

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1262

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Heading change

3 The article heading of title 15, chapter 3, article 6, Arizona Revised
4 Statutes, is changed from "JOINT TECHNOLOGICAL EDUCATION DISTRICTS" to "JOINT
5 TECHNICAL EDUCATION DISTRICTS".

6 Sec 2. Section 15-393, Arizona Revised Statutes, is amended to read:

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

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

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

1 district design is consistent with the obligation to equalize the population
2 among single member districts.

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

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

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

25 B. The governing boards of the school districts participating in the
26 formation of the joint district may vote to implement any other alternative
27 election system for the election of joint district board members. If an
28 alternative election system is selected, it shall be submitted as part of the
29 plan for the joint district pursuant to section 15-392, and the
30 implementation of the system shall be as approved by the United States
31 justice department.

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. CHAPTER 8, ARTICLE 1.1
- 14 ~~10.~~ 11. Sections 15-828 and 15-829.
- 15 ~~11.~~ 12. Chapter 9, article 1, article 6, except for section 15-995, and
16 article 7.
- 17 ~~12.~~ 13. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.
- 18 ~~13.~~ 14. Sections 15-1101 and 15-1104.
- 19 ~~14.~~ 15. Chapter 10, articles 2, 3, 4 and 8.

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

- 22 1. A joint district may issue bonds for the purposes specified in
23 section 15-1021 and in chapter 4, article 5 of this title to an amount in the
24 aggregate, including the existing indebtedness, not exceeding one per cent of
25 the taxable property used for secondary tax purposes, as determined pursuant
26 to title 42, chapter 15, article 1, within the joint technical education
27 district as ascertained by the last property tax assessment previous to
28 issuing the bonds.
- 29 2. The number of governing board members for a joint district shall be
30 as prescribed in subsection A of this section.
- 31 3. If a career and technical education course or program provided
32 pursuant to this article is provided in a facility owned or operated by a

1 school district in which a pupil is enrolled, including satellite courses,
2 the sum of the average daily membership, as provided in section 15-901,
3 subsection A, paragraph 1, for that pupil in both the school district and
4 joint technical education district shall not exceed 1.25. The sum of the
5 average daily membership, as provided in section 15-901, subsection A,
6 paragraph 1, shall not exceed 1.25 for the courses taken in the school
7 district and the facility, including satellite courses. The school district
8 and the joint district shall determine the apportionment of the average daily
9 membership for that pupil between the school district and the joint district.
10 THE PERCENTAGE OF REVENUE RETAINED UNDER THIS SUBSECTION BY THE JOINT
11 TECHNICAL EDUCATION DISTRICT FOR DISTRICT SATELLITE PROGRAMS SHALL NOT EXCEED
12 TWENTY PER CENT AND THE REVENUES SHALL NOT BE APPORTIONED IN A MANNER THAT
13 DISTRIBUTES LESS REVENUES TO DISTRICTS WITH MORE STUDENTS IN SATELLITE
14 PROGRAMS THAN DISTRICTS WITH FEWER STUDENTS IN SATELLITE PROGRAMS.

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

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

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

31 (c) For the first year of operation, the joint district shall revise
32 the student count to the actual average daily membership as prescribed in

1 section 15-901, subsection A, paragraph 1 for students attending classes in
2 the joint district. A joint district shall revise its student count, the
3 base support level as provided in section 15-943.02, the revenue control
4 limit as provided in section 15-944.01, the capital outlay revenue limit and
5 the soft capital allocation as provided in section 15-962.01 prior to May 15.
6 A joint district that overestimated its student count shall revise its budget
7 prior to May 15. A joint district that underestimated its student count may
8 revise its budget prior to May 15.

9 (d) After March 15 of the first year of operation, the district of
10 residence shall adjust its student count by reducing it to reflect the
11 courses actually taken at the joint district. The district of residence
12 shall revise its student count, the base support level as provided in section
13 15-943, the revenue control limit as provided in section 15-944, the capital
14 outlay revenue limit as provided in section 15-961 and the soft capital
15 allocation 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, **INCLUDING A FORMAT FOR**
24 **THE REPORTING OF SOFT CAPITAL EXPENDITURES.**

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

29 For the purposes of this paragraph, "district of residence" means the
30 district that included the pupil in its average daily membership for the year
31 before the first year of operation of the joint district and that would have
32 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 nine
7 who enrolls in courses offered by the joint technical education district
8 shall not be included in the joint district's student count or average daily
9 membership.

10 (b) A student in a kindergarten program or in grades one through nine
11 who is enrolled in career and technical education courses shall not be funded
12 in whole or in part with monies provided by a joint technical education
13 district, except that a pupil in grade nine may be funded with monies
14 generated by the five cent qualifying tax rate authorized in subsection F of
15 this section.

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

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 courses, and directly related equipment
30 and facilities, except that a school district that is part of a joint
31 technical education district and that has used monies received pursuant to
32 this article to supplant career and technical education courses that were

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

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

10 11. A joint technical education district or a school district that is
11 part of a joint district shall only include pupils in grades ten through
12 twelve in the calculation of student count or average daily membership if the
13 pupils are enrolled in courses that are approved jointly by the governing
14 board of the joint technical education district and each participating school
15 district for satellite courses taught within the participating school
16 district, or approved solely by the joint technical education district for
17 centrally located courses. Student count and average daily membership from
18 courses that are not part of an approved program for career and technical
19 education shall not be included in student count and average daily membership
20 of a joint technical education district.

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

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

30 G. The schools in the joint district are available to all persons who
31 reside in the joint district and to pupils whose district of residence is
32 paying tuition on behalf of the pupils to a district of attendance that is a

1 member of the joint technical education district, subject to the rules for
2 admission prescribed by the joint board.

3 H. The joint board may collect tuition for adult students and SHALL
4 COLLECT TUITION FOR the attendance of pupils who are residents of school
5 districts that are not ~~participating in~~ MEMBERS OF the joint district
6 pursuant to arrangements made between the governing board of the district and
7 the joint board, UNLESS THE REQUESTED PROGRAMS DO NOT HAVE THE CAPACITY FOR
8 ADDITIONAL STUDENTS. STUDENTS WHO RESIDE IN THE ATTENDANCE AREA OF ONE JOINT
9 DISTRICT MAY ENROLL IN ANOTHER JOINT DISTRICT.

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

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

17 K. MEMBERS ELECTED TO THE JOINT TECHNICAL EDUCATION DISTRICT BOARD
18 SHALL, AT LEAST ANNUALLY AND IN A PUBLIC MEETING OF THE GOVERNING BOARD OF
19 ONE OF THE MEMBER DISTRICTS THE MEMBER REPRESENTS, PROVIDE AN UPDATE ON JOINT
20 TECHNICAL EDUCATION DISTRICT ACTIVITIES AND PROGRAMS AS THEY RELATE TO THE
21 JOINT TECHNICAL EDUCATION DISTRICT AS A WHOLE AND THEIR IMPACT ON THE MEMBER
22 DISTRICTS THE GOVERNING BOARD MEMBER REPRESENTS. MEMBERS ELECTED TO THE JOINT
23 TECHNICAL EDUCATION DISTRICT BOARD SHALL, AT LEAST ANNUALLY AND IN A PUBLIC
24 MEETING OF THE GOVERNING BOARD OF ONE OF THE MEMBER DISTRICTS THE MEMBER
25 REPRESENTS, HEAR FROM THE PARENTS AND GOVERNING BOARDS REGARDING THE JOINT
26 TECHNICAL EDUCATION DISTRICT PROGRAMS, EFFECTIVENESS AND EXPENDITURES
27 INCLUDING ANY QUESTIONS AND CONCERNS REGARDING THE SATELLITE PROGRAMS. IF A
28 JOINT TECHNICAL EDUCATION DISTRICT GOVERNING BOARD MEMBER REPRESENTS MORE
29 THAN ONE SCHOOL DISTRICT, THE MEETINGS REQUIRED IN THE SUBSECTION SHALL TAKE
30 PLACE AT EACH DISTRICT ON A ROTATING BASIS.

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

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

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

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

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

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

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

24 6. The transportation services that will be provided under the
25 intergovernmental agreement or other written contract and the manner in which
26 transportation costs will be paid. PAYMENT FOR UNCOMPENSATED TRANSPORTATION
27 COSTS TO A CENTRAL CAMPUS SHALL BE ADDRESSED AS PART OF THE INTERGOVERNMENTAL
28 AGREEMENT OR OTHER WRITTEN CONTRACT.

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

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

4 9. A DESCRIPTION OF HOW THE REVENUES ALLOCATED TO THE JOINT DISTRICT
5 PURSUANT TO SUBSECTION D, PARAGRAPH 3 OF THIS SECTION WILL BE USED BY THE
6 JOINT DISTRICT TO SUPPORT THE SATELLITE COURSES OFFERED BY THE JOINT
7 DISTRICT.

8 ~~9.~~ 10. That the payment for services shall not exceed the cost of the
9 services provided.

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

20 1. INFORMATION ABOUT ENROLLMENT, INCLUDING:

21 (a) THE NUMBER OF STUDENTS SERVED BY THE JOINT DISTRICT.

22 (b) The average daily membership of the joint district.

23 (c) THE INCREASE OR DECREASE IN THE AVERAGE DAILY MEMBERSHIP OF THE
24 JOINT DISTRICT IN THE MOST RECENT YEAR COMPARED TO THE PREVIOUS YEAR.

25 (d) THE NUMBER OF STUDENTS WHO ATTEMPTED TO ENROLL IN THE JOINT
26 DISTRICT BUT WHO WERE NOT ACCEPTED FOR ENROLLMENT AND A LIST OF THE PRIMARY
27 REASONS THEY WERE NOT ACCEPTED.

28 (e) THE PERCENTAGE OF STUDENTS ENROLLED IN THE JOINT DISTRICT WHO
29 RESIDE IN THE JOINT DISTRICT COMPARED TO THE PERCENTAGE OF REVENUES
30 DISTRIBUTED TO THE JOINT DISTRICT BY THE TAXPAYERS WHO RESIDE IN THE JOINT
31 DISTRICT.

1 2. The program listings and program descriptions of programs offered
2 by the joint district, including the course sequences for each program.

3 3. The costs associated with each program offered by the joint
4 district.

5 4. The completion rate for each program offered by the joint district.
6 For the purposes of this paragraph, "completion rate" means the completion
7 rate for students who are designated as concentrators in that program by the
8 department of education under the career and technology approved plan.

9 5. The graduation rate from the school district of residence of
10 students who have completed a program in the joint district.

11 6. A detailed description of the career opportunities available to
12 students after completion of the program offered by the joint district.

13 7. A detailed description of the career placement of students who have
14 completed the program offered by the joint district.

15 8. Any other data deemed necessary by the department of education to
16 carry out its duties under this subsection.

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

22 ~~Q.~~ P. Notwithstanding any other law, the average daily membership of a
23 pupil in grade ten, eleven or twelve who is enrolled in a course that meets
24 for at least one hundred fifty minutes per class period at a centralized
25 campus owned and operated by a joint technical education district shall be
26 0.75. The sum of the average daily membership, as provided in section
27 15-901, subsection A, paragraph 1 of a pupil who is enrolled in both the
28 member school district and joint technical education district courses
29 provided at a community college pursuant to subsection K of this section or
30 at a facility owned and operated by a joint technical education district that
31 is not located on a site of a member district shall not exceed 1.75. The
32 member school district and the joint district shall determine the

1 apportionment of the average daily membership and student enrollment for that
2 pupil between the member school district and the joint district, except the
3 amount apportioned shall not exceed 1.0 for either entity.

4 ~~P.~~ Q. Notwithstanding any other law, the average daily membership for
5 a pupil who is enrolled in a joint technical education course approved
6 pursuant to section 15-391 and who does not meet the criteria specified in
7 subsection O of this section shall be 0.25 for each course, except the sum of
8 the average daily membership shall not exceed the limits prescribed by
9 subsection D or O, as applicable.

10 ~~Q.~~ R. Notwithstanding any other law, beginning in fiscal year 2011-
11 2012, the student count for a joint technical education district shall be
12 equivalent to the joint technical education district's average daily
13 membership.

14 ~~R.~~ S. For the purposes of this section, "base year" means the complete
15 school year in which voters of a school district elected to join a joint
16 technical education district.

17 Sec. 3. Section 15-395.01, Arizona Revised Statutes, is amended to
18 read:

19 15-395.01. Reducing the size of a joint district

20 A. To withdraw a school district from a joint district, the governing
21 ~~boards of a majority of the school districts participating in~~ BOARD OF THE
22 SCHOOL DISTRICT THAT DESIRES TO WITHDRAW FROM the joint district shall
23 approve by a majority vote the withdrawal of the district. THE BOARD SHALL
24 NOTIFY THE JOINT TECHNICAL EDUCATION DISTRICT GOVERNING BOARD OF ITS
25 INTENTION TO VOTE ON WITHDRAWAL AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC
26 MEETING IN WHICH THE VOTE WILL BE TAKEN. ~~If a majority of the governing~~
27 ~~boards approve the withdrawal, the joint board shall consider the withdrawal,~~
28 ~~and to approve the withdrawal the proposed withdrawal must receive the~~
29 ~~affirmative vote of a majority of the members of the board.~~ If the joint
30 GOVERNING board OF THE DISTRICT THAT DESIRES TO WITHDRAW FROM THE JOINT
31 DISTRICT approves, the question of the withdrawal from the joint district

1 shall be submitted to the qualified electors of the school district seeking
2 to withdraw from the joint district at the next general election.

3 B. If the withdrawal of a school district is approved as prescribed in
4 subsection A of this section, the qualifying tax rate shall remain in effect
5 for the remainder of the current tax year.

6 C. The school district withdrawn pursuant to this section shall not be
7 entitled to ownership of any assets held by the joint district.

8 D. If a joint district from which a school district withdraws pursuant
9 to this section has outstanding bonded indebtedness, the debt shall continue
10 to be levied upon taxable property for all bonds issued prior to the
11 withdrawal of the school district in the same manner as was levied and
12 collected prior to the withdrawal of the school district.”

13 Amend title to conform

RICH CRANDALL

2/8/12
8:54 AM
S: LL/ly