

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2499

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-393, Arizona Revised Statutes, is amended to
3 read:
4 15-393. Joint technical education district governing board;
5 report; definitions
6 A. The management and control of the joint district are vested in the
7 joint technical education district governing board, including the content and
8 quality of the courses offered by the district, the quality of teachers who
9 provide instruction on behalf of the district, the salaries of teachers who
10 provide instruction on behalf of the district and the reimbursement of other
11 entities for the facilities used by the district. Unless the governing
12 boards of the school districts participating in the formation of the joint
13 district vote to implement an alternative election system as provided in
14 subsection B of this section, the joint board shall consist of five members
15 elected from five single member districts formed within the joint district.
16 The single member district election system shall be submitted as part of the
17 plan for the joint district pursuant to section 15-392 and shall be
18 established in the plan as follows:
19 1. The governing boards of the school districts participating in the
20 formation of the joint district shall define the boundaries of the single
21 member districts so that the single member districts are as nearly equal in
22 population as is practicable, except that if the joint district lies in part
23 in each of two or more counties, at least one single member district may be
24 entirely within each of the counties comprising the joint district if this
25 district design is consistent with the obligation to equalize the population
26 among single member districts.
27 2. The boundaries of each single member district shall follow election
28 precinct boundary lines, as far as practicable, in order to avoid further
29 segmentation of the precincts.
30 3. A person who is a registered voter of this state and who is a
31 resident of the single member district is eligible for election to the office
32 of joint board member from the single member district. The terms of office
33 of the members of the joint board shall be as prescribed in section 15-427,
34 subsection B. An employee of a joint technical education district or the
35 spouse of an employee shall not hold membership on a governing board of a
36 joint technical education district by which the employee is employed. A
37 member of one school district governing board or joint technical education
38 district governing board is ineligible to be a candidate for nomination or
39 election to or serve simultaneously as a member of any other governing board,
40 except that a member of a governing board may be a candidate for nomination
41 or election for any other governing board if the member is serving in the
42 last year of a term of office. A member of a governing board shall resign
43 the member's seat on the governing board before becoming a candidate for
44 nomination or election to the governing board of any other school district or

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

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

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

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

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

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

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

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

41 3. If a career and technical education course or program provided
42 pursuant to this article is provided in a facility owned or operated by a
43 school district in which a pupil is enrolled, including satellite courses,
44 the sum of the average daily membership, as provided in section 15-901,
45 subsection A, paragraph 1, for that pupil in both the school district and

1 joint technical education district shall not exceed 1.25. The sum of the
2 average daily membership, as provided in section 15-901, subsection A,
3 paragraph 1, shall not exceed 1.25 for the courses taken in the school
4 district and the facility, including satellite courses. The school district
5 and the joint district shall determine the apportionment of the average daily
6 membership for that pupil between the school district and the joint district.

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

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

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

23 (c) For the first year of operation, the joint district shall revise
24 the student count to the actual average daily membership as prescribed in
25 section 15-901, subsection A, paragraph 1 for students attending classes in
26 the joint district. A joint district shall revise its student count, the
27 base support level as provided in section 15-943.02, the revenue control
28 limit as provided in section 15-944.01, the capital outlay revenue limit and
29 the soft capital allocation as provided in section 15-962.01 prior to May 15.
30 A joint district that overestimated its student count shall revise its budget
31 prior to May 15. A joint district that underestimated its student count may
32 revise its budget prior to May 15.

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

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

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

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

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

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

16 (a) A student in a kindergarten program or in grades one through nine
17 who enrolls in courses offered by the joint technical education district
18 shall not be included in the joint district's student count or average daily
19 membership.

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

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

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

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

35 8. A joint district may use the carryforward provisions of section
36 15-943.01 retroactively to July 1, 1993.

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

1 than for career and technical education courses shall use one hundred per
2 cent of the monies received pursuant to this article to supplement and not
3 supplant base year career and technical education courses.

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

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

18 E. The joint board shall appoint a superintendent as the executive
19 officer of the joint district.

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

27 G. The schools in the joint district are available to all persons who
28 reside in the joint district and to pupils whose district of residence is
29 paying tuition on behalf of the pupils to a district of attendance that is a
30 member of the joint technical education district, subject to the rules for
31 admission prescribed by the joint board.

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

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

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

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

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

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

11 2. The accountability provisions of the intergovernmental agreement or
12 other written contract.

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

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

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

21 6. The transportation services that will be provided under the
22 intergovernmental agreement or other written contract and the manner in which
23 transportation costs will be paid.

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

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

30 9. That the payment for services shall not exceed the cost of the
31 services provided.

32 M. On or before December 31 of each year, each joint technical
33 education district shall submit a detailed report to the career and technical
34 education division of the department of education. The career and technical
35 education division of the department of education shall collect, summarize
36 and analyze the data submitted by the joint districts, shall submit an annual
37 report that summarizes the data submitted by the joint districts to the
38 governor, the speaker of the house of representatives, the president of the
39 senate and the state board of education and shall submit a copy of this
40 report to the secretary of state. The data submitted by each joint technical
41 education district shall include the following:

42 1. The average daily membership of the joint district.

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

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

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

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

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

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

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

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

20 O. Notwithstanding any other law, the average daily membership of a
21 pupil in grade ten, eleven or twelve who is enrolled in a course that meets
22 for at least one hundred fifty minutes per class period at a centralized
23 campus owned and operated by a joint technical education district shall be
24 0.75. The sum of the average daily membership, as provided in section
25 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the
26 member school district and joint technical education district courses
27 provided at a community college pursuant to subsection K of this section or
28 at a facility owned and operated by a joint technical education district that
29 is not located on a site of a member district shall not exceed 1.75. The
30 member school district and the joint district shall determine the
31 apportionment of the average daily membership and student enrollment for that
32 pupil between the member school district and the joint district, except the
33 amount apportioned shall not exceed 1.0 for either entity.

34 P. Notwithstanding any other law, the average daily membership for a
35 pupil who is enrolled in a joint technical education course defined in
36 section 15-391 and who does not meet the criteria specified in subsection O
37 of this section shall be 0.25 for each course, except the sum of the average
38 daily membership shall not exceed the limits prescribed by subsection D or O
39 **OF THIS SECTION**, as applicable.

40 Q. Notwithstanding any other law, beginning in fiscal year 2011-2012,
41 the student count for a joint technical education district shall be
42 equivalent to the joint technical education district's average daily
43 membership.

1 R. NOTWITHSTANDING ANY OTHER LAW, THE AVERAGE DAILY MEMBERSHIP FOR A
2 PUPIL WHO IS ENROLLED IN GRADE TEN, ELEVEN OR TWELVE AND WHO IS ENROLLED IN A
3 COURSE THAT MEETS FOR AT LEAST ONE HUNDRED FIFTY MINUTES PER CLASS PERIOD AT
4 A CENTRALIZED CAMPUS THAT IS LEASED AND OPERATED BY A JOINT TECHNICAL
5 EDUCATION DISTRICT SHALL BE NO MORE THAN 0.75 AND THE SUM OF THE AVERAGE
6 DAILY MEMBERSHIP, AS PROVIDED IN SECTION 15-901, SUBSECTION A, PARAGRAPH 1,
7 OF A PUPIL WHO IS ENROLLED IN BOTH THE MEMBER DISTRICT AND JOINT TECHNICAL
8 EDUCATION DISTRICT COURSES PROVIDED AT A FACILITY LEASED AND OPERATED BY A
9 JOINT TECHNICAL EDUCATION DISTRICT SHALL BE NO MORE THAN 1.75 IF ALL OF THE
10 FOLLOWING CONDITIONS ARE MET:

11 1. THE COURSE QUALIFIES AS A JOINT TECHNICAL EDUCATION COURSE AS
12 DEFINED IN SECTION 15-391.

13 2. THE JOINT TECHNICAL EDUCATION DISTRICT PROGRAM IN WHICH THE COURSE
14 IS INCLUDED ADDRESSES A SPECIFIC INDUSTRY NEED AND HAS BEEN DEVELOPED IN
15 COOPERATION WITH THAT INDUSTRY, OR THE LEASED FACILITY IS A STATE OR FEDERAL
16 ASSET THAT WOULD OTHERWISE BE UNUSED OR UNDERUTILIZED.

17 3. THE LEASE WAS APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW.
18 THE REQUIREMENT PRESCRIBED IN THIS PARAGRAPH DOES NOT APPLY AFTER DECEMBER
19 31, 2016.

20 S. NOTWITHSTANDING ANY OTHER LAW, A STUDENT WHO IS ENROLLED IN AN
21 ACCOMMODATION SCHOOL AS DEFINED IN SECTION 15-101 MAY BE TREATED AS A STUDENT
22 OF THE SCHOOL DISTRICT IN WHICH THE STUDENT PHYSICALLY RESIDES FOR THE
23 PURPOSES OF ENROLLMENT IN A JOINT TECHNICAL EDUCATION DISTRICT AND SHALL
24 COUNT IN THE CALCULATION OF AVERAGE DAILY ATTENDANCE FOR EITHER THE JOINT
25 TECHNICAL EDUCATION DISTRICT OR THE ACCOMMODATION SCHOOL, OR BOTH.

26 ~~R.~~ T. For the purposes of this section: ~~;~~

27 1. "Base year" means the complete school year in which voters of a
28 school district elected to join a joint technical education district.

29 2. "LEASE" MEANS A WRITTEN AGREEMENT IN WHICH THE RIGHT OF OCCUPANCY
30 OR USE OF REAL PROPERTY IS CONVEYED FROM ONE PERSON OR ENTITY TO ANOTHER
31 PERSON OR ENTITY FOR A SPECIFIED PERIOD OF TIME.