

REFERENCE TITLE: community colleges; baccalaureate degrees

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2277

Introduced by
Representative Pratt

AN ACT

AMENDING SECTIONS 15-1401 AND 15-1444, ARIZONA REVISED STATUTES; RELATING TO
COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-1401, Arizona Revised Statutes, is amended to
3 read:
4 15-1401. Definitions
5 In this chapter, unless the context otherwise requires:
6 1. "Accredited" means accredited by a regional accrediting agency
7 recognized by the United States department of education or by the council on
8 postsecondary accreditation.
9 2. "Additional short-term classes" means those classes ~~which~~ THAT are
10 not in session on the forty-fifth day of the fall or spring semester, ~~which~~
11 THAT commence at various times during the fiscal year and ~~which~~ THAT are
12 offered over a period of less than sixteen weeks.
13 3. "Budget year" means the fiscal year for which the community college
14 district is budgeting and ~~which~~ THAT immediately follows the current year.
15 4. "Community college" means an educational institution that is
16 operated by a district board and that provides a program ~~not exceeding OF two~~
17 ~~years'~~ training in the arts, sciences and humanities beyond the twelfth grade
18 of the public or private high school course of study or vocational education,
19 including terminal courses of a technical and vocational nature and basic
20 adult education courses.
21 5. "Current year" means the fiscal year in which the community college
22 district is operating.
23 6. "District" means a community college district that is established
24 pursuant to sections 15-1402 and 15-1403 and that is a political subdivision
25 of this state and, unless otherwise specified, includes provisional community
26 college districts established pursuant to section 15-1409.
27 7. "District board" means the community college district governing
28 board.
29 8. "Full-time equivalent student" means student enrollment for fifteen
30 community college semester credit units per semester.
31 9. "Open entry, open exit classes" means those classes in which
32 students enter or exit based on mastery of specified competencies and ~~which~~
33 THAT commence at various times during the fiscal year.
34 10. "Operational expense budget" means the budget as adopted by the
35 district board pursuant to section 15-1461.
36 11. "Operational expenses" means the administration, instruction,
37 operation of community college plant, maintenance of community college plant,
38 fixed charges and contingencies incurred in the operation of a district
39 exclusive of all capital outlay items, special levies, auxiliary enterprise
40 funds, restricted funds and bond service items.
41 12. "Provisional community college district" means a community college
42 district organized pursuant to section 15-1409.
43 Sec. 2. Section 15-1444, Arizona Revised Statutes, is amended to read:
44 15-1444. General powers and duties of district governing boards
45 A. Except as otherwise provided, the district board shall:

- 1 1. Maintain each community college for a period of not less than eight
2 months in each year and, if the funds of the district are sufficient,
3 maintain each community college for a longer period.
- 4 2. Adopt policies in a public forum to offer programs that meet the
5 educational needs of the population served by the community college.
- 6 3. Enforce the courses of study prescribed by the district board.
- 7 4. Visit each community college under its jurisdiction and examine
8 carefully into its management, conditions and needs.
- 9 5. Exclude from each community college all books, publications or
10 papers of a sectarian, partisan or denominational character intended for use
11 as textbooks.
- 12 6. Appoint and employ a chancellor or chancellors, vice-chancellors, a
13 president or presidents, vice-presidents, deans, professors, instructors,
14 lecturers, fellows and such other officers and employees it deems necessary.
15 The district board may enter into employment contracts with chancellors,
16 vice-chancellors and presidents for a duration of more than one year but not
17 more than five years.
- 18 7. Determine the salaries of persons it appoints and employs.
- 19 8. Remove any officer or employee if in its judgment the interests of
20 education in this state require the removal.
- 21 9. Award degrees, certificates and diplomas on the completion of
22 courses and curriculum as it deems appropriate.
- 23 10. Appoint or employ, if it deems necessary, police officers who shall
24 have the authority and power of peace officers. The police officers who have
25 received a certificate from the Arizona peace officer standards and training
26 board are eligible for membership in and benefits under either title 38,
27 chapter 5, article 2 or the public safety personnel retirement system under
28 title 38, chapter 5, article 4.
- 29 11. Determine the location within the district of a community college
30 and purchase, receive, hold, make and take leases of, sell and convey real or
31 personal property for the benefit of the community colleges under its
32 jurisdiction.
- 33 12. Obtain insurance or be self-insured, or a combination of insurance
34 and self-insurance, against loss, to the extent it is determined necessary on
35 community college buildings of the district. The local district shall have
36 an insurable interest in the buildings.
- 37 B. The district board may:
 - 38 1. Administer trusts declared or created for the district and receive
39 by gift or devise and hold in trust or otherwise property wheresoever
40 located, and if not otherwise provided, dispose of the property for the
41 benefit of the district.
 - 42 2. Lease real property, as lessor or as lessee. If a district is the
43 lessee, the lease may contain an option to purchase the property. The
44 district board may adopt policies as are deemed necessary and may delegate in
45 writing to the chancellor or president of the district, or their designees,

1 all or any part of its authority to lease property under this paragraph. A
2 district board shall not delegate the authority to execute a lease that
3 exceeds one hundred thousand dollars per year. Any delegation by the
4 district board pursuant to this paragraph may be rescinded in whole or in
5 part at any time by the district board.

6 3. Sue and be sued.

7 4. Contract. The district board may adopt such policies as are deemed
8 necessary and may delegate in writing to the chancellor or president of the
9 district, or their designees, all or any part of its authority to contract
10 under this paragraph. Any delegation of authority under this paragraph may
11 be rescinded by the district board at any time in whole or in part.

12 5. Construct, remodel and repair buildings.

13 6. In conjunction with other districts, establish policies for
14 procurement of goods and services.

15 7. Provide a plan or plans for employee benefits, which may include
16 optional retirement programs pursuant to section 15-1451, subsection A, which
17 allow for participation in a cafeteria plan that meets the requirements of
18 the United States internal revenue code of 1986.

19 8. Accept grants or donations of monies from the United States, or
20 from any of its agencies, departments or officers, or from persons,
21 corporations, foundations or associations. A district board shall deposit
22 the monies into a specific fund or account and a district board shall
23 administer the monies in accordance with the purpose of the grant or donation
24 with specific policies or restrictions as described or stipulated in the
25 grant or donation. In the case of personal property granted or donated to or
26 for the benefit of a community college district, a district board shall
27 immediately transfer possession and ownership of the property to the
28 designated district.

29 9. Enter into intergovernmental agreements or contracts pursuant to
30 section 11-952.01 for participation in programs offered by public agency
31 pools or separately contract with a trustee or board of trustees that
32 provides a common self-insurance program with pooled funds and risks pursuant
33 to section 15-382, subsection B, paragraph 2. The district board is not
34 required to engage in competitive procurement in order to make the decision
35 to participate in these programs.

36 10. Name a building or a group of buildings that is located on a
37 community college campus on behalf of a person or entity that has made a
38 significant contribution of monies or other property to the community college
39 or the community college district.

40 11. Enter into research and development agreements, royalty agreements,
41 development agreements, licensing agreements and profit-sharing agreements
42 concerning the research, development, production, storing or marketing of new
43 products developed or to be developed through community college district
44 research.

1 12. BEGINNING IN FISCAL YEAR 2011-2012, OFFER FOUR-YEAR BACCALAUREATE
2 DEGREES PURSUANT TO THE FOLLOWING REQUIREMENTS:

3 (a) ON OR BEFORE SEPTEMBER 15 OF EACH YEAR, THE DISTRICT BOARD, IN
4 CONJUNCTION WITH OTHER DISTRICT BOARDS, SHALL NOTIFY THE JOINT LEGISLATIVE
5 BUDGET COMMITTEE IN WRITING OF ITS INTENTION TO OFFER FOUR-YEAR BACCALAUREATE
6 DEGREES IN THE NEXT FISCAL YEAR.

7 (b) ON OR BEFORE SEPTEMBER 15 OF THE YEAR BEFORE THE FIRST FISCAL YEAR
8 IT INTENDS TO OFFER FOUR-YEAR BACCALAUREATE DEGREES, THE DISTRICT BOARD SHALL
9 SUBMIT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE AT A MINIMUM THE FOLLOWING
10 INFORMATION:

11 (i) A DESCRIPTION OF THE PROGRAMS THE DISTRICT INTENDS TO OFFER TO
12 STUDENTS THE FOLLOWING FISCAL YEAR.

13 (ii) THE NUMBER OF STUDENTS EXPECTED TO PARTICIPATE IN EACH PROGRAM
14 OFFERED BY THE DISTRICT.

15 (c) ON OR BEFORE SEPTEMBER 15, 2011, THE DISTRICT, IN CONJUNCTION WITH
16 OTHER DISTRICTS THAT INTEND TO OFFER FOUR-YEAR BACCALAUREATE DEGREES, SHALL
17 DEVELOP UNIFORM PERFORMANCE MEASURES THAT SHALL BE INCLUDED IN THE STATE
18 BUDGET.

19 (d) ON OR BEFORE OCTOBER 1, 2011, THE DISTRICT, IN CONJUNCTION WITH
20 OTHER DISTRICTS THAT INTEND TO OFFER FOUR-YEAR BACCALAUREATE DEGREES, SHALL
21 SUBMIT A STATEWIDE BUDGET FOR ALL DISTRICTS THAT ESTIMATES A FULL-TIME
22 EQUIVALENT STUDENT ENROLLMENT FOR 300-LEVEL AND 400-LEVEL ACADEMIC COURSES
23 THAT WILL BE OFFERED BY THE DISTRICT.

24 (e) UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
25 REGENTS SHALL USE THE SAME ADMISSION CRITERIA TO GRADUATE DEGREE PROGRAMS FOR
26 PERSONS WHO HAVE BEEN AWARDED BACCALAUREATE DEGREES ISSUED PURSUANT TO THIS
27 PARAGRAPH AS USED FOR PERSONS WHO HAVE OBTAINED BACCALAUREATE DEGREES FROM
28 TRADITIONAL FOUR-YEAR POSTSECONDARY INSTITUTIONS THAT ARE ACCREDITED BY A
29 NATIONAL ACCREDITATION AGENCY APPROVED BY THE UNITED STATES DEPARTMENT OF
30 EDUCATION.

31 (f) A DISTRICT THAT OFFERS FOUR-YEAR BACCALAUREATE DEGREE PROGRAMS
32 SHALL COLLABORATE WITH OTHER DISTRICTS ON THE DEVELOPMENT OF CURRICULA FOR
33 COMPARABLE PROGRAMS.

34 (g) THE FOUR-YEAR BACCALAUREATE DEGREES OFFERED BY A DISTRICT SHALL BE
35 LIMITED TO ONE OR MORE OF THE FOLLOWING ACADEMIC DISCIPLINES SELECTED BY THE
36 DISTRICT BOARD:

37 (i) NURSING PROGRAMS.

38 (ii) ELEMENTARY EDUCATION PROGRAMS FOR PROSPECTIVE TEACHERS.

39 (h) A DISTRICT THAT OFFERS 300-LEVEL AND 400-LEVEL ACADEMIC COURSES IS
40 ENTITLED TO STATE AID PURSUANT TO SECTION 15-1466 AND STATE AID PER CAPITA
41 FOR CAPITAL OUTLAY PURSUANT TO SECTION 15-1464 DURING THE FIRST AND SECOND
42 YEARS IN WHICH THE DISTRICT OFFERS 300-LEVEL AND 400-LEVEL ACADEMIC COURSES
43 BASED ON THE DISTRICT'S ESTIMATE OF THE FULL-TIME EQUIVALENT STUDENT
44 ENROLLMENT IN 300-LEVEL AND 400-LEVEL ACADEMIC COURSES FOR THE FIRST AND
45 SECOND YEARS IN WHICH THE DISTRICT OFFERS 300-LEVEL AND 400-LEVEL ACADEMIC

1 COURSES. A DISTRICT'S STATE AID PAYMENTS SHALL BE ADJUSTED DURING THE THIRD
2 YEAR OF OFFERING 300-LEVEL AND 400-LEVEL ACADEMIC COURSES BASED ON ANY
3 DISCREPANCIES BETWEEN THE ESTIMATED FULL-TIME EQUIVALENT STUDENT ENROLLMENT
4 DURING THE FIRST TWO YEARS IN WHICH THE DISTRICT OFFERS 300-LEVEL AND
5 400-LEVEL ACADEMIC COURSES AND THE ACTUAL FULL-TIME EQUIVALENT STUDENT
6 ENROLLMENT FOR THOSE TWO YEARS AS DETERMINED BY THE AUDITOR GENERAL PURSUANT
7 TO SECTION 15-1466.01.

8 C. If a district acquires real or personal property, whether by
9 purchase, exchange, condemnation, gift or otherwise, the district shall pay
10 to the county treasurer any taxes on the property that were unpaid as of the
11 date of acquisition, including penalties and interest. The lien for unpaid
12 delinquent taxes, penalties and interest on property acquired by the
13 district:

14 1. Is not abated, extinguished, discharged or merged in the title to
15 the property.

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

17 D. In a district whose boundaries encompass a vehicle emissions
18 control area as defined in section 49-541, the district board shall require
19 all out-of-county and out-of-state students to sign an affidavit at the time
20 of course registration that the student's vehicle meets the requirements of
21 section 49-542. The district board on property under its jurisdiction within
22 a vehicle emissions control area shall prohibit the parking of those vehicles
23 that fail to comply with section 49-542.

24 E. A community college district and a joint technical education
25 district governing board may enter into agreements for the provision of
26 administrative, operational and educational services and facilities.

27 F. Each district may establish a program for the exchange of students
28 between the community colleges under its jurisdiction and colleges and
29 universities located in Sonora, Mexico. The program may provide for in-state
30 tuition for Sonora students at the community colleges under the jurisdiction
31 of the district in exchange for similar tuition provisions for Arizona
32 students enrolled or seeking enrollment in Sonora colleges and universities.
33 The community colleges may work in conjunction with the Arizona-Mexico
34 commission in the governor's office to coordinate recruitment and admissions
35 activities to provide for in-state tuition for up to fifty Sonora students at
36 the community colleges under the jurisdiction of the district in exchange for
37 similar tuition provisions for up to fifty total Arizona students enrolled or
38 seeking enrollment in Sonora colleges and universities.

39 G. Each district shall facilitate transfer articulation coordination
40 pursuant to section 15-1824.