

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1164

AN ACT

AMENDING SECTIONS 15-104, 15-341 AND 15-393, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-461; AMENDING LAWS 2005, CHAPTER 191, SECTION 3; RELATING TO
SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-104, Arizona Revised Statutes, is amended to
3 read:

4 15-104. Mental health screening; consent; form

5 A. Before it conducts a mental health screening on any pupil, defined
6 as a survey, analysis or evaluation created by a governmental or private
7 third party pursuant to the protection of pupil rights ~~act~~ AMENDMENT (20
8 United States Code section 1232h; 34 Code of Federal Regulations part 98), a
9 school district or charter school must have obtained the written consent of
10 the pupil's parent or legal guardian. The written consent must satisfy all
11 of the following requirements:

12 1. Contain language that clearly explains the nature of the screening
13 program and when and where the screening will take place.

14 2. Be signed by the pupil's parent or legal guardian.

15 3. Provide notice that a copy of the actual survey, analysis or
16 evaluation questions to be asked of the student is available for inspection
17 upon request by the parent or legal guardian.

18 B. THE CHEMICAL ABUSE AND RELATED GANG ACTIVITY SURVEY CONDUCTED BY
19 THE ARIZONA CRIMINAL JUSTICE COMMISSION PURSUANT TO SECTION 41-2416 IS EXEMPT
20 FROM THE PROVISIONS OF THIS SECTION IF THE SURVEY DOES NOT INCLUDE QUESTIONS
21 RELATED TO DEPRESSION OR RELIGIOSITY.

22 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:

23 15-341. General powers and duties; immunity; delegation;
24 definition

25 A. The governing board shall:

26 1. Prescribe and enforce policies and procedures for the governance of
27 the schools, not inconsistent with law or rules prescribed by the state board
28 of education.

29 2. Maintain the schools established by it for the attendance of each
30 pupil for a period of not less than one hundred seventy-five school days or
31 two hundred school days, as applicable, or its equivalent as approved by the
32 superintendent of public instruction for a school district operating on a
33 year-round operation basis, to offer an educational program on the basis of a
34 four day school week or to offer an alternative kindergarten program on the
35 basis of a three day school week, in each school year, and if the funds of
36 the district are sufficient, for a longer period, and as far as practicable
37 with equal rights and privileges.

38 3. Exclude from schools all books, publications, papers or audiovisual
39 materials of a sectarian, partisan or denominational character.

40 4. Manage and control the school property within its district.

41 5. Acquire school furniture, apparatus, equipment, library books and
42 supplies for the use of the schools.

43 6. Prescribe the curricula and criteria for the promotion and
44 graduation of pupils as provided in sections 15-701 and 15-701.01.

1 7. Furnish, repair and insure, at full insurable value, the school
2 property of the district.

3 8. Construct school buildings on approval by a vote of the district
4 electors.

5 9. Make in the name of the district conveyances of property belonging
6 to the district and sold by the board.

7 10. Purchase school sites when authorized by a vote of the district at
8 an election conducted as nearly as practicable in the same manner as the
9 election provided in section 15-481 and held on a date prescribed in section
10 15-491, subsection E, but such authorization shall not necessarily specify
11 the site to be purchased and such authorization shall not be necessary to
12 exchange unimproved property as provided in section 15-342, paragraph 23.

13 11. Construct, improve and furnish buildings used for school purposes
14 when such buildings or premises are leased from the national park service.

15 12. Purchase school sites or construct, improve and furnish school
16 buildings from the proceeds of the sale of school property only on approval
17 by a vote of the district electors.

18 13. Hold pupils to strict account for disorderly conduct on school
19 property.

20 14. Discipline students for disorderly conduct on the way to and from
21 school.

22 15. Except as provided in section 15-1224, deposit all monies received
23 by the district as gifts, grants and devises with the county treasurer who
24 shall credit the deposits as designated in the uniform system of financial
25 records. If not inconsistent with the terms of the gifts, grants and devises
26 given, any balance remaining after expenditures for the intended purpose of
27 the monies have been made shall be used for reduction of school district
28 taxes for the budget year, except that in the case of accommodation schools
29 the county treasurer shall carry the balance forward for use by the county
30 school superintendent for accommodation schools for the budget year.

31 16. Provide that, if a parent or legal guardian chooses not to accept a
32 decision of the teacher as provided in section 15-521, paragraph 3, the
33 parent or legal guardian may request in writing that the governing board
34 review the teacher's decision. Nothing in this paragraph shall be construed
35 to release school districts from any liability relating to a child's
36 promotion or retention.

37 17. Provide for adequate supervision over pupils in instructional and
38 noninstructional activities by certificated or noncertificated personnel.

39 18. Use school monies received from the state and county school
40 apportionment exclusively for payment of salaries of teachers and other
41 employees and contingent expenses of the district.

42 19. Make an annual report to the county school superintendent on or
43 before October 1 each year in the manner and form and on the blanks
44 prescribed by the superintendent of public instruction or county school
45 superintendent. The board shall also make reports directly to the county

1 school superintendent or the superintendent of public instruction whenever
2 required.

3 20. Deposit all monies received by school districts other than student
4 activities monies or monies from auxiliary operations as provided in sections
5 15-1125 and 15-1126 with the county treasurer to the credit of the school
6 district except as provided in paragraph 21 of this subsection and sections
7 15-1223 and 15-1224, and the board shall expend the monies as provided by law
8 for other school funds.

9 21. Establish a bank account in which the board during a month may
10 deposit miscellaneous monies received directly by the district. The board
11 shall remit monies deposited in the bank account at least monthly to the
12 county treasurer for deposit as provided in paragraph 20 of this subsection
13 and in accordance with the uniform system of financial records.

14 22. Employ an attorney admitted to practice in this state whose
15 principal practice is in the area of commercial real estate, or a real estate
16 broker who is licensed by this state and who is employed by a reputable
17 commercial real estate company, to negotiate a lease of five or more years
18 for the school district if the governing board decides to enter into a lease
19 of five or more years as lessor of school buildings or grounds as provided in
20 section 15-342, paragraph 7 or 10. Any lease of five or more years
21 negotiated pursuant to this paragraph shall provide that the lessee is
22 responsible for payment of property taxes pursuant to the requirements of
23 section 42-11104.

24 23. Prescribe and enforce policies and procedures for disciplinary
25 action against a teacher who engages in conduct that is a violation of the
26 policies of the governing board but that is not cause for dismissal of the
27 teacher or for revocation of the certificate of the teacher. Disciplinary
28 action may include suspension without pay for a period of time not to exceed
29 ten school days. Disciplinary action shall not include suspension with pay
30 or suspension without pay for a period of time longer than ten school
31 days. The procedures shall include notice, hearing and appeal provisions for
32 violations that are cause for disciplinary action. The governing board may
33 designate a person or persons to act on behalf of the board on these matters.

34 24. Prescribe and enforce policies and procedures for disciplinary
35 action against an administrator who engages in conduct that is a violation of
36 the policies of the governing board regarding duties of administrators but
37 that is not cause for dismissal of the administrator or for revocation of the
38 certificate of the administrator. Disciplinary action may include suspension
39 without pay for a period of time not to exceed ten school days. Disciplinary
40 action shall not include suspension with pay or suspension without pay for a
41 period of time longer than ten school days. The procedures shall include
42 notice, hearing and appeal provisions for violations that are cause for
43 disciplinary action. The governing board may designate a person or persons
44 to act on behalf of the board on these matters. For violations that are
45 cause for dismissal, the provisions of notice, hearing and appeal in chapter

1 5, article 3 of this title shall apply. The filing of a timely request for a
2 hearing suspends the imposition of a suspension without pay or a dismissal
3 pending completion of the hearing.

4 25. Notwithstanding section 13-3108, prescribe and enforce policies and
5 procedures that prohibit a person from carrying or possessing a weapon on
6 school grounds unless the person is a peace officer or has obtained specific
7 authorization from the school administrator.

8 26. Prescribe and enforce policies and procedures relating to the
9 health and safety of all pupils participating in district sponsored practice
10 sessions, games or other interscholastic athletic activities, including the
11 provision of water.

12 27. Prescribe and enforce policies and procedures regarding the smoking
13 of tobacco within school buildings. The policies and procedures shall be
14 adopted in consultation with school district personnel and members of the
15 community and shall state whether smoking is prohibited in school
16 buildings. If smoking in school buildings is not prohibited, the policies
17 and procedures shall clearly state the conditions and circumstances under
18 which smoking is permitted, those areas in a school building that may be
19 designated as smoking areas and those areas in a school building that may not
20 be designated as smoking areas.

21 28. Establish an assessment, data gathering and reporting system as
22 prescribed in chapter 7, article 3 of this title.

23 29. Provide special education programs and related services pursuant to
24 section 15-764, subsection A to all children with disabilities as defined in
25 section 15-761.

26 30. Administer competency tests prescribed by the state board of
27 education for the graduation of pupils from high school.

28 31. Secure insurance coverage for all construction projects for
29 purposes of general liability, property damage and workers' compensation and
30 secure performance and payment bonds for all construction projects.

31 32. Keep on file the resumes of all current and former employees who
32 provide instruction to pupils at a school. Resumes shall include an
33 individual's educational and teaching background and experience in a
34 particular academic content subject area. A school district shall inform
35 parents and guardians of the availability of the resume information and shall
36 make the resume information available for inspection on request of parents
37 and guardians of pupils enrolled at a school. Nothing in this paragraph
38 shall be construed to require any school to release personally identifiable
39 information in relation to any teacher or employee including the teacher's or
40 employee's address, salary, social security number or telephone number.

41 33. Report to local law enforcement agencies any suspected crime
42 against a person or property that is a serious offense as defined in section
43 13-604 or that involves a deadly weapon or dangerous instrument or serious
44 physical injury and any conduct that poses a threat of death or serious
45 physical injury to employees, students or anyone on the property of the

1 school. This paragraph does not limit or preclude the reporting by a school
2 district or an employee of a school district of suspected crimes other than
3 those required to be reported by this paragraph. For the purposes of this
4 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
5 injury" have the same meaning prescribed in section 13-105.

6 34. In conjunction with local law enforcement agencies and local
7 medical facilities, develop an emergency response plan for each school in the
8 school district in accordance with minimum standards developed jointly by the
9 department of education and the division of emergency management within the
10 department of emergency and military affairs.

11 35. Annually assign at least one school district employee to
12 participate in a multihazard crisis training program developed or selected by
13 the governing board.

14 36. Provide written notice to the parents or guardians of all students
15 affected in the school district at least thirty days prior to a public
16 meeting to discuss closing a school within the school district. The notice
17 shall include the reasons for the proposed closure and the time and place of
18 the meeting. The governing board shall fix a time for a public meeting on
19 the proposed closure no less than thirty days before voting in a public
20 meeting to close the school. The school district governing board shall give
21 notice of the time and place of the meeting. At the time and place
22 designated in the notice, the school district governing board shall hear
23 reasons for or against closing the school. The school district governing
24 board is exempt from this paragraph if it is determined by the governing
25 board that the school shall be closed because it poses a danger to the health
26 or safety of the pupils or employees of the school.

27 37. Incorporate instruction on Native American history into appropriate
28 existing curricula.

29 38. Prescribe and enforce policies and procedures allowing pupils who
30 have been diagnosed with anaphylaxis by a health care provider licensed
31 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
32 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
33 and self-administer emergency medications including auto-injectable
34 epinephrine while at school and at school sponsored activities. The pupil's
35 name on the prescription label on the medication container or on the
36 medication device and annual written documentation from the pupil's parent or
37 guardian to the school that authorizes possession and self-administration is
38 sufficient proof that the pupil is entitled to the possession and
39 self-administration of the medication. The policies shall require a pupil
40 who uses auto-injectable epinephrine while at school and at school sponsored
41 activities to notify the nurse or the designated school staff person of the
42 use of the medication as soon as practicable. A school district and its
43 employees are immune from civil liability with respect to all decisions made
44 and actions taken that are based on good faith implementation of the
45 requirements of this paragraph, except in cases of wanton or wilful neglect.

1 39. Allow the possession and self-administration of prescription
2 medication for breathing disorders in handheld inhaler devices, by pupils who
3 have been prescribed that medication by a health care professional licensed
4 pursuant to title 32. The pupil's name on the prescription label on the
5 medication container or on the handheld inhaler device and annual written
6 documentation from the pupil's parent or guardian to the school that
7 authorizes possession and self-administration shall be sufficient proof that
8 the pupil is entitled to the possession and self-administration of the
9 medication. A school district and its employees are immune from civil
10 liability with respect to all decisions made and actions taken that are based
11 on a good faith implementation of the requirements of this paragraph.

12 40. Prescribe and enforce policies and procedures to prohibit pupils
13 from harassing, intimidating and bullying other pupils on school grounds, on
14 school property, on school buses, at school bus stops and at school sponsored
15 events and activities that include the following components:

16 (a) A procedure for pupils to confidentially report to school
17 officials incidents of harassment, intimidation or bullying.

18 (b) A procedure for parents and guardians of pupils to submit written
19 reports to school officials of suspected incidents of harassment,
20 intimidation or bullying.

21 (c) A requirement that school district employees report suspected
22 incidents of harassment, intimidation or bullying to the appropriate school
23 official.

24 (d) A formal process for the documentation of reported incidents of
25 harassment, intimidation or bullying, except that no documentation shall be
26 maintained unless the harassment, intimidation or bullying has been proven.

27 (e) A formal process for the investigation by the appropriate school
28 officials of suspected incidents of harassment, intimidation or bullying.

29 (f) Disciplinary procedures for pupils who have admitted or been found
30 to have committed incidents of harassment, intimidation or bullying.

31 (g) A procedure that sets forth consequences for submitting false
32 reports of incidents of harassment, intimidation or bullying.

33 41. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES REGARDING CHANGING
34 OR ADOPTING ATTENDANCE BOUNDARIES THAT INCLUDE THE FOLLOWING COMPONENTS:

35 (a) A PROCEDURE FOR HOLDING PUBLIC MEETINGS TO DISCUSS ATTENDANCE
36 BOUNDARY CHANGES OR ADOPTIONS THAT ALLOWS PUBLIC COMMENTS.

37 (b) A PROCEDURE TO NOTIFY THE PARENTS OR GUARDIANS OF THE STUDENTS
38 AFFECTED.

39 (c) A PROCEDURE TO NOTIFY THE RESIDENTS OF THE HOUSEHOLDS AFFECTED BY
40 THE ATTENDANCE BOUNDARY CHANGES.

41 (d) A PROCESS FOR PLACING PUBLIC MEETING NOTICES AND PROPOSED MAPS ON
42 THE SCHOOL DISTRICT'S WEBSITE FOR PUBLIC REVIEW, IF THE SCHOOL DISTRICT
43 MAINTAINS A WEBSITE.

44 (e) A FORMAL PROCESS FOR PRESENTING THE ATTENDANCE BOUNDARIES OF THE
45 AFFECTED AREA IN PUBLIC MEETINGS THAT ALLOWS PUBLIC COMMENTS.

1 (f) A FORMAL PROCESS FOR NOTIFYING THE RESIDENTS AND PARENTS OR
2 GUARDIANS OF THE AFFECTED AREA AS TO THE DECISION OF THE GOVERNING BOARD ON
3 THE SCHOOL DISTRICT'S WEBSITE, IF THE SCHOOL DISTRICT MAINTAINS A WEBSITE.

4 (g) A FORMAL PROCESS FOR UPDATING ATTENDANCE BOUNDARIES ON THE SCHOOL
5 DISTRICT'S WEBSITE WITHIN NINETY DAYS OF AN ADOPTED BOUNDARY CHANGE. THE
6 SCHOOL DISTRICT SHALL SEND A DIRECT LINK TO THE SCHOOL DISTRICT'S ATTENDANCE
7 BOUNDARIES WEBSITE TO THE DEPARTMENT OF REAL ESTATE.

8 (h) IF THE LAND THAT A SCHOOL WAS BUILT ON WAS DONATED WITHIN THE PAST
9 FIVE YEARS, A FORMAL PROCESS TO NOTIFY THE ENTITY WHO DONATED THE LAND
10 AFFECTED BY THE DECISION OF THE GOVERNING BOARD.

11 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
12 section, the county school superintendent may construct, improve and furnish
13 school buildings or purchase or sell school sites in the conduct of an
14 accommodation school.

15 C. If any school district acquires real or personal property, whether
16 by purchase, exchange, condemnation, gift or otherwise, the governing board
17 shall pay to the county treasurer any taxes on the property that were unpaid
18 as of the date of acquisition, including penalties and interest. The lien
19 for unpaid delinquent taxes, penalties and interest on property acquired by a
20 school district:

21 1. Is not abated, extinguished, discharged or merged in the title to
22 the property.

23 2. Is enforceable in the same manner as other delinquent tax liens.

24 D. The governing board may not locate a school on property that is
25 less than one-fourth mile from agricultural land regulated pursuant to
26 section 3-365, except that the owner of the agricultural land may agree to
27 comply with the buffer zone requirements of section 3-365. If the owner
28 agrees in writing to comply with the buffer zone requirements and records the
29 agreement in the office of the county recorder as a restrictive covenant
30 running with the title to the land, the school district may locate a school
31 within the affected buffer zone. The agreement may include any stipulations
32 regarding the school, including conditions for future expansion of the school
33 and changes in the operational status of the school that will result in a
34 breach of the agreement.

35 E. A school district, its governing board members, its school council
36 members and its employees are immune from civil liability for the
37 consequences of adoption and implementation of policies and procedures
38 pursuant to subsection A of this section and section 15-342. This waiver
39 does not apply if the school district, its governing board members, its
40 school council members or its employees are guilty of gross negligence or
41 intentional misconduct.

42 F. A governing board may delegate in writing to a superintendent,
43 principal or head teacher the authority to prescribe procedures that are
44 consistent with the governing board's policies.

1 G. Notwithstanding any other provision of this title, a school
2 district governing board shall not take any action that would result in an
3 immediate reduction or a reduction within three years of pupil square footage
4 that would cause the school district to fall below the minimum adequate gross
5 square footage requirements prescribed in section 15-2011, subsection C,
6 unless the governing board notifies the school facilities board established
7 by section 15-2001 of the proposed action and receives written approval from
8 the school facilities board to take the action. A reduction includes an
9 increase in administrative space that results in a reduction of pupil square
10 footage or sale of school sites or buildings, or both. A reduction includes
11 a reconfiguration of grades that results in a reduction of pupil square
12 footage of any grade level. This subsection does not apply to temporary
13 reconfiguration of grades to accommodate new school construction if the
14 temporary reconfiguration does not exceed one year. The sale of equipment
15 that results in an immediate reduction or a reduction within three years that
16 falls below the equipment requirements prescribed in section 15-2011,
17 subsection B is subject to commensurate withholding of school district
18 capital outlay revenue limit monies pursuant to the direction of the school
19 facilities board. Except as provided in section 15-342, paragraph 10,
20 proceeds from the sale of school sites, buildings or other equipment shall be
21 deposited in the school plant fund as provided in section 15-1102.

22 H. Subsections C through G of this section apply to a county board of
23 supervisors and a county school superintendent when operating and
24 administering an accommodation school.

25 I. Until the state board of education and the auditor general adopt
26 rules pursuant to section 15-213, subsection ~~I~~, a school district may
27 procure construction services, including services for new school construction
28 pursuant to section 15-2041, by the construction-manager-at-risk,
29 design-build and job-order-contracting methods of project delivery as
30 provided in title 41, chapter 23, except that the rules adopted by the
31 director of the department of administration do not apply to procurements
32 pursuant to this subsection. Any procurement commenced pursuant to this
33 subsection may be completed pursuant to this subsection.

34 Sec. 3. Section 15-393, Arizona Revised Statutes, is amended to read:

35 15-393. Joint technological education district governing board;
36 report; definition

37 A. The management and control of the joint district are vested in the
38 joint technological education district governing board, including the content
39 and quality of the courses offered by the district, the quality of teachers
40 who provide instruction on behalf of the district, the salaries of teachers
41 who provide instruction on behalf of the district and the reimbursement of
42 other entities for the facilities used by the district. Unless the governing
43 boards of the school districts participating in the formation of the joint
44 district vote to implement an alternative election system as provided in
45 subsection B of this section, the joint board shall consist of five members

1 elected from five single member districts formed within the joint district.
2 The single member district election system shall be submitted as part of the
3 plan for the joint district pursuant to section 15-392 and shall be
4 established in the plan as follows:

5 1. The governing boards of the school districts participating in the
6 formation of the joint district shall define the boundaries of the single
7 member districts so that the single member districts are as nearly equal in
8 population as is practicable, except that if the joint district lies in part
9 in each of two or more counties, at least one single member district may be
10 entirely within each of the counties comprising the joint district if this
11 district design is consistent with the obligation to equalize the population
12 among single member districts.

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

16 3. A person who is a registered voter of this state and who is a
17 resident of the single member district is eligible for election to the office
18 of joint board member from the single member district. The terms of office
19 of the members of the joint board shall be as prescribed in section 15-427,
20 subsection B. An employee of a joint technological education district or the
21 spouse of an employee shall not hold membership on a governing board of a
22 joint technological education district by which the employee is employed. A
23 member of one school district governing board or joint technological
24 education district governing board is ineligible to be a candidate for
25 nomination or election to or serve simultaneously as a member of any other
26 governing board, except that a member of a governing board may be a candidate
27 for nomination or election for any other governing board if the member is
28 serving in the last year of a term of office. A member of a governing board
29 shall resign the member's seat on the governing board before becoming a
30 candidate for nomination or election to the governing board of any other
31 school district or joint technological education district, unless the member
32 of the governing board is serving in the last year of a term of office.

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

35 B. The governing boards of the school districts participating in the
36 formation of the joint district may vote to implement any other alternative
37 election system for the election of joint district board members. If an
38 alternative election system is selected, it shall be submitted as part of the
39 plan for the joint district pursuant to section 15-392, and the
40 implementation of the system shall be as approved by the United States
41 justice department.

42 C. The joint technological education district shall be subject to the
43 following provisions of this title:

44 1. Chapter 1, articles 1 through 6.

45 2. Sections 15-208, 15-210, 15-213 and 15-234.

- 1 3. Articles 2, 3 and 5 of this chapter.
- 2 4. Section 15-361.
- 3 5. Chapter 4, articles 1, 2 and 5.
- 4 6. Chapter 5, articles 1, 2 and 3.
- 5 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729
- 6 and 15-730.
- 7 8. Chapter 7, article 5.
- 8 9. Chapter 8, articles 1, 3 and 4.
- 9 10. Sections 15-828 and 15-829.
- 10 11. Chapter 9, article 1, article 6, except for section 15-995, and
- 11 article 7.
- 12 12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.
- 13 13. Sections 15-1101 and 15-1104.
- 14 14. Chapter 10, articles 2, 3, 4 and 8.
- 15 D. Notwithstanding subsection C of this section, the following apply
- 16 to a joint technological education district:
- 17 1. A joint district may issue bonds for the purposes specified in
- 18 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
- 19 aggregate, including the existing indebtedness, not exceeding one per cent of
- 20 the taxable property used for secondary tax purposes, as determined pursuant
- 21 to title 42, chapter 15, article 1, within the joint technological education
- 22 district as ascertained by the last property tax assessment previous to
- 23 issuing the bonds.
- 24 2. The number of governing board members for a joint district shall be
- 25 as prescribed in subsection A of this section.
- 26 3. If a career and technical education and vocational education course
- 27 or program provided pursuant to this article is provided in a facility owned
- 28 or operated by a school district in which a pupil is enrolled, including
- 29 satellite courses, the sum of the daily attendance, as provided in section
- 30 15-901, subsection A, paragraph 6, for that pupil in both the school district
- 31 and joint technological education district shall not exceed 1.25 and the sum
- 32 of the fractional student enrollment, as provided in section 15-901,
- 33 subsection A, paragraph 2, subdivision (a), shall not exceed 1.25 for the
- 34 courses taken in the school district and the facility, including satellite
- 35 courses. The school district and the joint district shall determine the
- 36 apportionment of the daily attendance and fractional student enrollment for
- 37 that pupil between the school district and the joint district.
- 38 4. The student count for the first year of operation of a joint
- 39 technological education district as provided in this article shall be
- 40 determined as follows:
- 41 (a) Determine the estimated student count for joint district classes
- 42 that will operate in the first year of operation. This estimate shall be
- 43 based on actual registration of pupils as of March 30 scheduled to attend
- 44 classes that will be operated by the joint district. The student count for
- 45 the district of residence of the pupils registered at the joint district

1 shall be adjusted. The adjustment shall cause the district of residence to
2 reduce the student count for the pupil to reflect the courses to be taken at
3 the joint district. The district of residence shall review and approve the
4 adjustment of its own student count as provided in this subdivision before
5 the pupils from the school district can be added to the student count of the
6 joint district.

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

9 (c) After the first one hundred days or two hundred days in session,
10 as applicable, for the first year of operation, the joint district shall
11 revise the student count to the actual student count for students attending
12 classes in the joint district. A joint district shall revise its student
13 count, the base support level as provided in section 15-943.02, the revenue
14 control limit as provided in section 15-944.01, the capital outlay revenue
15 limit and the soft capital allocation as provided in section 15-962.01 prior
16 to May 15. A joint district that overestimated its student count shall
17 revise its budget prior to May 15. A joint district that underestimated its
18 student count may revise its budget prior to May 15.

19 (d) After the first one hundred days or two hundred days in session,
20 as applicable, for the first year of operation, the district of residence
21 shall adjust its student count by reducing it to reflect the courses actually
22 taken at the joint district. The district of residence shall revise its
23 student count, the base support level as provided in section 15-943, the
24 revenue control limit as provided in section 15-944, the capital outlay
25 revenue limit as provided in section 15-961 and the soft capital allocation
26 as provided in section 15-962 prior to May 15. A district that
27 underestimated the student count for students attending the joint district
28 shall revise its budget prior to May 15. A district that overestimated the
29 student count for students attending the joint district may revise its budget
30 prior to May 15.

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

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

35 (g) If the district of residence utilizes section 15-942 to determine
36 its student count, the district shall reduce its student count as provided in
37 this paragraph by subtracting the appropriate count from the student count
38 determined as provided in section 15-942.

39 For the purposes of this paragraph, "district of residence" means the
40 district that included the pupil in its average daily membership for the year
41 before the first year of operation of the joint district and that would have
42 included the pupil in its student count for the purposes of computing its
43 base support level for the fiscal year of the first year of operation of the
44 joint district if the pupil had not enrolled in the joint district.

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

4 (a) A student in a kindergarten program or in grades one through eight
5 who enrolls in courses offered by the joint technological education district
6 shall not be included in the joint district's average daily attendance or
7 average daily membership.

8 (b) A student in a kindergarten program or in grades one through ~~six~~
9 EIGHT who is enrolled in vocational education courses shall not be funded in
10 whole or in part with monies provided by a joint technological education
11 district.

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

15 (d) A student in grade nine who enrolls in a career exploration course
16 shall not be included in the joint district's average daily attendance or
17 average daily membership.

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

20 7. A joint district may use the excess utility costs provisions of
21 section 15-910 in the same manner as a school district for fiscal years
22 1999-2000 and 2000-2001, except that the base year shall be the first full
23 fiscal year of operations.

24 8. A joint district may use the carryforward provisions of section
25 15-943.01 retroactively to July 1, 1993.

26 9. A school district that is part of a joint district shall use any
27 monies received pursuant to this article to supplement and not supplant base
28 year career and technical education and vocational education courses, and
29 directly related equipment and facilities, except that a school district that
30 is part of a joint technological education district and that has used monies
31 received pursuant to this article to supplant career and technological
32 education and vocational education courses that were offered before the first
33 year that the school district participated in the joint district or the first
34 year that the school district used monies received pursuant to this article
35 or that used the monies for purposes other than for career and technological
36 education and vocational education courses shall:

37 (a) Use at least thirty-three per cent of the monies received pursuant
38 to this article in fiscal year 2005-2006 to supplement and not supplant base
39 year career and technical education and vocational education courses.

40 (b) Use at least sixty-six per cent of the monies received pursuant to
41 this article in fiscal year 2006-2007 to supplement and not supplant base
42 year career and technical education and vocational education courses.

43 (c) Use one hundred per cent of the monies received pursuant to this
44 article in fiscal year 2007-2008 and each fiscal year thereafter to

1 supplement and not supplant base year career and technical education and
2 vocational education courses.

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

7 11. A joint technological education district or a school district that
8 is part of a joint district shall only include pupils in grades nine through
9 twelve in the calculation of average daily membership or average daily
10 attendance if the pupils are enrolled in courses that are approved jointly by
11 the governing board of the joint technological education district and each
12 participating school district for satellite courses taught within the
13 participating school district, or approved solely by the joint technological
14 education district for centrally located courses. Average daily membership
15 and average daily attendance from courses that are not part of an approved
16 program for career and technical education shall not be included in average
17 daily membership and average daily attendance of a joint technological
18 education district. A student in grade nine who enrolls in a career
19 exploration course shall not be included in the joint district's average
20 daily attendance or average daily membership.

21 E. The joint board shall appoint a superintendent as the executive
22 officer of the joint district.

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

31 G. The schools in the joint district are available to all persons who
32 reside in the joint district subject to the rules for admission prescribed by
33 the joint board.

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

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

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

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

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

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

14 2. The accountability provisions of the intergovernmental agreement or
15 other written contract.

16 3. The responsibilities of each joint technological education
17 district, each school district, each charter school and each community
18 college district that is a party to the intergovernmental agreement or other
19 written contract.

20 4. The type of instruction that will be provided under the
21 intergovernmental agreement or other written contract.

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

24 6. The transportation services that will be provided under the
25 intergovernmental agreement or other written contract and the manner in which
26 transportation costs will be paid.

27 7. The amount that the joint technological education district will
28 contribute to a course and the amount of support required by the school
29 district or the community college.

30 8. That the services provided by the joint technological education
31 district, the school district, the charter school or the community college
32 district be proportionally calculated in the cost of delivering the service.

33 9. That the payment for services shall not exceed the cost of the
34 services provided.

35 10. That any initial intergovernmental agreement or other written
36 contract and any addendums between the governing board of a joint
37 technological education district and another joint technological education
38 district, a school district, a charter school or a community college district
39 be submitted by the joint technological education district to the joint
40 legislative budget committee for review.

41 M. On or before December 31 of each year, each joint technological
42 education district shall submit a detailed report to the career and technical
43 education division of the department of education. The career and technical
44 education division of the department of education shall collect, summarize
45 and analyze the data submitted by the joint districts, shall submit an annual

1 report that summarizes the data submitted by the joint districts to the
2 governor, the speaker of the house of representatives, the president of the
3 senate and the state board of education and shall submit a copy of this
4 report to the secretary of state and the director of the Arizona state
5 library, archives and public records. The data submitted by each joint
6 technological education district shall include the following:

- 7 1. The average daily membership of the joint district.
- 8 2. The course listings and course descriptions of courses offered by
9 the joint district.
- 10 3. The costs associated with each course offered by the joint
11 district.
- 12 4. The completion rate for each course offered by the joint district.
- 13 5. The graduation rate of students enrolled in the joint district.
- 14 6. A detailed description of the career opportunities available to
15 students after completion of the program offered by the joint district.
- 16 7. A detailed description of the career placement of students who have
17 completed the program offered by the joint district.
- 18 8. Any other data deemed necessary by the department of education to
19 carry out its duties under this subsection.

20 N. If the career and technical education division of the department of
21 education determines that a course does not meet the criteria for approval as
22 a joint technical education course, the governing board of the joint
23 technological education district may appeal this decision to the state board
24 of education acting as the state board of vocational education.

25 O. Notwithstanding any other law, the average daily membership of a
26 pupil who is enrolled in a course that meets for at least one hundred fifty
27 minutes per class period at a centralized campus owned and operated by a
28 joint technological education district shall be 0.75.

29 P. For the purposes of this section, "base year" means the complete
30 school year in which voters of a school district elected to join a joint
31 technological education district."

32 Sec. 4. Title 15, chapter 4, article 3, Arizona Revised Statutes, is
33 amended by adding section 15-461, to read:

34 15-461. Transporting school districts; joining existing school
35 districts

36 A. IF A SCHOOL DISTRICT DOES NOT OFFER A FULL-TIME INSTRUCTIONAL
37 PROGRAM AS DEFINED IN SECTION 15-901 IN ANY GRADE LEVEL TO THE PUPILS WHO
38 RESIDE IN THAT SCHOOL DISTRICT, TRANSPORTS ALL OF THE PUPILS WHO RESIDE IN
39 THAT SCHOOL DISTRICT TO AN ADJACENT SCHOOL DISTRICT OR SCHOOL DISTRICTS FOR
40 INSTRUCTION AND TRANSPORTS MORE THAN THREE HUNDRED FIFTY PUPILS ANNUALLY TO
41 AN ADJACENT SCHOOL DISTRICT OR SCHOOL DISTRICTS, THE COUNTY SCHOOL
42 SUPERINTENDENT SHALL DISSOLVE THE TRANSPORTING SCHOOL DISTRICT AND ANNEX THE
43 GEOGRAPHIC BOUNDARIES OF THE TRANSPORTING SCHOOL DISTRICT TO THE ADJACENT
44 SCHOOL DISTRICT THAT PROVIDES INSTRUCTION TO THE MAJORITY OF THE PUPILS WHO
45 RESIDE IN THE TRANSPORTING SCHOOL DISTRICT.

1 B. THE COUNTY SCHOOL SUPERINTENDENT SHALL MAKE THE RECORD OF
2 BOUNDARIES CONFORM TO THE ANNEXATION AND SHALL NOTIFY THE BOARD OF
3 SUPERVISORS AND THE COUNTY ASSESSOR OF THE BOUNDARY CHANGE. THE CHANGE IS
4 EFFECTIVE IMMEDIATELY ON NOTIFICATION FROM THE COUNTY SCHOOL SUPERINTENDENT.

5 C. THE TERMS OF THE GOVERNING BOARD MEMBERS OF THE PREVIOUSLY EXISTING
6 TRANSPORTING SCHOOL DISTRICT DO NOT EXPIRE ON THE EFFECTIVE DATE OF THE
7 DISSOLUTION OF THE SCHOOL DISTRICT AND CONTINUE UNTIL JANUARY 1 FOLLOWING THE
8 NEXT GENERAL ELECTION, DURING WHICH TIME THE MEMBERS OF THE GOVERNING BOARD
9 OF THE PREVIOUSLY EXISTING TRANSPORTING SCHOOL DISTRICT SHALL SERVE AS
10 ADDITIONAL MEMBERS OF THE GOVERNING BOARD OF THE ADJACENT SCHOOL DISTRICT.

11 D. THE ADJACENT SCHOOL DISTRICT SHALL REVISE ITS ANNUAL BUDGET TO
12 REFLECT THE ANNEXATION OF THE TRANSPORTING SCHOOL DISTRICT.

13 E. THE ADJACENT SCHOOL DISTRICT IS LIABLE FOR ALL INDEBTEDNESS AND
14 LIABILITIES, BONDED OR OTHERWISE, OUTSTANDING AGAINST THE DISSOLVED
15 TRANSPORTING SCHOOL DISTRICT, AND ALL PROPERTY, BALANCES AND DEFICITS OF THE
16 DISSOLVED TRANSPORTING SCHOOL DISTRICT BECOME THE PROPERTY, BALANCES AND
17 DEFICITS OF THE ADJACENT SCHOOL DISTRICT.

18 Sec. 5. Laws 2005, chapter 191, section 3 is amended to read:

19 Sec. 3. School district redistricting commission; membership;
20 duties

21 A. The school district redistricting commission is established
22 consisting of the following members:

23 1. Four members who are not members of the legislature and who are
24 appointed by the president of the senate, no more than three of whom shall be
25 members of the same political party.

26 2. Four members who are not members of the legislature and who are
27 appointed by the speaker of the house of representatives, no more than three
28 of whom shall be members of the same political party.

29 3. Four members who are appointed by the governor, at least one of
30 these members shall be a certified teacher in this state, at least one of
31 these members shall be an administrator of a school in this state and at
32 least one of these members shall be a member of a school district governing
33 board in this state.

34 4. The superintendent of public instruction or the superintendent's
35 designee.

36 B. The commission shall elect a chairperson and a cochairperson from
37 the voting members. A quorum shall consist of a majority of the voting
38 members.

39 C. The department of education shall provide staff for the commission,
40 and the joint legislative budget committee, the governor's office of
41 strategic planning and budgeting, the school facilities board, any county
42 school superintendent in this state and any county assessor in this state
43 shall provide staff support, assistance and resources to the commission at
44 the request of the commission.

1 D. Commission members are not eligible to receive compensation, but
2 members are eligible for reimbursement of expenses under title 38, chapter 4,
3 article 2, Arizona Revised Statutes. Monies shall be paid from
4 appropriations made to the department of education.

5 E. The commission shall review all current common school districts
6 that are not part of a unified school district and consider combining these
7 common school districts into a new unified district or combining common
8 school districts with a union high school district to create unified
9 districts that offer instruction to students in programs for preschool
10 children with disabilities and kindergarten programs and grades one through
11 twelve.

12 F. THE COMMISSION SHALL REVIEW ALL SCHOOL DISTRICTS THAT TRANSPORT ALL
13 OF THEIR PUPILS TO ANOTHER SCHOOL DISTRICT FOR INSTRUCTION AND CONSIDER
14 COMBINING THESE SCHOOL DISTRICTS WITH NEW OR EXISTING UNIFIED DISTRICTS.

15 G. The commission's recommendations may include enlarging or
16 diminishing the size of affected school districts but shall also include
17 unorganized territories within recommended unified districts where
18 practicable. The commission may also determine that, based on the factors
19 considered by the commission in subsection ~~F~~ H of this section, an existing
20 common school district should remain a common school district and not be
21 included in a new unified school district recommendation.

22 ~~F~~ H. The commission shall submit a preliminary report on the
23 proposed school district unification plan to the governing boards of the
24 affected school districts by April 30, 2007. The governing boards of the
25 affected school districts shall review the preliminary report and may submit
26 comments to the commission by ~~July 30~~ SEPTEMBER 15, 2007, which may include
27 specific recommendations to modify the proposed unification plan or
28 recommendations of one or more alternative unification plans. The commission
29 shall consider the recommendations of the governing boards of the affected
30 school districts and then design and submit to the governor on or before
31 December 31, 2007 a proposed school district unification plan that includes
32 the following components:

33 1. Basing the unification plan on relevant academic and scientific
34 research regarding school size, school district size, fiscal implications and
35 legal issues that may include the following:

36 (a) Use by any of the affected districts of section 15-910 or
37 15-910.01, Arizona Revised Statutes.

38 (b) Estimated adjustment of both the primary and secondary tax rates
39 of the affected districts.

40 (c) Application of a career ladder program if not all of the affected
41 districts currently participate.

42 (d) Application of overrides authorized under title 15, chapter 4,
43 article 4, Arizona Revised Statutes.

44 (e) Estimated potential savings and efficiencies to be achieved
45 through the recommended unification.

1 (f) Application of teacher experience indexes and existing salary
2 schedules of affected districts.

3 (g) Potential impact on facilities needs due to unification, INCLUDING
4 AVAILABLE STUDENT CAPACITY AT EXISTING SCHOOL FACILITIES.

5 (h) CONSIDERATION OF THE POSSIBILITY OF A SUPERINTENDENT CONTRACT
6 BUY-OUT.

7 (i) COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL VOTING RIGHTS ACT
8 OF 1965 (42 UNITED STATES CODE, SEC. 1973).

9 (j) CONSIDERATION OF THE USE OF A WARD SYSTEM FOR THE ELECTION OF
10 GOVERNING BOARD MEMBERS.

11 2. Considering geographic boundaries and travel time of pupils. The
12 commission may recommend enlarging or diminishing the size of affected school
13 districts.

14 3. Developing a plan for unorganized territories that requires the
15 inclusion of areas where at least one per cent of the population attends a
16 public school within the boundaries of a unified school district.

17 4. The provision of regional or statewide services for administration,
18 instructional and noninstructional support services to rural or isolated
19 schools and rural and isolated school districts, or any other school district
20 that wishes to participate in the service plans.

21 5. Ensuring a smooth and efficient transition from the current number
22 of school districts in this state to the number of school districts proposed
23 in the school district unification plan, including an examination of the
24 following:

25 (a) Increasing the membership of school district governing boards to
26 nine members, especially in large school districts and school districts
27 located in urban areas.

28 (b) Mechanisms to allow the elected members of existing school
29 district governing boards to serve out the remainder of their terms.

30 (c) Assimilation by the unified school districts proposed in the
31 school district unification plan of the legal liabilities and other financial
32 and contractual obligations of the school districts being combined into a
33 unified school district.

34 6. The development of a statewide uniform school district naming
35 convention under which each school district would be assigned a legal
36 designation by county and school district number.

37 7. The review of existing statewide or regional educational service
38 agencies and the establishment where necessary of new statewide or regional
39 educational service agencies to provide for the noninstructional support of
40 school districts in the state.

41 8. The restructuring of the state's school districts as follows:

42 (a) All school districts in this state shall be unified districts that
43 serve students in at least all grades from kindergarten through grade twelve,
44 unless the commission determines otherwise.

1 (b) School districts shall be classified as rural unified school
2 districts if their student count is less than five hundred.

3 (c) School districts shall be classified as independent unified school
4 districts if their student count is more than six thousand.

5 (d) The consideration of the elimination of statutory budget
6 exemptions for school districts with a student count of less than one hundred
7 twenty-five.

8 9. Ensuring that the unification plan preserves local control while at
9 the same time maximizing an efficient and cost-effective delivery of
10 educational services.

11 10. Providing specific mechanisms for the payment of legal liabilities,
12 contractual obligations, capital debt and overrides previously accumulated by
13 school districts before the implementation of the unification plan and the
14 acquisition of legal liabilities, contractual obligations, capital debt and
15 overrides by school districts after the implementation of the unification
16 plan.

17 11. Identifying costs attributable to a unification plan subject to the
18 approval of the joint legislative budget committee.

19 ~~G.~~ I. The commission shall hold public hearings and hear testimony
20 regarding the unification of every affected school district. Hearings shall
21 be held throughout the state and shall include rural school districts. The
22 commission shall provide notice to the public at least three weeks in advance
23 of any hearing in the local district offices and in the local newspapers.

24 ~~H.~~ J. The commission shall include in the final report on the
25 proposed unification recommendations an estimate of the impact to the state
26 general fund if the proposed recommendations are approved by the voters in
27 the affected school districts and the estimated cost of the elections
28 required by the unification recommendations for reimbursement to the school
29 districts.

30 ~~I.~~ K. The governor shall sign the report submitted by the commission
31 and shall file the report with the secretary of state.

32 ~~J.~~ L. The legislature shall not appropriate any monies for use by the
33 school district redistricting commission pursuant to this section.

34 Sec. 6. Unification; former common school districts

35 A. A common school district that is not within the boundaries of a
36 high school district and that was authorized by the qualified electors to
37 establish a unified school district with boundaries coterminous with the
38 boundaries of the common school district in an election held before the
39 effective date of this section may continue calculating its budget and
40 equalization assistance pursuant to section 15-951, Arizona Revised Statutes,
41 until a high school is constructed for the newly formed unified school
42 district, or until June 30, 2011, whichever occurs first.

43 B. A newly formed unified school district that meets the requirements
44 of subsection A of this section and that phases in instruction for pupils in
45 grades nine through twelve may continue calculating its budget and

1 equalization assistance pursuant to section 15-951, Arizona Revised Statutes,
2 for a maximum of three years after the first year of the operation of the new
3 high school in the newly formed unified school district.

4 C. Notwithstanding this section or any other law, a school district
5 shall not retroactively adjust its budget for any fiscal year pursuant to
6 this section.

7 Sec. 7. Retroactivity

8 Section 15-341, Arizona Revised Statutes, as amended by this act, is
9 effective to from and after June 30, 2007.

10 Sec. 8. Emergency

11 This act is an emergency measure that is necessary to preserve the
12 public peace, health or safety and is operative immediately as provided by
13 law.