

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

HOUSE BILL 2583

AN ACT

AMENDING SECTIONS 15-506, 15-1445 AND 15-1626, ARIZONA REVISED STATUTES;
RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-506, Arizona Revised Statutes, is amended to
3 read:
4 15-506. Flag display; recitation of the pledge of allegiance
5 A. School ~~authorities~~ DISTRICTS AND CHARTER SCHOOLS shall:
6 1. Purchase ~~a~~ United States ~~flag~~, FLAGS THAT ARE MANUFACTURED IN THE
7 UNITED STATES AND THAT ARE AT LEAST TWO FEET BY THREE FEET ~~flagstaff and~~
8 ~~appurtenances~~, AND HARDWARE TO APPROPRIATELY DISPLAY THE UNITED STATES FLAG.
9 2. Display the ~~flag~~ FLAGS IN ACCORDANCE WITH TITLE 4 OF THE UNITED
10 STATES CODE IN EACH CLASSROOM AND upon or near the OUTSIDE OF THE school
11 building during school hours and at such other times as ~~they~~ THE SCHOOL
12 AUTHORITIES direct. ~~and~~
13 3. Set aside a specific time each day for those students who wish to
14 recite the pledge of allegiance to the United States flag.
15 B. PRIVATE SCHOOLS, PAROCHIAL SCHOOLS AND HOME SCHOOLS ARE EXEMPT FROM
16 THE PROVISIONS OF THIS SECTION.
17 Sec. 2. Section 15-1445, Arizona Revised Statutes, is amended to read:
18 15-1445. Administrative powers of district governing boards
19 A district board shall:
20 1. Adopt policies for the government of the community colleges under
21 its jurisdiction.
22 2. In conjunction with other district boards, set standards for the
23 establishment, development, administration, operation and accreditation of
24 community colleges in the district.
25 3. Fix tuitions and graduate the tuitions and fees between
26 institutions and between residents, nonresidents and students from foreign
27 countries. The district board may waive tuitions and fees and graduate
28 tuitions and waivers for an employee or the spouse or dependent child of an
29 employee of the district, or for a nonresident student enrolled in the
30 district if the district board determines the waiver is in the best interest
31 of this state and the student.
32 4. In conjunction with other district boards, submit to the economic
33 estimates commission before January 10 of each year the estimated number of
34 full-time equivalent students for the district as prescribed in section
35 15-1466.01.
36 5. Establish curriculums and designate courses that in its judgment
37 will best serve the interests of this state.
38 6. Determine academic classes that qualify as open entry, open exit
39 classes and prescribe policies for the operation of open entry, open exit
40 classes.
41 7. In conjunction with other district boards and the state board ~~for~~
42 ~~vocational and technological~~ OF education, review and adopt, within the scope
43 of the statutory definitions of vocational and technological education,
44 program and staff standards with modifications as necessary for courses

1 taught in community colleges. The district board shall base the standards on
2 vocational and technological competence.

3 8. In conjunction with other district boards, establish qualifications
4 of the instructional staff that, at a minimum, shall be equal to those
5 required to meet accreditation guidelines and establish standards of
6 vocational and technological competence required to instruct in occupational
7 as well as academic subjects.

8 9. In conjunction with other district boards, prescribe guidelines
9 providing for the transferability between community college district
10 vocational and technological education programs and in conjunction with the
11 state board ~~for vocational and technological~~ OF education prescribe
12 guidelines for the interrelationship of secondary programs and postsecondary
13 programs.

14 10. In conjunction with other district boards, prescribe the manner in
15 which the self-evaluation of vocational and technological education programs
16 is conducted as provided in section 15-1452.

17 11. If requested by the state board ~~for vocational and technological~~ OF
18 education, assist in the preparation, publication and distribution of an
19 annual state plan and a comprehensive five year state plan.

20 12. In conjunction with other district boards and the state board ~~for~~
21 ~~vocational and technological~~ OF education, develop a process to determine
22 program funding priorities for state aid purposes. Each district board shall
23 submit state aid recommendations to the legislature. The recommendations
24 shall be based on the process and on existing cost studies of vocational and
25 technological education in this state.

26 13. In conjunction with other district boards, prescribe qualifications
27 for admission to community colleges for honorably discharged veterans who
28 served on active duty in the armed forces for a minimum of one year and who
29 were previously enrolled at a community college or university in this state.
30 For the purpose of determining the qualifications, the district board may not
31 consider prior failing grades received by the veteran at a community college
32 or university in this state.

33 14. Require the publisher of each literary and nonliterary textbook
34 used in the community colleges of the district to furnish computer software
35 in a standardized format, when software becomes available for nonliterary
36 textbooks, to the district board from which braille versions of the textbook
37 may be produced.

38 15. Identify students simultaneously enrolled in a course for both high
39 school and college credit by using the same student level data element
40 required by section 15-1042, subsection A. The auditor general shall have
41 access to this information when certifying the full-time equivalent student
42 enrollment pursuant to section 15-1466.01, paragraph 4.

1 16. BEGINNING JULY 1, 2007, PURCHASE UNITED STATES FLAGS THAT ARE
2 MANUFACTURED IN THE UNITED STATES AND THAT ARE AT LEAST TWO FEET BY THREE
3 FEET AND HARDWARE TO APPROPRIATELY DISPLAY THE UNITED STATES FLAG AND DISPLAY
4 THE FLAGS IN EACH CLASSROOM IN ACCORDANCE WITH TITLE 4 OF THE UNITED STATES
5 CODE.

6 Sec. 3. Section 15-1626, Arizona Revised Statutes, is amended to read:
7 15-1626. General administrative powers of board

8 A. The board shall:

9 1. Have and exercise the powers necessary for the effective governance
10 and administration of the institutions under its control. To that end, the
11 board may adopt, and authorize each university to adopt, such regulations,
12 policies, rules or measures as are deemed necessary and may delegate in
13 writing to its committees, to its university presidents, or their designees,
14 or to other entities under its control, any part of its authority for the
15 administration and governance of such institutions, including those powers
16 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
17 3, 4, 7, 8, 10 and 11 of this subsection and subsection B of this section.
18 Any delegation of authority may be rescinded by the board at any time in
19 whole or in part.

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

23 3. Appoint and employ and determine the compensation of
24 vice-presidents, deans, professors, instructors, lecturers, fellows and such
25 other officers and employees with such power and authority and for such
26 purposes in connection with the operation of the institutions as the board
27 deems necessary, or delegate its authority pursuant to paragraph 1 of this
28 subsection.

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

31 5. Fix tuitions and fees to be charged and differentiate the tuitions
32 and fees between institutions and between residents, nonresidents,
33 undergraduate students, graduate students, students from foreign countries
34 and students who have earned credit hours in excess of the credit hour
35 threshold, except students whose chosen program requires for a degree
36 additional credit hours above the credit hour threshold. For the purposes of
37 this paragraph, the credit hour threshold is one hundred fifty-five hours in
38 fiscal year 2006-2007, one hundred fifty hours in fiscal year 2007-2008 and
39 one hundred forty-five hours after fiscal year 2007-2008. The amount of
40 tuition, registration fees and other revenues included in the operating
41 budget for the university adopted by the board as prescribed in paragraph 12
42 of this subsection shall be deposited, pursuant to sections 35-146 and
43 35-147. All other tuition and fee revenue shall be retained by each
44 university for expenditure as approved by the board. Except as provided in

1 subsection H of this section, the Arizona board of regents shall adopt rules
2 to govern its tuition and fee setting process that provide for the following:

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

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

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

12 (d) Final board action on changes in tuition or fees shall be taken by
13 roll call vote.

14 The procedural requirements of subdivisions (a), (b), (c) and (d) apply only
15 to those changes in tuition or fees that require board approval.

16 6. Pursuant to section 35-115, submit a budget request for each
17 institution under its jurisdiction that includes the estimated tuition and
18 fee revenue available to support the programs of the institution as described
19 in the budget request. The estimated available tuition and fee revenue shall
20 be based on the tuition and registration fee rates in effect at the time the
21 budget request is submitted with adjustments for projected changes in
22 enrollment as provided by the board.

23 7. Establish curriculums and designate courses at the several
24 institutions which in its judgment will best serve the interests of this
25 state.

26 8. Award such degrees and diplomas upon the completion of such courses
27 and curriculum requirements as it deems appropriate.

28 9. Prescribe qualifications for admission of all students to the
29 universities. The board shall establish policies for guaranteed admission
30 that assure fair and equitable access to students in this state from public,
31 private, charter and home schools. For the purpose of determining the
32 qualifications of honorably discharged veterans, veterans are those persons
33 who served in the armed forces for a minimum of two years and who were
34 previously enrolled at a university or community college in this state. No
35 prior failing grades received by the veteran at the university or community
36 college in this state may be considered.

37 10. Adopt any energy conservation standards promulgated by the
38 department of administration for the construction of new buildings.

39 11. Employ for such time and purposes as the board requires attorneys
40 whose compensation shall be fixed and paid by the board. Litigation to which
41 the board is a party and for which self-insurance is not provided may be
42 compromised or settled at the direction of the board.

43 12. Adopt annually an operating budget for each university equal to the
44 sum of appropriated general fund monies and the amount of tuition,

1 registration fees and other revenues approved by the board and allocated to
2 each university operating budget.

3 13. In consultation with the state board of education and other
4 education groups, develop and implement a program to award honors
5 endorsements to be affixed to the high school diplomas of qualifying high
6 school pupils and to be included in the transcripts of pupils who are awarded
7 endorsements. The board shall develop application procedures and testing
8 criteria and adopt testing instruments and procedures to administer the
9 program. In order to receive an honors endorsement, a pupil must demonstrate
10 an extraordinary level of knowledge, skill and competency as measured by the
11 testing instruments adopted by the board in mathematics, English, science and
12 social studies. Additional subjects may be added at the determination of the
13 board. The program is voluntary for pupils.

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

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

22 16. BEGINNING JULY 1, 2007, PURCHASE UNITED STATES FLAGS FOR EACH
23 CLASSROOM THAT ARE MANUFACTURED IN THE UNITED STATES AND THAT ARE AT LEAST
24 TWO FEET BY THREE FEET AND HARDWARE TO APPROPRIATELY DISPLAY THE UNITED
25 STATES FLAG AND DISPLAY THE FLAGS IN EACH CLASSROOM IN ACCORDANCE WITH TITLE
26 4 OF THE UNITED STATES CODE.

27 B. The board shall adopt personnel rules. All nonacademic employees
28 of the universities are subject to these rules except for university
29 presidents, university vice-presidents, university deans, legal counsel and
30 administrative officers. The personnel rules shall be similar to the
31 personnel rules under section 41-783. The rules shall include provisions for
32 listing available positions with the department of economic security,
33 competitive employment processes for applicants, probationary status for new
34 nonacademic employees, nonprobationary status on successful completion of
35 probation and due process protections of nonprobationary employees after
36 discharge. The board shall provide notice of proposed rule adoption and an
37 opportunity for public comment on all personnel rules proposed for adoption.

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

42 D. The board shall approve or disapprove any contract or agreement
43 entered into by the university of Arizona hospital with the Arizona health
44 facilities authority.

1 E. The board may adopt policies which authorize the institutions under
2 its jurisdiction to enter into employment contracts with nontenured employees
3 for periods of more than one year but not more than five years. The policies
4 shall prescribe limitations on the authority of the institutions to enter
5 into employment contracts for periods of more than one year but not more than
6 five years, including the requirement that the board approve the contracts.

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

10 G. The board may establish a program for the exchange of students
11 between the universities under the jurisdiction of the board and colleges and
12 universities located in the state of Sonora, Mexico. Notwithstanding
13 subsection A, paragraph 5 of this section, the program may provide for
14 in-state tuition at the universities under the jurisdiction of the board for
15 fifty Sonoran students in exchange for similar tuition provisions for up to
16 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
17 universities. The board may direct the universities to work in conjunction
18 with the Arizona-Mexico commission to coordinate recruitment and admissions
19 activities.

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

24 Sec. 4. Flag acquisition through donations and fund-raising

25 School districts, charter schools, community college districts and the
26 Arizona board of regents shall attempt to acquire the flags required by this
27 act through donations and fund-raising activities beginning July 1, 2006
28 through June 30, 2007 before allocating monies from other sources to acquire
29 the flags required by this act.

30 Sec. 5. Arizona's flags for freedom program

31 Beginning July 1, 2006 through June 30, 2007, Arizona businesses may
32 participate in the Arizona's flags for freedom program by donating at least
33 one United States flag that is manufactured in the United States and is at
34 least two feet by three feet to a school district, charter school, community
35 college district or university under the jurisdiction of the Arizona board of
36 regents.

37 Sec. 6. Reporting; flag needs

38 A. Beginning July 1, 2007 until July 15, 2007, each school district
39 and charter school shall determine the number of classrooms that do not have
40 a United States flag manufactured in the United States that measures at least
41 two feet by three feet after completion of the Arizona's flags for freedom
42 program, and submit this number to the Arizona department of education. The
43 Arizona department of education shall submit this information to the joint
44 legislative budget committee by July 31, 2007.

1 B. Beginning July 1, 2007 until July 15, 2007, each university under
2 the Arizona board of regents shall determine the number of classrooms that do
3 not have a United States flag manufactured in the United States that measures
4 at least two feet by three feet after completion of the Arizona's flags for
5 freedom program, and submit this number to the Arizona board of regents. The
6 Arizona board of regents shall submit this information to the joint
7 legislative budget committee by July 31, 2007.

8 C. Beginning July 1, 2007 until July 15, 2007, each community college
9 district shall determine the number of classrooms that do not have a United
10 States flag manufactured in the United States that measures at least two feet
11 by three feet after completion of the Arizona's flags for freedom program,
12 and submit this information to the joint legislative budget committee by
13 July 31, 2007.

14 D. The joint legislative budget committee shall collect the
15 information on the total number of classrooms statewide pursuant to
16 subsections A, B and C that do not have a United States flag manufactured in
17 the United States that measures at least two feet by three feet and hardware
18 to appropriately display the flag after completion of the Arizona's flags for
19 freedom program, and shall determine the cost to place a United States flag
20 in each classroom. The joint legislative budget committee shall recommend
21 proposed legislation to fund the cost to place a United States flag in each
22 classroom pursuant to this act.

23 E. Each school district, charter school, community college district
24 and university under the Arizona board of regents that does not report the
25 number of classrooms that do not have a United States flag pursuant to
26 subsections A, B and C by July 15, 2007 shall purchase a United States flag
27 manufactured in the United States that measures at least two feet by three
28 feet and hardware to appropriately display the flag for each classroom by
29 August 31, 2007.

30 Sec. 7. Intent

31 It is the intent of the Legislature that school districts, charter
32 schools, community college districts and universities under the Arizona board
33 of regents attempt to acquire United States flags through the Arizona flags
34 for freedom program and section 4 of this act and that these flags are
35 appropriately displayed in the classroom by July 4, 2007 to recognize
36 Independence Day.

37 Sec. 8. Retroactivity

38 Section 4 of this act, relating to flag acquisition through donations
39 and fund-raising, is effective retroactively to from and after June 30, 2006.

40 Sec. 9. Effective date

41 Section 15-506, Arizona Revised Statutes, as amended by this act, is
42 effective from and after June 30, 2007.