

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1269

AN ACT

AMENDING SECTION 15-393, ARIZONA REVISED STATUTES; RELATING TO JOINT
TECHNOLOGICAL EDUCATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-393, Arizona Revised Statutes, is amended to
3 read:

4 15-393. Joint technological education district governing board;
5 report; definition

6 A. The management and control of the joint district are vested in the
7 joint technological education district governing board, including the content
8 and quality of the courses offered by the district, the quality of teachers
9 who provide instruction on behalf of the district, the salaries of teachers
10 who provide instruction on behalf of the district and the reimbursement of
11 other entities for the facilities used by the district. Unless the governing
12 boards of the school districts participating in the formation of the joint
13 district vote to implement an alternative election system as provided in
14 subsection B of this section, the joint board shall consist of five members
15 elected from five single member districts formed within the joint district.
16 The single member district election system shall be submitted as part of the
17 plan for the joint district pursuant to section 15-392 and shall be
18 established in the plan as follows:

19 1. The governing boards of the school districts participating in the
20 formation of the joint district shall define the boundaries of the single
21 member districts so that the single member districts are as nearly equal in
22 population as is practicable, except that if the joint district lies in part
23 in each of two or more counties, at least one single member district may be
24 entirely within each of the counties comprising the joint district if this
25 district design is consistent with the obligation to equalize the population
26 among single member districts.

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

30 3. A person who is a registered voter of this state and who is a
31 resident of the single member district is eligible for election to the office
32 of joint board member from the single member district. The terms of office
33 of the members of the joint board shall be as prescribed in section 15-427,
34 subsection B. An employee of a joint technological education district or the
35 spouse of an employee shall not hold membership on a governing board of a
36 joint technological education district by which the employee is employed. A
37 member of one school district governing board or joint technological
38 education district governing board is ineligible to be a candidate for
39 nomination or election to or serve simultaneously as a member of any other
40 governing board, except that a member of a governing board may be a candidate
41 for nomination or election for any other governing board if the member is
42 serving in the last year of a term of office. A member of a governing board
43 shall resign the member's seat on the governing board before becoming a
44 candidate for nomination or election to the governing board of any other

1 school district or joint technological education district, unless the member
2 of the governing board is serving in the last year of a term of office.

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

5 B. The governing boards of the school districts participating in the
6 formation of the joint district may vote to implement any other alternative
7 election system for the election of joint district board members. If an
8 alternative election system is selected, it shall be submitted as part of the
9 plan for the joint district pursuant to section 15-392, and the
10 implementation of the system shall be as approved by the United States
11 justice department.

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

- 14 1. Chapter 1, articles 1 through 6.
- 15 2. Sections 15-208, 15-210, 15-213 and 15-234.
- 16 3. Articles 2, 3 and 5 of this chapter.
- 17 4. Section 15-361.
- 18 5. Chapter 4, articles 1, 2 and 5.
- 19 6. Chapter 5, articles 1, 2 and 3.
- 20 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729
21 and 15-730.
- 22 8. Chapter 7, article 5.
- 23 9. Chapter 8, articles 1, 3 and 4.
- 24 10. Sections 15-828 and 15-829.
- 25 11. Chapter 9, article 1, article 6, except for section 15-995, and
26 article 7.
- 27 12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.
- 28 13. Sections 15-1101 and 15-1104.
- 29 14. Chapter 10, articles 2, 3, 4 and 8.

30 D. Notwithstanding subsection C of this section, the following apply
31 to a joint technological education district:

32 1. A joint district may issue bonds for the purposes specified in
33 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
34 aggregate, including the existing indebtedness, not exceeding one per cent of
35 the taxable property used for secondary tax purposes, as determined pursuant
36 to title 42, chapter 15, article 1, within the joint technological education
37 district as ascertained by the last property tax assessment previous to
38 issuing the bonds.

39 2. The number of governing board members for a joint district shall be
40 as prescribed in subsection A of this section.

41 3. If a career and technical education and vocational education course
42 or program provided pursuant to this article is provided in a facility owned
43 or operated by a school district in which a pupil is enrolled, including
44 satellite courses, the sum of the daily attendance, as provided in section
45 15-901, subsection A, paragraph 6, for that pupil in both the school district

1 and joint technological education district shall not exceed 1.25 and the sum
2 of the fractional student enrollment, as provided in section 15-901,
3 subsection A, paragraph 2, subdivision (a), shall not exceed 1.25 for the
4 courses taken in the school district and the facility, including satellite
5 courses. The school district and the joint district shall determine the
6 apportionment of the daily attendance and fractional student enrollment for
7 that pupil between the school district and the joint district.

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

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

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

24 (c) After the first one hundred days or two hundred days in session,
25 as applicable, for the first year of operation, the joint district shall
26 revise the student count to the actual student count for students attending
27 classes in the joint district. A joint district shall revise its student
28 count, the base support level as provided in section 15-943.02, the revenue
29 control limit as provided in section 15-944.01, the capital outlay revenue
30 limit and the soft capital allocation as provided in section 15-962.01 prior
31 to May 15. A joint district that overestimated its student count shall
32 revise its budget prior to May 15. A joint district that underestimated its
33 student count may revise its budget prior to May 15.

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

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

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

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

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

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

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

22 (b) A student in a kindergarten program or in grades one through eight
23 who is enrolled in vocational education courses shall not be funded in whole
24 or in part with monies provided by a joint technological education district.

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

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

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

33 7. A joint district may use the excess utility costs provisions of
34 section 15-910 in the same manner as a school district for fiscal years
35 1999-2000 and 2000-2001, except that the base year shall be the first full
36 fiscal year of operations.

37 8. A joint district may use the carryforward provisions of section
38 15-943.01 retroactively to July 1, 1993.

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

1 year that the school district participated in the joint district or the first
2 year that the school district used monies received pursuant to this article
3 or that used the monies for purposes other than for career and technological
4 education and vocational education courses shall:

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

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

11 (c) Use one hundred per cent of the monies received pursuant to this
12 article in fiscal year 2007-2008 and each fiscal year thereafter to
13 supplement and not supplant base year career and technical education and
14 vocational education courses.

15 10. A joint technological education district shall use any monies
16 received pursuant to this article to enhance and not supplant career and
17 technical education and vocational education courses and directly related
18 equipment and facilities.

19 11. A joint technological education district or a school district that
20 is part of a joint district shall only include pupils in grades nine through
21 twelve in the calculation of average daily membership or average daily
22 attendance if the pupils are enrolled in courses that are approved jointly by
23 the governing board of the joint technological education district and each
24 participating school district for satellite courses taught within the
25 participating school district, or approved solely by the joint technological
26 education district for centrally located courses. Average daily membership
27 and average daily attendance from courses that are not part of an approved
28 program for career and technical education shall not be included in average
29 daily membership and average daily attendance of a joint technological
30 education district. A student in grade nine who enrolls in a career
31 exploration course shall not be included in the joint district's average
32 daily attendance or average daily membership.

33 E. The joint board shall appoint a superintendent as the executive
34 officer of the joint district.

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

43 G. The schools in the joint district are available to all persons who
44 reside in the joint district subject to the rules for admission prescribed by
45 the joint board.

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

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

8 J. One member of the joint board shall be selected chairman. The
9 chairman shall be selected annually on a rotation basis from among the
10 participating school districts. The chairman of the joint board shall be a
11 voting member.

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

15 L. Any agreement between the governing board of a joint technological
16 education district and another joint technological education district, a
17 school district, a charter school or a community college district shall be in
18 the form of an intergovernmental agreement or other written contract. The
19 auditor general shall modify the uniform system of financial records and
20 budget forms in accordance with this subsection. The intergovernmental
21 agreement or other written contract shall completely and accurately specify
22 each of the following:

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

25 2. The accountability provisions of the intergovernmental agreement or
26 other written contract.

27 3. The responsibilities of each joint technological education
28 district, each school district, each charter school and each community
29 college district that is a party to the intergovernmental agreement or other
30 written contract.

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

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

35 6. The transportation services that will be provided under the
36 intergovernmental agreement or other written contract and the manner in which
37 transportation costs will be paid.

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

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

44 9. That the payment for services shall not exceed the cost of the
45 services provided.

1 10. That any initial intergovernmental agreement or other written
2 contract and any addendums between the governing board of a joint
3 technological education district and another joint technological education
4 district, a school district, a charter school or a community college district
5 be submitted by the joint technological education district to the joint
6 legislative budget committee for review.

7 M. On or before December 31 of each year, each joint technological
8 education district shall submit a detailed report to the career and technical
9 education division of the department of education. The career and technical
10 education division of the department of education shall collect, summarize
11 and analyze the data submitted by the joint districts, shall submit an annual
12 report that summarizes the data submitted by the joint districts to the
13 governor, the speaker of the house of representatives, the president of the
14 senate and the state board of education and shall submit a copy of this
15 report to the secretary of state and the director of the Arizona state
16 library, archives and public records. The data submitted by each joint
17 technological education district shall include the following:

- 18 1. The average daily membership of the joint district.
- 19 2. The course listings and course descriptions of courses offered by
20 the joint district.
- 21 3. The costs associated with each ~~course~~ PROGRAM offered by the joint
22 district.
- 23 4. The completion rate for each ~~course~~ PROGRAM offered by the joint
24 district. FOR THE PURPOSES OF THIS PARAGRAPH, "COMPLETION RATE" MEANS THE
25 COMPLETION RATE FOR STUDENTS WHO ARE DESIGNATED AS CONCENTRATORS IN THAT
26 PROGRAM BY THE DEPARTMENT OF EDUCATION UNDER THE CAREER AND TECHNOLOGY
27 EDUCATION APPROVED STATE PLAN.
- 28 5. The graduation rate FROM THE SCHOOL DISTRICT OF RESIDENCE of
29 students ~~enrolled~~ WHO HAVE COMPLETED A PROGRAM in the joint district.
- 30 6. A detailed description of the career opportunities available to
31 students after completion of the program offered by the joint district.
- 32 7. A detailed description of the career placement of students who have
33 completed the program offered by the joint district.
- 34 8. Any other data deemed necessary by the department of education to
35 carry out its duties under this subsection.

36 N. If the career and technical education division of the department of
37 education determines that a course does not meet the criteria for approval as
38 a joint technical education course, the governing board of the joint
39 technological education district may appeal this decision to the state board
40 of education acting as the state board of vocational education.

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

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

4 Sec. 2. Retroactivity

5 Section 15-393, Arizona Revised Statutes, as amended by this act,
6 applies retroactively to from and after June 30, 2007.