

PROPOSED AMENDMENT
SENATE AMENDMENTS TO H.B. 2289
(Reference to House engrossed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 15-301, Arizona Revised Statutes, is amended to read:

15-301. Office of county school superintendent; qualifications; travel expenses

A. A person is eligible for election as county school superintendent if the person ~~holds a basic or standard certificate to teach in the schools of this state~~ IS A QUALIFIED ELECTOR WHO RESIDES IN THE COUNTY AND IS AT LEAST THIRTY YEARS OF AGE.

B. In addition to the salary allowed by law, the county school superintendent is eligible for reimbursement of travel expenses.

C. The office of county school superintendent is designated as a local education agency for the purpose of serving as an education service agency that is eligible to receive and spend local, state and federal monies to provide programs and services to school districts and charter schools within that county.

D. The office of county school superintendent shall be under the jurisdiction of the elected county school superintendent.

Sec. 2. Section 15-302, Arizona Revised Statutes, is amended to read:

15-302. Powers and duties

A. The county school superintendent shall:

1. Distribute all laws, reports, circulars, instructions and forms that he may receive for the use of school officers.

2. Record all official acts.

~~3. Appoint governing board members of school districts to fill all vacancies, but the term of the appointment shall be until the next regular election for governing board members, at which time a successor shall be elected to serve the unexpired portion of the term. Within thirty days after notification of a vacancy, the school district governing board may submit up~~

~~to three names to the county school superintendent for consideration of an appointment to fill the vacancy. The county school superintendent is not required to appoint a governing board member from the list of names submitted by the governing board. The county school superintendent, if he deems it in the best interest of the community, may call a special election to fill the vacancies. If an election is called, the newly elected member shall serve for the remainder of the unexpired portion of the term.~~

~~4.~~ 3. Make reports, when directed by the superintendent of public instruction, showing matters relating to schools in his county as may be required on the forms furnished by the superintendent of public instruction.

~~5.~~ 4. Have such powers and perform such duties as otherwise prescribed by law.

~~6.~~ 5. On or before October 1 of each year, make a report to the superintendent of public instruction showing the amount of monies received from state school funds, special school district taxes and other sources, the total expenditures for school purposes and the balance on hand to the credit of each school district at the close of the school year.

~~7.~~ 6. Contract with the board of supervisors for the board of supervisors to conduct all regular school district elections.

~~8.~~ 7. Be responsible, in cooperation with the governing boards and the board of supervisors, for all special school district elections.

~~9.~~ 8. Maintain teacher and administrator certification records of effective dates and expiration dates of teachers' and administrators' certificates in compliance with guidelines prescribed in the uniform system of financial records for those school districts for which the county school superintendent is the fiscal agent. The county school superintendent shall not draw a warrant in payment of a teacher's, substitute teacher's or administrator's salary unless the teacher, substitute teacher or administrator is legally certified during the fiscal year in which the term for payment is demanded.

~~10.~~ 9. Notify a school district three years before the expiration of a revenue control limit override that the school district's budget must be

1 adjusted in the final two years of the override pursuant to section 15-481,
2 subsections P and Q, if the voters do not approve another override.

3 ~~11.~~ 10. In collaboration with the department of education and other
4 state agencies, provide assistance to school districts and charter schools on
5 the use of student data, staff development, curriculum alignment and
6 technology to improve student performance.

7 ~~12.~~ 11. Assist schools in meeting yearly adequate progress goals as
8 defined by criteria established by the state board of education and
9 implemented by the department of education.

10 B. At the request of school districts and charter schools, the county
11 school superintendent may provide discretionary programs in addition to the
12 programs prescribed in subsection A of this section.

13 C. The county school superintendent may provide the services
14 prescribed in subsections A and B of this section in the county or jointly
15 with two or more counties pursuant to title 11, chapter 7, article 3.

16 D. Each county school superintendent may establish an advisory
17 committee to the office of the county school superintendent.

18 Sec. 3. Section 15-341, Arizona Revised Statutes, is amended to read:

19 15-341. General powers and duties; immunity; delegation

20 A. The governing board shall:

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

24 2. Exclude from schools all books, publications, papers or audiovisual
25 materials of a sectarian, partisan or denominational character.

26 3. Manage and control the school property within its district.

27 4. Acquire school furniture, apparatus, equipment, library books and
28 supplies for the use of the schools.

29 5. Prescribe the curricula and criteria for the promotion and
30 graduation of pupils as provided in sections 15-701 and 15-701.01.

31 6. Furnish, repair and insure, at full insurable value, the school
32 property of the district.

1 7. Construct school buildings on approval by a vote of the district
2 electors.

3 8. Make in the name of the district conveyances of property belonging
4 to the district and sold by the board.

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

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

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

16 12. Hold pupils to strict account for disorderly conduct on school
17 property.

18 13. Discipline students for disorderly conduct on the way to and from
19 school.

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

29 15. Provide that, if a parent or legal guardian chooses not to accept a
30 decision of the teacher as provided in section 15-521, paragraph 2, the
31 parent or legal guardian may request in writing that the governing board
32 review the teacher's decision. Nothing in this paragraph shall be construed

1 to release school districts from any liability relating to a child's
2 promotion or retention.

3 16. Provide for adequate supervision over pupils in instructional and
4 noninstructional activities by certificated or noncertificated personnel.

5 17. Use school monies received from the state and county school
6 apportionment exclusively for payment of salaries of teachers and other
7 employees and contingent expenses of the district.

8 18. Make an annual report to the county school superintendent on or
9 before October 1 in the manner and form and on the blanks prescribed by the
10 superintendent of public instruction or county school superintendent. The
11 board shall also make reports directly to the county school superintendent or
12 the superintendent of public instruction whenever required.

13 19. Deposit all monies received by school districts other than student
14 activities monies or monies from auxiliary operations as provided in sections
15 15-1125 and 15-1126 with the county treasurer to the credit of the school
16 district except as provided in paragraph 20 of this subsection and sections
17 15-1223 and 15-1224, and the board shall expend the monies as provided by law
18 for other school funds.

19 20. Establish bank accounts in which the board during a month may
20 deposit miscellaneous monies received directly by the district. The board
21 shall remit monies deposited in the bank accounts at least monthly to the
22 county treasurer for deposit as provided in paragraph 19 of this subsection
23 and in accordance with the uniform system of financial records.

24 21. 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 days.
31 The procedures shall include notice, hearing and appeal provisions for

1 violations that are cause for disciplinary action. The governing board may
2 designate a person or persons to act on behalf of the board on these matters.

3 22. Prescribe and enforce policies and procedures for disciplinary
4 action against an administrator who engages in conduct that is a violation of
5 the policies of the governing board regarding duties of administrators but
6 that is not cause for dismissal of the administrator or for revocation of the
7 certificate of the administrator. Disciplinary action may include suspension
8 without pay for a period of time not to exceed ten school days. Disciplinary
9 action shall not include suspension with pay or suspension without pay for a
10 period of time longer than ten school days. The procedures shall include
11 notice, hearing and appeal provisions for violations that are cause for
12 disciplinary action. The governing board may designate a person or persons
13 to act on behalf of the board on these matters. For violations that are
14 cause for dismissal, the provisions of notice, hearing and appeal in chapter
15 5, article 3 of this title shall apply. The filing of a timely request for a
16 hearing suspends the imposition of a suspension without pay or a dismissal
17 pending completion of the hearing.

18 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce
19 policies and procedures that prohibit a person from carrying or possessing a
20 weapon on school grounds unless the person is a peace officer or has obtained
21 specific authorization from the school administrator.

22 24. Prescribe and enforce policies and procedures relating to the
23 health and safety of all pupils participating in district sponsored practice
24 sessions, ~~OR~~ OR games or other interscholastic athletic activities, including
25 the provision of water.

26 25. Prescribe and enforce policies and procedures regarding the smoking
27 of tobacco within school buildings. The policies and procedures shall be
28 adopted in consultation with school district personnel and members of the
29 community and shall state whether smoking is prohibited in school buildings.
30 If smoking in school buildings is not prohibited, the policies and procedures
31 shall clearly state the conditions and circumstances under which smoking is
32 permitted, those areas in a school building that may be designated as smoking

1 areas and those areas in a school building that may not be designated as
2 smoking areas.

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

5 27. Provide special education programs and related services pursuant to
6 section 15-764, subsection A to all children with disabilities as defined in
7 section 15-761.

8 28. Administer competency tests prescribed by the state board of
9 education for the graduation of pupils from high school.

10 29. Ensure that insurance coverage is secured for all construction
11 projects for purposes of general liability, property damage and workers'
12 compensation and secure performance and payment bonds for all construction
13 projects.

14 30. Keep on file the resumes of all current and former employees who
15 provide instruction to pupils at a school. Resumes shall include an
16 individual's educational and teaching background and experience in a
17 particular academic content subject area. A school district shall inform
18 parents and guardians of the availability of the resume information and shall
19 make the resume information available for inspection on request of parents
20 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph
21 shall NOT be construed to require any school to release personally
22 identifiable information in relation to any teacher or employee, including
23 the teacher's or employee's address, salary, social security number or
24 telephone number.

25 31. Report to local law enforcement agencies any suspected crime
26 against a person or property that is a serious offense as defined in section
27 13-706 or that involves a deadly weapon or dangerous instrument or serious
28 physical injury and any conduct that poses a threat of death or serious
29 physical injury to employees, students or anyone on the property of the
30 school. This paragraph does not limit or preclude the reporting by a school
31 district or an employee of a school district of suspected crimes other than
32 those required to be reported by this paragraph. For the purposes of this

1 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
2 injury" have the same meanings prescribed in section 13-105.

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

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

21 34. Incorporate instruction on Native American history into appropriate
22 existing curricula.

23 35. Prescribe and enforce policies and procedures allowing pupils who
24 have been diagnosed with anaphylaxis by a health care provider licensed
25 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
26 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
27 and self-administer emergency medications, including auto-injectable
28 epinephrine, while at school and at school sponsored activities. The pupil's
29 name on the prescription label on the medication container or on the
30 medication device and annual written documentation from the pupil's parent or
31 guardian to the school that authorizes possession and self-administration is
32 sufficient proof that the pupil is entitled to the possession and

1 self-administration of the medication. The policies shall require a pupil
2 who uses auto-injectable epinephrine while at school and at school sponsored
3 activities to notify the nurse or the designated school staff person of the
4 use of the medication as soon as practicable. A school district and its
5 employees are immune from civil liability with respect to all decisions made
6 and actions taken that are based on good faith implementation of the
7 requirements of this paragraph, except in cases of wanton or wilful neglect.

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

19 37. Prescribe and enforce policies and procedures to prohibit pupils
20 from harassing, intimidating and bullying other pupils on school grounds, on
21 school property, on school buses, at school bus stops and at school sponsored
22 events and activities that include the following components:

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

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

28 (c) A requirement that school district employees report suspected
29 incidents of harassment, intimidation or bullying to the appropriate school
30 official.

31 (d) A formal process for the documentation of reported incidents of
32 harassment, intimidation or bullying and for the confidentiality, maintenance

1 and disposition of this documentation. If a school maintains documentation
2 of reported incidents of harassment, intimidation or bullying, the school
3 shall not use that documentation to impose disciplinary action unless the
4 appropriate school official has investigated and determined that the reported
5 incidents of harassment, intimidation or bullying occurred.

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

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

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

12 38. Prescribe and enforce policies and procedures regarding changing or
13 adopting attendance boundaries that include the following components:

14 (a) A procedure for holding public meetings to discuss attendance
15 boundary changes or adoptions that allows public comments.

16 (b) A procedure to notify the parents or guardians of the students
17 affected.

18 (c) A procedure to notify the residents of the households affected by
19 the attendance boundary changes.

20 (d) A process for placing public meeting notices and proposed maps on
21 the school district's website for public review, if the school district
22 maintains a website.

23 (e) A formal process for presenting the attendance boundaries of the
24 affected area in public meetings that allows public comments.

25 (f) A formal process for notifying the residents and parents or
26 guardians of the affected area as to the decision of the governing board on
27 the school district's website, if the school district maintains a website.

28 (g) A formal process for updating attendance boundaries on the school
29 district's website within ninety days of an adopted boundary change. The
30 school district shall send a direct link to the school district's attendance
31 boundaries website to the department of real estate.

1 (h) If the land that a school was built on was donated within the past
2 five years, a formal process to notify the entity that donated the land
3 affected by the decision of the governing board.

4 39. If the state board of education determines that the school district
5 has committed an overexpenditure as defined in section 15-107, provide a copy
6 of the fiscal management report submitted pursuant to section 15-107,
7 subsection H on its website and make copies available to the public on
8 request. The school district shall comply with a request within five
9 business days after receipt.

10 40. Ensure that the contract for the superintendent is structured in a
11 manner where at least twenty per cent of the total annual compensation and
12 benefits included for the superintendent in the contract is classified as
13 performance pay. Nothing in this paragraph shall be construed to require
14 school districts to increase total compensation for superintendents. Unless
15 the school district governing board votes to implement an alternative
16 procedure at a public meeting called for this purpose, the performance pay
17 portion of the superintendent's total annual compensation shall be determined
18 as follows:

19 (a) Twenty-five per cent of the performance pay shall be determined
20 based on the percentage of academic gain determined by the department of
21 education of pupils who are enrolled in the school district compared to the
22 academic gain achieved by the highest ranking of the fifty largest school
23 districts in this state. For the purposes of this subdivision, the
24 department of education shall determine academic gain by the academic growth
25 achieved by each pupil who has been enrolled at the same school in a school
26 district for at least five consecutive months measured against that pupil's
27 academic results in the 2008-2009 school year. For the purposes of this
28 subdivision, of the fifty largest school districts in this state, the school
29 district with pupils who demonstrate the highest statewide percentage of
30 overall academic gain measured against academic results for the 2008-2009
31 school year shall be assigned a score of 100 and the school district with
32 pupils who demonstrate the lowest statewide percentage of overall academic

1 gain measured against academic results for the 2008-2009 school year shall be
2 assigned a score of 0.

3 (b) Twenty-five per cent of the performance pay shall be determined by
4 the percentage of parents of pupils who are enrolled at the school district
5 who assign a letter grade of "A" to the school on a survey of parental
6 satisfaction with the school district. The parental satisfaction survey
7 shall be administered and scored by an independent entity that is selected by
8 the governing board and that demonstrates sufficient expertise and experience
9 to accurately measure the results of the survey. The parental satisfaction
10 survey shall use standard random sampling procedures and provide anonymity
11 and confidentiality to each parent who participates in the survey. The
12 letter grade scale used on the parental satisfaction survey shall direct
13 parents to assign one of the following letter grades:

14 (i) A letter grade of "A" if the school district is excellent.

15 (ii) A letter grade of "B" if the school district is above average.

16 (iii) A letter grade of "C" if the school district is average.

17 (iv) A letter grade of "D" if the school district is below average.

18 (v) A letter grade of "F" if the school district is a failure.

19 (c) Twenty-five per cent of the performance pay shall be determined by
20 the percentage of teachers who are employed at the school district and who
21 assign a letter grade of "A" to the school on a survey of teacher
22 satisfaction with the school. The teacher satisfaction survey shall be
23 administered and scored by an independent entity that is selected by the
24 governing board and that demonstrates sufficient expertise and experience to
25 accurately measure the results of the survey. The teacher satisfaction
26 survey shall use standard random sampling procedures and provide anonymity
27 and confidentiality to each teacher who participates in the survey. The
28 letter grade scale used on the teacher satisfaction survey shall direct
29 teachers to assign one of the following letter grades:

30 (i) A letter grade of "A" if the school district is excellent.

31 (ii) A letter grade of "B" if the school district is above average.

32 (iii) A letter grade of "C" if the school district is average.

1 (iv) A letter grade of "D" if the school district is below average.

2 (v) A letter grade of "F" if the school district is a failure.

3 (d) Twenty-five per cent of the performance pay shall be determined by
4 other criteria selected by the governing board.

5 41. APPOINT GOVERNING BOARD MEMBERS OF SCHOOL DISTRICTS TO FILL ALL
6 VACANCIES, BUT THE TERM OF THE APPOINTMENT SHALL BE UNTIL THE NEXT REGULAR
7 ELECTION FOR GOVERNING BOARD MEMBERS, AT WHICH TIME A SUCCESSOR SHALL BE
8 ELECTED TO SERVE THE UNEXPIRED PORTION OF THE TERM. IF IT IS DEEMED TO BE IN
9 THE BEST INTEREST OF THE COMMUNITY, THE SCHOOL DISTRICT GOVERNING BOARD MAY
10 CALL A SPECIAL ELECTION TO FILL THE VACANCIES. IF AN ELECTION IS CALLED, THE
11 NEWLY ELECTED MEMBER SHALL SERVE FOR THE REMAINDER OF THE UNEXPIRED PORTION
12 OF THE TERM.

13 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
14 section, the county school superintendent may construct, improve and furnish
15 school buildings or purchase or sell school sites in the conduct of an
16 accommodation school.

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

23 1. Is not abated, extinguished, discharged or merged in the title to
24 the property.

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

26 D. The governing board may not locate a school on property that is
27 less than one-fourth mile from agricultural land regulated pursuant to
28 section 3-365, except that the owner of the agricultural land may agree to
29 comply with the buffer zone requirements of section 3-365. If the owner
30 agrees in writing to comply with the buffer zone requirements and records the
31 agreement in the office of the county recorder as a restrictive covenant
32 running with the title to the land, the school district may locate a school

1 within the affected buffer zone. The agreement may include any stipulations
2 regarding the school, including conditions for future expansion of the school
3 and changes in the operational status of the school that will result in a
4 breach of the agreement.

5 E. A school district, its governing board members, its school council
6 members and its employees are immune from civil liability for the
7 consequences of adoption and implementation of policies and procedures
8 pursuant to subsection A of this section and section 15-342. This waiver
9 does not apply if the school district, its governing board members, its
10 school council members or its employees are guilty of gross negligence or
11 intentional misconduct.

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

15 G. Notwithstanding any other provision of this title, a school
16 district governing board shall not take any action that would result in a
17 reduction of pupil square footage unless the governing board notifies the
18 school facilities board established by section 15-2001 of the proposed action
19 and receives written approval from the school facilities board to take the
20 action. A reduction includes an increase in administrative space that
21 results in a reduction of pupil square footage or sale of school sites or
22 buildings, or both. A reduction includes a reconfiguration of grades that
23 results in a reduction of pupil square footage of any grade level. This
24 subsection does not apply to temporary reconfiguration of grades to
25 accommodate new school construction if the temporary reconfiguration does not
26 exceed one year. The sale of equipment that results in a reduction that
27 falls below the equipment requirements prescribed in section 15-2011,
28 subsection B is subject to commensurate withholding of school district
29 capital outlay revenue limit monies pursuant to the direction of the school
30 facilities board. Except as provided in section 15-342, paragraph 10,
31 proceeds from the sale of school sites, buildings or other equipment shall be
32 deposited in the school plant fund as provided in section 15-1102.

1 H. Subsections C through G of this section apply to a county board of
2 supervisors and a county school superintendent when operating and
3 administering an accommodation school.

4 Sec. 4. Section 15-393, Arizona Revised Statutes, as amended by Laws
5 2010, chapter 285, section 1 and chapter 306, section 3, is amended to read:

6 15-393. Joint technical education district governing board;
7 report; definition

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

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

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

1 3. A person who is a registered voter of this state and who is a
2 resident of the single member district is eligible for election to the office
3 of joint board member from the single member district. The terms of office
4 of the members of the joint board shall be as prescribed in section 15-427,
5 subsection B. An employee of a joint technical education district or the
6 spouse of an employee shall not hold membership on a governing board of a
7 joint technical education district by which the employee is employed. A
8 member of one school district governing board or joint technical education
9 district governing board is ineligible to be a candidate for nomination or
10 election to or serve simultaneously as a member of any other governing
11 board, except that a member of a governing board may be a candidate for
12 nomination or election for any other governing board if the member is serving
13 in the last year of a term of office. A member of a governing board shall
14 resign the member's seat on the governing board before becoming a candidate
15 for nomination or election to the governing board of any other school
16 district or joint technical education district, unless the member of the
17 governing board is serving in the last year of a term of office.

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

20 B. The governing boards of the school districts participating in the
21 formation of the joint district may vote to implement any other alternative
22 election system for the election of joint district board members. If an
23 alternative election system is selected, it shall be submitted as part of the
24 plan for the joint district pursuant to section 15-392, and the
25 implementation of the system shall be as approved by the United States
26 justice department. IF AN ALTERNATIVE ELECTION SYSTEM IS IMPLEMENTED, AN
27 EMPLOYEE OF A MEMBER DISTRICT OR A JOINT TECHNICAL EDUCATION DISTRICT OR THE
28 SPOUSE OF THAT EMPLOYEE SHALL NOT HOLD MEMBERSHIP ON THAT JOINT TECHNICAL
29 EDUCATION DISTRICT'S GOVERNING BOARD. A MEMBER OF A SCHOOL DISTRICT
30 GOVERNING BOARD OR JOINT TECHNICAL EDUCATION DISTRICT GOVERNING BOARD IS
31 INELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION TO OR TO SERVE
32 SIMULTANEOUSLY AS A MEMBER OF ANY OTHER GOVERNING BOARD.

1 C. The joint technical education district shall be subject to the
2 following provisions of this title:

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

19 D. Notwithstanding subsection C of this section, the following apply
20 to a joint technical education district:

21 1. A joint district may issue bonds for the purposes specified in
22 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
23 aggregate, including the existing indebtedness, not exceeding one per cent of
24 the taxable property used for secondary tax purposes, as determined pursuant
25 to title 42, chapter 15, article 1, within the joint technical education
26 district as ascertained by the last property tax assessment previous to
27 issuing the bonds.

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

30 3. If a career and technical education and vocational education course
31 or program provided pursuant to this article is provided in a facility owned
32 or operated by a school district in which a pupil is enrolled, including

1 satellite courses, the sum of the daily attendance, as provided in section
2 15-901, subsection A, paragraph ~~6~~ 5, for that pupil in both the school
3 district and joint technical education district shall not exceed 1.25 and the
4 sum of the fractional student enrollment, as provided in section 15-901,
5 subsection A, paragraph ~~2~~ 1, subdivision (a), shall not exceed 1.25 for the
6 courses taken in the school district and the facility, including satellite
7 courses. The school district and the joint district shall determine the
8 apportionment of the daily attendance and fractional student enrollment for
9 that pupil between the school district and the joint district. Pupils in an
10 approved joint technical education district satellite program may generate an
11 average daily attendance for attendance hours during any hour of the day,
12 during any day of the week and at any time beginning July 1 through June 30
13 of each fiscal year.

14 4. The student count for the first year of operation of a joint
15 technical education district as provided in this article shall be determined
16 as follows:

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

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

30 (c) After the first one hundred days or two hundred days in session,
31 as applicable, for the first year of operation, the joint district shall
32 revise the student count to the actual student count for students attending

1 classes in the joint district. A joint district shall revise its student
2 count, the base support level as provided in section 15-943.02, the revenue
3 control limit as provided in section 15-944.01, the capital outlay revenue
4 limit and the soft capital allocation as provided in section 15-962.01 prior
5 to May 15. A joint district that overestimated its student count shall
6 revise its budget prior to May 15. A joint district that underestimated its
7 student count may revise its budget prior to May 15.

8 (d) After the first one hundred days or two hundred days in session,
9 as applicable, for the first year of operation, the district of residence
10 shall adjust its student count by reducing it to reflect the courses actually
11 taken at the joint district. The district of residence shall revise its
12 student count, the base support level as provided in section 15-943, the
13 revenue control limit as provided in section 15-944, the capital outlay
14 revenue limit as provided in section 15-961 and the soft capital allocation
15 as provided in section 15-962 prior to May 15. A district that
16 underestimated the student count for students attending the joint district
17 shall revise its budget prior to May 15. A district that overestimated the
18 student count for students attending the joint district may revise its budget
19 prior to May 15.

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

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

24 (g) Pupils in an approved joint technical education district
25 centralized program may generate an average daily attendance of 1.0 for
26 attendance hours during any hour of the day, during any day of the week and
27 at any time between July 1 and June 30 of each fiscal year.

28 For the purposes of this paragraph, "district of residence" means the
29 district that included the pupil in its average daily membership for the year
30 before the first year of operation of the joint district and that would have
31 included the pupil in its student count for the purposes of computing its

1 base support level for the fiscal year of the first year of operation of the
2 joint district if the pupil had not enrolled in the joint district.

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

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

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

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

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

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

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

25 8. A joint district may use the carryforward provisions of section
26 15-943.01 retroactively to July 1, 1993.

27 9. A school district that is part of a joint district shall use any
28 monies received pursuant to this article to supplement and not supplant base
29 year career and technical education and vocational education courses, and
30 directly related equipment and facilities, except that a school district that
31 is part of a joint technical education district and that has used monies
32 received pursuant to this article to supplant career and ~~technological~~

1 ~~TECHNICAL~~ education and vocational education courses that were offered before
2 the first year that the school district participated in the joint district or
3 the first year that the school district used monies received pursuant to this
4 article or that used the monies for purposes other than for career and
5 ~~technological~~ TECHNICAL education and vocational education courses shall use
6 one hundred per cent of the monies received pursuant to this article to
7 supplement and not supplant base year career and technical education and
8 vocational education courses.

9 10. A joint technical education district shall use any monies received
10 pursuant to this article to enhance and not supplant career and technical
11 education and vocational education courses and directly related equipment and
12 facilities.

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

27 E. The joint board shall appoint a superintendent as the executive
28 officer of the joint district.

29 F. Taxes may be levied for the support of the joint district as
30 prescribed in chapter 9, article 6 of this title, except that a joint
31 technical education district shall not levy a property tax pursuant to law
32 that exceeds five cents per one hundred dollars assessed valuation except for

1 bond monies pursuant to subsection D, paragraph 1 of this section. Except
2 for the taxes levied pursuant to section 15-994, such taxes shall be obtained
3 from a levy of taxes on the taxable property used for secondary tax purposes.

4 G. The schools in the joint district are available to all persons who
5 reside in the joint district subject to the rules for admission prescribed by
6 the joint board.

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

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

14 J. One member of the joint board shall be selected chairman. The
15 chairman shall be selected annually on a rotation basis from among the
16 participating school districts. The chairman of the joint board shall be a
17 voting member.

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

21 L. Any agreement between the governing board of a joint technical
22 education district and another joint technical education district, a school
23 district, a charter school or a community college district shall be in the
24 form of an intergovernmental agreement or other written contract. The
25 auditor general shall modify the uniform system of financial records and
26 budget forms in accordance with this subsection. The intergovernmental
27 agreement or other written contract shall completely and accurately specify
28 each of the following:

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

31 2. The accountability provisions of the intergovernmental agreement or
32 other written contract.

1 3. The responsibilities of each joint technical education district,
2 each school district, each charter school and each community college district
3 that is a party to the intergovernmental agreement or other written contract.

4 4. The type of instruction that will be provided under the
5 intergovernmental agreement or other written contract, including
6 individualized education programs pursuant to section 15-763.

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

9 6. The transportation services that will be provided under the
10 intergovernmental agreement or other written contract and the manner in which
11 transportation costs will be paid.

12 7. The amount that the joint technical education district will
13 contribute to a course and the amount of support required by the school
14 district or the community college.

15 8. That the services provided by the joint technical education
16 district, the school district, the charter school or the community college
17 district be proportionally calculated in the cost of delivering the service.

18 9. That the payment for services shall not exceed the cost of the
19 services provided.

20 10. That any initial intergovernmental agreement or other written
21 contract and any addendums between the governing board of a joint technical
22 education district and another joint technical education district, a school
23 district, a charter school or a community college district be submitted by
24 the joint technical education district to the joint legislative budget
25 committee for review.

26 M. On or before December 31 of each year, each joint technical
27 education district shall submit a detailed report to the career and technical
28 education division of the department of education. The career and technical
29 education division of the department of education shall collect, summarize
30 and analyze the data submitted by the joint districts, shall submit an annual
31 report that summarizes the data submitted by the joint districts to the
32 governor, the speaker of the house of representatives, the president of the

1 senate and the state board of education and shall submit a copy of this
2 report to the secretary of state. The data submitted by each joint technical
3 education district shall include the following:

- 4 1. The average daily membership of the joint district.
- 5 2. The program listings and program descriptions of programs offered
6 by the joint district, including the course sequences for each program.
- 7 3. The costs associated with each program offered by the joint
8 district.
- 9 4. The completion rate for each program offered by the joint district.
10 For the purposes of this paragraph, "completion rate" means the completion
11 rate for students who are designated as concentrators in that program by the
12 department of education under the career and technology approved plan.
- 13 5. The graduation rate from the school district of residence of
14 students who have completed a program in the joint district.
- 15 6. A detailed description of the career opportunities available to
16 students after completion of the program offered by the joint district.
- 17 7. A detailed description of the career placement of students who have
18 completed the program offered by the joint district.
- 19 8. Any other data deemed necessary by the department of education to
20 carry out its duties under this subsection.

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

26 O. Notwithstanding any other law, the average daily membership of a
27 pupil who is enrolled in a course that meets for at least one hundred fifty
28 minutes per class period at a centralized campus owned and operated by a
29 joint technical education district shall be 0.75. The sum of daily
30 attendance, as provided in section 15-901, subsection A, paragraph ~~6~~ 5 and
31 the sum of the fractional student enrollment, as provided in section 15-901,
32 subsection A, paragraph ~~2~~ 1, subdivision (a), for that pupil in both the

1 member school district and joint technical education district courses
2 provided at a community college pursuant to subsection K of this section or
3 at a facility owned and operated by a joint technical education district that
4 is not located on a site of a member district shall not exceed 1.75. The
5 member school district and the joint district shall determine the
6 apportionment of the daily attendance and student enrollment for that pupil
7 between the member school district and the joint district, except the amount
8 apportioned shall not exceed 1.0 for either entity.

9 P. For the purposes of this section, "base year" means the complete
10 school year in which voters of a school district elected to join a joint
11 technical education district.

12 Sec. 5. Repeal

13 Section 15-393, Arizona Revised Statutes, as amended by Laws 2010,
14 chapter 318, section 5, is repealed.

15 Sec. 6. Section 15-424, Arizona Revised Statutes, is amended to read:

16 15-424. Election of governing board members; terms; statement of
17 contributions and expenditures

18 A. A regular election shall be held for each school district at the
19 time and place, and in the manner, of general elections as provided in
20 title 16.

21 B. Except as provided in subsection C of this section and sections
22 15-429 and 15-430, the term of office for each member shall be four years
23 from January 1 next following the member's election.

24 C. At the first general election held for a newly formed district,
25 three members shall be elected. The candidate receiving the highest number
26 of votes shall be elected to a four year term, and the candidates having the
27 second and third highest number of votes shall be elected to two year terms.
28 A district increasing its governing board to five members shall elect at the
29 next general election members in the following manner:

30 1. If one of the previous three offices is to be filled, the three
31 candidates receiving the highest, the second highest and the third highest
32 number of votes shall be elected to four year terms.

1 2. If two of the previous three offices are to be filled, the
2 candidates receiving the highest, the second highest and the third highest
3 number of votes shall be elected to four year terms. The candidate receiving
4 the fourth highest number of votes shall be elected to a two year term.
5 Thereafter all such offices shall have four year terms.

6 D. If only one person files or no person files a nominating petition
7 or nomination paper for a write-in candidate for an election to fill a
8 district office, the board of supervisors no earlier than seventy-five days
9 before the election may cancel the election for the position and appoint the
10 person who filed the nominating petition or nomination paper to fill the
11 position. If no person files a nominating petition or nomination paper for
12 an election to fill a district office, the board of supervisors no earlier
13 than seventy-five days before the election may cancel the election for that
14 office and that office is deemed vacant and shall be filled as provided in
15 section ~~15-302~~ 15-341. A person who is appointed pursuant to this subsection
16 is fully vested with the powers and duties of the office as if elected to
17 that office.

18 E. If two or more candidates receive an equal number of votes for the
19 same office, and a higher number than any other candidate for that office,
20 whether upon the tally by the school election board or canvass of returns by
21 the board of supervisors, or upon recount by a court, the officer or board
22 whose duty it is to declare the result shall determine by lot and in the
23 presence of the candidates which candidate shall be declared elected.

24 F. Position of the names of candidates for each office shall be
25 rotated so that each candidate occupies each position on the ballot an equal
26 number of times, insofar as is possible, for each ballot style. For
27 candidates seeking election to fill a vacancy on the governing board, the
28 ballot shall be designated as provided in section 16-502.

29 G. This section does not require that a school election at which no
30 member is to be elected be held on a general election day.

1 H. All candidates for the office of school district governing board
2 member shall file with the county school superintendent a statement of
3 contributions and expenditures as provided in section 16-913.

4 Sec. 7. Section 15-425, Arizona Revised Statutes, is amended to read:

5 15-425. Election to determine whether membership of governing
6 board shall increase to five members; form of ballot;
7 reconsideration procedure if negative vote;
8 appointment or election of new members

9 A. A qualified elector of a school district may submit to the county
10 school superintendent a petition, signed by not less than ten per cent of the
11 qualified school electors of the district, requesting the county school
12 superintendent to call a special election to determine whether or not the
13 number of members of the governing board for the school district should be
14 increased to five. Upon receipt of the petition, in proper form and with the
15 necessary signatures, the county school superintendent shall thereafter call
16 a special election not later than ninety days prior to the general election
17 to determine the question of whether the membership of the governing board
18 for the school district shall be increased to five.

19 B. Public notices of a special election called to determine whether
20 there shall be five governing board members shall be posted in not less than
21 three public places in the district at least ten days prior to the election.
22 The election shall be held as prescribed by the county school superintendent
23 and electors shall possess the qualifications as prescribed for the election
24 of governing board members.

25 C. The ballots shall contain the words: "Five governing board
26 members, yes. Five governing board members, no."

27 D. If the majority of the electors voting on the question votes in the
28 affirmative, the school district shall elect five governing board members, as
29 provided in section 15-424. If the majority of the electors voting on the
30 question of increasing the number of governing board members votes in the
31 negative, the question shall not again be placed upon the ballot of an

1 election in the district until the lapse of one year from the date of such
2 election.

3 E. Notwithstanding section 15-424 and subsection D of this section, if
4 the voters approve an increase in the size of the governing board at least
5 one year before the next general election, the ~~county school superintendent~~
6 GOVERNING BOARD may appoint the two new members or call a special election
7 pursuant to section ~~15-302~~ 15-341.

8 F. The term of the two new members appointed by the county school
9 superintendent or elected through a special election expires January 1
10 following the next general election. At the first general election following
11 the increase in the size of the governing board, the candidates elected and
12 their terms shall be determined pursuant to section 15-424, subsection C.

13 Sec. 8. Section 15-502, Arizona Revised Statutes, is amended to read:

14 15-502. Employment of school district personnel; payment of
15 wages of discharged employee

16 A. The governing board at any time may employ and fix the salaries and
17 benefits of employees necessary for the succeeding year. The contracts of
18 all certificated employees shall be in writing, and all employees shall be
19 employed subject to section 38-481. The governing board may obtain the
20 services of any employee, including teachers, substitute teachers and
21 administrators, by contracting with a private entity that employs personnel
22 required by the school district.

23 B. A teacher shall not be employed if the teacher has not received a
24 certificate for teaching granted by the proper authorities. If a teacher has
25 filed an application and completed all of the requirements for a certificate
26 but time does not allow a teacher to receive a certificate before the
27 commencement of employment, the conditional certificate shall serve as a
28 certificate for the payment of wages, provided that the teacher files the
29 conditional certificate with the county school superintendent and the
30 certificate is issued within three months of the date of commencing
31 employment. In order to be paid wages beyond the three month period
32 prescribed in this subsection, the teacher shall file the certificate with

1 the county school superintendent. Any contract issued to a teacher who has
2 completed certificate requirements but has not received a certificate shall
3 be specifically contingent upon receipt of such a certificate. The governing
4 board of a school district that is subject to section 15-914.01 shall adhere
5 to the duties described in section 15-302, subsection A, paragraph ~~9~~ 8 for
6 purposes of this subsection.

7 C. No dependent, as defined in section 43-1001, of a governing board
8 member may be employed in the school district in which the person to whom
9 such dependent is so related is a governing board member, except by consent
10 of the board.

11 D. The governing board may employ certificated teachers under contract
12 as part-time classroom teachers. Notwithstanding any other statute, a
13 certificated teacher who has been employed by the school district for more
14 than the major portion of three consecutive school years does not lose the
15 entitlement to the procedures prescribed in sections 15-538.01, 15-539
16 through 15-544 and 15-547 if the teacher is employed under contract on a
17 part-time basis for at least forty per cent time. For the purposes of this
18 subsection, "forty per cent time" means employed for at least forty per cent
19 of the school day required of full-time teachers of the same grade level or
20 for at least forty per cent of the class load assigned to full-time teachers
21 of the same grade level, as determined by the governing board.

22 E. The governing board may employ a business manager who has expertise
23 in finance. For the purposes of this subsection, "expertise in finance"
24 means one or more of the following:

25 1. A baccalaureate degree in accounting, finance, school finance or
26 public finance.

27 2. A graduate degree in accounting, finance, school finance or public
28 finance.

29 3. Other finance training or finance experience that the governing
30 board determines is sufficient to qualify the person to administer the
31 business operations of the school district.

1 F. Notwithstanding sections 23-351 and 23-353, if an employee is
2 discharged from the service of a school district, the school district shall
3 pay the wages due to the employee within ten calendar days from the date of
4 discharge.

5 G. Each school district shall establish policies and procedures to
6 provide teachers with personal liability insurance.

7 H. Notwithstanding any other law, a school district shall not adopt
8 policies that provide employment retention priority for teachers based on
9 tenure or seniority."

10 Amend title to conform

RICK MURPHY

2289rm.doc
03/25/2011
1:58 PM
C: tdb