited, pursuant to sections 35-146 and  
32 35-147. All other tuition and fee revenue shall be retained by each  
33 university for expenditure as approved by the board. Except as provided in  
34 subsection H of this section, the Arizona board of regents shall adopt rules  
35 to govern its tuition and fee setting process that provide for the following:

36 (a) At least one public hearing at each university as an opportunity  
37 for students and members of the public to comment upon any proposed increase  
38 in tuition or fees.

39 (b) Publication of the notice of public hearing at least ten days  
40 prior to the hearing in a newspaper of general circulation in Maricopa  
41 county, Coconino county and Pima county. The notice shall include the date,  
42 time and location of the public hearing.

43 (c) Public disclosure by each university of any proposed increases in  
44 tuition or fees at least ten days prior to the public hearing.

- 1 (d) Final board action on changes in tuition or fees shall be taken by  
2 roll call vote.
- 3 The procedural requirements of subdivisions (a), (b), (c) and (d) apply only  
4 to those changes in tuition or fees that require board approval.
- 5 6. Pursuant to section 35-115, submit a budget request for each  
6 institution under its jurisdiction that includes the estimated tuition and  
7 fee revenue available to support the programs of the institution as described  
8 in the budget request. The estimated available tuition and fee revenue shall  
9 be based on the tuition and registration fee rates in effect at the time the  
10 budget request is submitted with adjustments for projected changes in  
11 enrollment as provided by the board.
- 12 7. Establish curriculums and designate courses at the several  
13 institutions which in its judgment will best serve the interests of this  
14 state. **MONIES APPROPRIATED FROM THE STATE GENERAL FUND MAY BE USED ONLY FOR**  
15 **COURSES THAT PREPARE STUDENTS FOR A DEGREE PROGRAM, THAT LEAD TO A DEGREE**  
16 **FROM A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR**  
17 **THAT ARE ACCEPTABLE FOR TRANSFER TO A REGIONALLY ACCREDITED PUBLIC OR PRIVATE**  
18 **COLLEGE OR UNIVERSITY.**
- 19 8. Award such degrees and diplomas upon the completion of such courses  
20 and curriculum requirements as it deems appropriate.
- 21 9. Prescribe qualifications for admission of all students to the  
22 universities. The board shall establish policies for guaranteed admission  
23 that assure fair and equitable access to students in this state from public,  
24 private, charter and home schools. For the purpose of determining the  
25 qualifications of honorably discharged veterans, veterans are those persons  
26 who served in the armed forces for a minimum of two years and who were  
27 previously enrolled at a university or community college in this state. No  
28 prior failing grades received by the veteran at the university or community  
29 college in this state may be considered.
- 30 10. Adopt any energy conservation standards promulgated by the  
31 department of administration for the construction of new buildings.
- 32 11. Employ for such time and purposes as the board requires attorneys  
33 whose compensation shall be fixed and paid by the board. Litigation to which  
34 the board is a party and for which self-insurance is not provided may be  
35 compromised or settled at the direction of the board.
- 36 12. Adopt annually an operating budget for each university equal to the  
37 sum of appropriated general fund monies and the amount of tuition,  
38 registration fees and other revenues approved by the board and allocated to  
39 each university operating budget.
- 40 13. In consultation with the state board of education and other  
41 education groups, develop and implement a program to award honors  
42 endorsements to be affixed to the high school diplomas of qualifying high  
43 school pupils and to be included in the transcripts of pupils who are awarded  
44 endorsements. The board shall develop application procedures and testing  
45 criteria and adopt testing instruments and procedures to administer the

1 program. In order to receive an honors endorsement, a pupil must demonstrate  
2 an extraordinary level of knowledge, skill and competency as measured by the  
3 testing instruments adopted by the board in mathematics, English, science and  
4 social studies. Additional subjects may be added at the determination of the  
5 board. The program is voluntary for pupils.

6 14. Require the publisher of each literary and nonliterary textbook  
7 used in the universities of this state to furnish computer software in a  
8 standardized format when software becomes available for nonliterary  
9 textbooks, to the Arizona board of regents from which braille versions of the  
10 textbooks may be produced.

11 15. Require universities that provide a degree in education to require  
12 courses that are necessary to obtain a provisional structured English  
13 immersion endorsement as prescribed by the state board of education.

14 B. The board shall adopt personnel rules. All nonacademic employees  
15 of the universities are subject to these rules except for university  
16 presidents, university vice-presidents, university deans, legal counsel and  
17 administrative officers. The personnel rules shall be similar to the  
18 personnel rules under section 41-783. The rules shall include provisions for  
19 listing available positions with the department of economic security,  
20 competitive employment processes for applicants, probationary status for new  
21 nonacademic employees, nonprobationary status on successful completion of  
22 probation and due process protections of nonprobationary employees after  
23 discharge. The board shall provide notice of proposed rule adoption and an  
24 opportunity for public comment on all personnel rules proposed for adoption.

25 C. The ~~Arizona~~ board ~~of regents~~ may employ legal assistance in  
26 procuring loans for the institutions from the United States government. Fees  
27 or compensation paid for such legal assistance shall not be a claim upon the  
28 general fund of this state but shall be paid from funds of the institutions.

29 D. The board shall approve or disapprove any contract or agreement  
30 entered into by the university of Arizona hospital with the Arizona health  
31 facilities authority.

32 E. The board may adopt policies which authorize the institutions under  
33 its jurisdiction to enter into employment contracts with nontenured employees  
34 for periods of more than one year but not more than five years. The policies  
35 shall prescribe limitations on the authority of the institutions to enter  
36 into employment contracts for periods of more than one year but not more than  
37 five years, including the requirement that the board approve the contracts.

38 F. The board may adopt a plan or plans for employee benefits which  
39 allow for participation in a cafeteria plan that meets the requirements of  
40 the United States internal revenue code of 1986.

41 G. The board may establish a program for the exchange of students  
42 between the universities under the jurisdiction of the board and colleges and  
43 universities located in the state of Sonora, Mexico. Notwithstanding  
44 subsection A, paragraph 5 of this section, the program may provide for  
45 in-state tuition at the universities under the jurisdiction of the board for

1 fifty Sonoran students in exchange for similar tuition provisions for up to  
2 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or  
3 universities. The board may direct the universities to work in conjunction  
4 with the Arizona-Mexico commission to coordinate recruitment and admissions  
5 activities.

6 H. Subsection A, paragraph 5, subdivisions (a), (b), (c) and (d) of  
7 this section do not apply to fee increases that are set by individual  
8 universities and that do not require approval by the Arizona board of regents  
9 before the fee increase becomes effective.

10 Sec. 3. Joint select legislative ad hoc task force study  
11 committee on community college credit and noncredit  
12 courses; study

13 A. The joint select legislative ad hoc task force study committee on  
14 community college credit and noncredit courses is established consisting of  
15 the following members:

16 1. Three members of the senate who are appointed by the president of  
17 the senate, not more than two of whom are members of the same political  
18 party.

19 2. Three members of the house of representatives who are appointed by  
20 the speaker of the house of representatives, not more than two of whom are  
21 members of the same political party.

22 3. Two representatives of a community college district in a county  
23 with more than eight hundred thousand persons who are appointed by the  
24 president of the senate.

25 4. Two representatives of a community college district in a county  
26 with less than eight hundred thousand persons who are appointed by the  
27 speaker of the house of representatives.

28 B. Appointed members serve at the pleasure of the appointing officer.  
29 The members shall elect a chairperson and vice-chairperson from among its  
30 members. The legislature shall provide staff support and meeting  
31 accommodations.

32 C. The committee shall:

33 1. Review the definition of credit courses and noncredit courses.

34 2. Make recommendations on defining credit courses that meet academic,  
35 vocational and technical and continuing education needs of students and  
36 defining noncredit courses that meet community service needs of students.

37 3. Make recommendations on components of conducting financial and  
38 performance audits of community college districts once every five years.

39 4. Submit a written report of findings and recommendations on or  
40 before December 15, 2006 to the governor, the president of the senate, the  
41 speaker of the house of representatives, the secretary of state and the  
42 director of the Arizona state library, archives and public records.

1           Sec. 4. Delayed repeal

2           Section 3, relating to the joint select legislative ad hoc task force  
3 study committee on community college credit and noncredit courses, is  
4 repealed from and after December 31, 2006.