

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

CHAPTER 229
HOUSE BILL 2499

AN ACT

AMENDING SECTIONS 15-393, 15-782.02 AND 15-901.06, 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
45 joint technical education district, unless the member of the governing board
46 is serving in the last year of a term of office.

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

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

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

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

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

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

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

39 ~~3. If a career and technical education course or program provided
40 pursuant to this article is provided in a facility owned or operated by a
41 school district in which a pupil is enrolled, including satellite courses,
42 the sum of the average daily membership, as provided in section 15-901,
43 subsection A, paragraph 1, for that pupil in both the school district and
44 joint technical education district shall not exceed 1.25. The sum of the
45 average daily membership, as provided in section 15-901, subsection A,
46 paragraph 1, shall not exceed 1.25 for the courses taken in the school~~

1 ~~district and the facility, including satellite courses. The school district~~
2 ~~and the joint district shall determine the apportionment of the average daily~~
3 ~~membership for that pupil between the school district and the joint district.~~

4 ~~4.~~ 3. The student count for the first year of operation of a joint
5 technical education district as provided in this article shall be determined
6 as follows:

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

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

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

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

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

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

45 (g) Pupils in an approved joint technical education district
46 centralized program may generate an average daily membership of 1.0 during

1 any day of the week and at any time between July 1 and June 30 of each fiscal
2 year.

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

9 ~~5.~~ 4. A student includes any person enrolled in the joint district
10 without regard to the person's age or high school graduation status, except
11 that:

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

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

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

25 ~~6.~~ 5. A joint district may operate for more than one hundred
26 seventy-five days per year, with expanded hours of service.

27 ~~7. A joint district may use the excess utility costs provisions of~~
28 ~~section 15-910 in the same manner as a school district for fiscal years~~
29 ~~1999-2000 and 2000-2001, except that the base year shall be the first full~~
30 ~~fiscal year of operations.~~

31 ~~8.~~ 6. A joint district may use the carryforward provisions of section
32 15-943.01 ~~retroactively to July 1, 1993.~~

33 ~~9.~~ 7. A school district that is part of a joint district shall use
34 any monies received pursuant to this article to supplement and not supplant
35 base year career and technical education courses, and directly related
36 equipment and facilities, except that a school district that is part of a
37 joint technical education district and that has used monies received pursuant
38 to this article to supplant career and technical education courses that were
39 offered before the first year that the school district participated in the
40 joint district or the first year that the school district used monies
41 received pursuant to this article or that used the monies for purposes other
42 than for career and technical education courses shall use one hundred per
43 cent of the monies received pursuant to this article to supplement and not
44 supplant base year career and technical education courses.

1 ~~10-~~ 8. A joint technical education district shall use any monies
2 received pursuant to this article to enhance and not supplant career and
3 technical education courses and directly related equipment and facilities.

4 ~~11-~~ 9. A joint technical education district or a school district that
5 is part of a joint district shall only include pupils in grades ten through
6 twelve in the calculation of student count or average daily membership if the
7 pupils are enrolled in courses that are approved jointly by the governing
8 board of the joint technical education district and each participating school
9 district for satellite courses taught within the participating school
10 district, or approved solely by the joint technical education district for
11 centrally located courses. Student count and average daily membership from
12 courses that are not part of an approved program for career and technical
13 education shall not be included in student count and average daily membership
14 of a joint technical education district.

15 E. The joint board shall appoint a superintendent as the executive
16 officer of the joint district.

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

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

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

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

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

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

43 L. Any agreement between the governing board of a joint technical
44 education district and another joint technical education district, a school
45 district, a charter school or a community college district shall be in the
46 form of an intergovernmental agreement or other written contract. The

1 auditor general shall modify the uniform system of financial records and
2 budget forms in accordance with this subsection. The intergovernmental
3 agreement or other written contract shall completely and accurately specify
4 each of the following:

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

7 2. The accountability provisions of the intergovernmental agreement or
8 other written contract.

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

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

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

17 6. The transportation services that will be provided under the
18 intergovernmental agreement or other written contract and the manner in which
19 transportation costs will be paid.

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

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

26 9. That the payment for services shall not exceed the cost of the
27 services provided.

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

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

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

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

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

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

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

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

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

9 N. If the career and technical education division of the department of
10 education determines that a course does not meet the criteria for approval as
11 a joint technical education course, the governing board of the joint
12 technical education district may appeal this decision to the state board of
13 education acting as the state board of vocational education.

14 ~~O. Notwithstanding any other law, the average daily membership of a
15 pupil in grade ten, eleven or twelve who is enrolled in a course that meets
16 for at least one hundred fifty minutes per class period at a centralized
17 campus owned and operated by a joint technical education district shall be
18 0.75. The sum of the average daily membership, as provided in section
19 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the
20 member school district and joint technical education district courses
21 provided at a community college pursuant to subsection K of this section or
22 at a facility owned and operated by a joint technical education district that
23 is not located on a site of a member district shall not exceed 1.75. The
24 member school district and the joint district shall determine the
25 apportionment of the average daily membership and student enrollment for that
26 pupil between the member school district and the joint district, except the
27 amount apportioned shall not exceed 1.0 for either entity.~~

28 ~~P.~~ O. Notwithstanding any other law, the average daily membership for
29 a pupil who is enrolled in a joint technical education course defined in
30 section 15-391 and who does not meet the criteria specified in subsection ~~Q~~
31 Q OR R of this section shall be 0.25 for each course, except the sum of the
32 average daily membership shall not exceed the limits prescribed by subsection
33 D, ~~or Q OR R OF THIS SECTION~~, as applicable.

34 P. IF A CAREER AND TECHNICAL EDUCATION COURSE OR PROGRAM IS PROVIDED
35 ON A SATELLITE CAMPUS, THE SUM OF THE AVERAGE DAILY MEMBERSHIP, AS PROVIDED
36 IN SECTION 15-901, SUBSECTION A, PARAGRAPH 1, FOR THAT PUPIL IN BOTH THE
37 SCHOOL DISTRICT AND JOINT TECHNICAL EDUCATION DISTRICT SHALL NOT EXCEED 1.25.
38 THE SCHOOL DISTRICT AND THE JOINT DISTRICT SHALL DETERMINE THE APPORTIONMENT
39 OF THE AVERAGE DAILY MEMBERSHIP FOR THAT PUPIL BETWEEN THE SCHOOL DISTRICT
40 AND THE JOINT DISTRICT. A PUPIL WHO ATTENDS A COURSE OR PROGRAM AT A
41 SATELLITE CAMPUS AND WHO IS NOT ENROLLED IN THE SCHOOL DISTRICT WHERE THE
42 SATELLITE CAMPUS IS LOCATED MAY GENERATE THE AVERAGE DAILY MEMBERSHIP
43 PURSUANT TO THIS SUBSECTION IF THE PUPIL IS ENROLLED IN A SCHOOL DISTRICT
44 THAT IS A MEMBER DISTRICT IN THE SAME JOINT TECHNICAL EDUCATION DISTRICT.

45 Q. THE SUM OF THE AVERAGE DAILY MEMBERSHIP OF A PUPIL WHO IS ENROLLED
46 IN BOTH THE SCHOOL DISTRICT AND JOINT TECHNICAL EDUCATION DISTRICT COURSE OR

1 PROGRAM PROVIDED AT A COMMUNITY COLLEGE PURSUANT TO SUBSECTION K OF THIS
2 SECTION OR AT A CENTRALIZED CAMPUS SHALL NOT EXCEED 1.75. THE MEMBER SCHOOL
3 DISTRICT AND THE JOINT DISTRICT SHALL DETERMINE THE APPORTIONMENT OF THE
4 AVERAGE DAILY MEMBERSHIP AND STUDENT ENROLLMENT FOR THAT PUPIL BETWEEN THE
5 MEMBER SCHOOL DISTRICT AND THE JOINT DISTRICT, EXCEPT THAT THE AMOUNT
6 APPORTIONED SHALL NOT EXCEED 1.0 FOR EITHER ENTITY. NOTWITHSTANDING ANY
7 OTHER LAW, THE AVERAGE DAILY MEMBERSHIP FOR A PUPIL IN GRADE TEN, ELEVEN OR
8 TWELVE WHO IS ENROLLED IN A COURSE THAT MEETS FOR AT LEAST ONE HUNDRED FIFTY
9 MINUTES PER CLASS PERIOD AT A CENTRALIZED CAMPUS SHALL BE 0.75. TO QUALIFY
10 FOR FUNDING PURSUANT TO THIS SUBSECTION, A CENTRALIZED CAMPUS SHALL OFFER
11 PROGRAMS AND COURSES TO ALL ELIGIBLE STUDENTS IN EACH MEMBER DISTRICT OF THE
12 JOINT TECHNICAL EDUCATION DISTRICT.

13 R. THE AVERAGE DAILY MEMBERSHIP FOR A PUPIL IN GRADE TEN, ELEVEN OR
14 TWELVE WHO IS ENROLLED IN A COURSE THAT MEETS FOR AT LEAST ONE HUNDRED FIFTY
15 MINUTES PER CLASS PERIOD AT A LEASED CENTRALIZED CAMPUS SHALL NOT EXCEED
16 0.75. THE SUM OF THE AVERAGE DAILY MEMBERSHIP, AS PROVIDED IN SECTION
17 15-901, SUBSECTION A, PARAGRAPH 1, OF A PUPIL WHO IS ENROLLED IN BOTH THE
18 SCHOOL DISTRICT AND IN JOINT TECHNICAL EDUCATION DISTRICT COURSES PROVIDED AT
19 A LEASED CENTRALIZED CAMPUS SHALL NOT EXCEED 1.75 IF ALL OF THE FOLLOWING
20 CONDITIONS ARE MET:

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

23 2. THE COURSE IS OFFERED TO ALL ELIGIBLE STUDENTS IN EACH MEMBER
24 DISTRICT OF THE JOINT TECHNICAL EDUCATION DISTRICT AND ENROLLS STUDENTS FROM
25 MULTIPLE HIGH SCHOOLS.

26 3. THE JOINT TECHNICAL EDUCATION DISTRICT PROGRAM IN WHICH THE COURSE
27 IS INCLUDED ADDRESSES A SPECIFIC INDUSTRY NEED AND HAS BEEN DEVELOPED IN
28 COOPERATION WITH THAT INDUSTRY, OR THE LEASED FACILITY IS A STATE OR FEDERAL
29 ASSET THAT WOULD OTHERWISE BE UNUSED OR UNDERUTILIZED.

30 4. THE LEASE IS ESTABLISHED AT FAIR MARKET VALUE IF THE LEASE IS
31 EXECUTED FOR A FACILITY LOCATED ON THE SITE OF A MEMBER DISTRICT AND WAS
32 APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW, EXCEPT THAT A LEASE THAT
33 WAS EXECUTED OR RENEWED BEFORE DECEMBER 31, 2012 IS NOT SUBJECT TO APPROVAL
34 BY THE JOINT COMMITTEE ON CAPITAL REVIEW. THE REQUIREMENT PRESCRIBED IN THIS
35 PARAGRAPH DOES NOT APPLY FROM AND AFTER DECEMBER 31, 2016.

36 S. A STUDENT WHO IS ENROLLED IN AN ACCOMMODATION SCHOOL AS DEFINED IN
37 SECTION 15-101 MAY BE TREATED AS A STUDENT OF THE SCHOOL DISTRICT IN WHICH
38 THE STUDENT PHYSICALLY RESIDES FOR THE PURPOSES OF ENROLLMENT IN A JOINT
39 TECHNICAL EDUCATION DISTRICT AND SHALL BE INCLUDED IN THE CALCULATION OF
40 AVERAGE DAILY MEMBERSHIP FOR EITHER THE JOINT TECHNICAL EDUCATION DISTRICT OR
41 THE ACCOMMODATION SCHOOL, OR BOTH.

42 ~~Q.~~ T. Notwithstanding any other law, beginning in fiscal year
43 2011-2012, the student count for a joint technical education district shall
44 be equivalent to the joint technical education district's average daily
45 membership.

46 ~~R.~~ U. For the purposes of this section, ~~—~~:

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

3 2. "CENTRALIZED CAMPUS" MEANS A FACILITY THAT IS OWNED AND OPERATED BY
4 A JOINT TECHNICAL EDUCATION DISTRICT FOR THE PURPOSE OF OFFERING JOINT
5 TECHNICAL EDUCATION PROGRAMS OR JOINT TECHNICAL EDUCATION COURSES AS DEFINED
6 IN SECTION 15-391.

7 3. "LEASE" MEANS A WRITTEN AGREEMENT IN WHICH THE RIGHT OF OCCUPANCY
8 OR USE OF REAL PROPERTY IS CONVEYED FROM ONE PERSON OR ENTITY TO ANOTHER
9 PERSON OR ENTITY FOR A SPECIFIED PERIOD OF TIME.

10 4. "LEASED CENTRALIZED CAMPUS" MEANS A FACILITY THAT IS LEASED AND
11 OPERATED BY A JOINT TECHNICAL EDUCATION DISTRICT FOR THE PURPOSE OF OFFERING
12 JOINT TECHNICAL EDUCATION PROGRAMS OR JOINT TECHNICAL EDUCATION COURSES AS
13 DEFINED IN SECTION 15-391.

14 5. "SATELLITE CAMPUS" MEANS A FACILITY THAT IS OWNED OR OPERATED BY A
15 SCHOOL DISTRICT FOR THE PURPOSE OF OFFERING JOINT TECHNICAL EDUCATION
16 PROGRAMS OR JOINT TECHNICAL EDUCATION COURSES AS DEFINED IN SECTION 15-391.

17 Sec. 2. Section 15-782.02, Arizona Revised Statutes, is amended to
18 read:

19 15-782.02. Career and technical education and vocational
20 education programs; fingerprint clearance card;
21 expanded hours; tuition

22 A. School districts with career and technical education and vocational
23 education programs may offer vocational educational services without regard
24 to students' age or high school graduation status, except that vocational
25 education services provided to persons over twenty-two years of age shall be
26 offered only for the purpose of skill upgrading or skill retraining and shall
27 not be offered for college level credit. Persons over twenty-two years of
28 age shall not attend vocational programs in high school buildings during
29 regular school hours, except that a person over twenty-two years of age may
30 attend vocational programs other than massage therapy programs during regular
31 school hours on a central campus that is owned and operated by a joint
32 technical education district pursuant to section 15-393, subsection D,
33 paragraph ~~5~~ 4 if the vocational program has additional student capacity
34 after the enrollment of persons who are twenty-two years of age or younger.
35 A person over twenty-two years of age shall not be admitted to or attend a
36 vocational program during regular school hours pursuant to this subsection
37 unless the person has a valid fingerprint clearance card pursuant to title
38 41, chapter 12, article 3.1. The costs of the fingerprint clearance card
39 shall be paid by the applicant. A joint technical education district shall
40 immediately notify in writing the parent or guardian of each pupil under
41 eighteen years of age in a vocational program during regular school hours
42 when a person over twenty-two years of age enrolls in the vocational program.

43 B. The department of education shall distribute twenty-six dollars for
44 every day that a full-time student attends an extended year or summer school
45 program in a joint technical education district and thirteen dollars for
46 every day that a part-time student attends an extended year or summer school

1 program in a joint technical education district, subject to appropriation
2 except that the department of education shall not distribute monies pursuant
3 to this section for any student who has either graduated from high school or
4 obtained a general education diploma or who has reached twenty-two years of
5 age, whichever occurs first.

6 C. School districts with career and technical education and vocational
7 education programs may operate those programs for more than one hundred
8 seventy-five days per year, with expanded hours of service.

9 D. Career and technical education and vocational education programs
10 run by school districts may charge tuition to offset expenses associated with
11 serving adult students.

12 Sec. 3. Section 15-901.06, Arizona Revised Statutes, is amended to
13 read:

14 15-901.06. Dropout recovery programs; written learning plan;
15 requirements; definitions

16 A. Each school district and charter school that provides instruction
17 to high school pupils may offer a dropout recovery program for eligible
18 pupils.

19 B. The state board of education shall prescribe standards and
20 achievement testing requirements for dropout recovery programs that attempt
21 to ensure that the programs are compatible with public school education goals
22 and requirements. The standards shall require dropout recovery programs to
23 do all of the following:

24 1. Provide curriculum aligned to the academic standards adopted by the
25 state board of education. The curriculum may be delivered online. A
26 provider of Arizona online instruction pursuant to section 15-808 may not
27 also operate a dropout recovery program pursuant to this section.

28 2. Provide standardized tests required by federal and state law.

29 3. Make available appropriate and sufficient supports for pupils,
30 including tutoring, career counseling and college counseling.

31 4. Comply with federal and state laws governing pupils with
32 disabilities.

33 5. Meet state requirements for high school graduation.

34 C. Each eligible pupil enrolled in a dropout recovery program shall
35 have a written learning plan developed by the pupil's assigned mentor. The
36 written learning plan shall include the following elements:

37 1. The start date and anticipated end date of the plan.

38 2. Courses to be completed by the pupil during the academic year.

39 3. Whether courses will be taken sequentially or concurrently.

40 4. State competency exams to be taken, as necessary.

41 5. Expectations for satisfactory monthly progress.

42 6. Expectations for contact with the pupil's assigned mentor.

43 D. The monthly participation in a dropout recovery program shall be
44 recorded on or before the tenth school day of each month and shall be
45 reported to the department of education at the same time as other data

1 required pursuant to section 15-1042. Monthly participation calculations
2 shall include:

3 1. Newly enrolled pupils who have a written learning plan on file on
4 or before the first school day of the previous month.

5 2. Pupils who met the expectations for satisfactory monthly progress
6 in the previous month.

7 3. Pupils who did not meet the expectations for satisfactory monthly
8 progress in the previous month but did meet the expectations in the month
9 before the previous month.

10 4. Pupils who met expectations for program reentry in the revised
11 written learning plan in the previous month.

12 E. Because dropout recovery pupils are not expected to regularly
13 attend classes at the district facilities, standard procedures for recording
14 pupil attendance cannot be effectively applied to those students. For pupils
15 participating in a dropout recovery program, an eligible pupil shall be
16 counted as being in attendance in the school's average daily attendance
17 calculations pursuant to subsection F of this section if the pupil meets one
18 of the following conditions:

19 1. Is in the first month of enrollment in the program and completes
20 the program orientation during that month.

21 2. Is enrolled in teacher-facilitated courses and meets the
22 expectations for satisfactory monthly progress for the current or previous
23 month. A pupil who does not meet expectations for monthly progress for two
24 or more consecutive months shall not be reported as being in attendance until
25 the pupil meets the expectations for program reentry.

26 3. Meets the expectations for program reentry in the revised written
27 learning plan.

28 F. If a pupil is enrolled in a school district or charter school other
29 than the school district or charter school that participates in the dropout
30 recovery program and also participates in a dropout recovery program in the
31 same fiscal year, ~~the sum of~~ the average daily membership as prescribed in
32 section 15-901, subsection A, paragraph 1, subdivisions (a) and (b), ~~and~~
33 ~~average daily attendance as prescribed in section 15-901, subsection A,~~
34 ~~paragraph 5,~~ for that pupil in the school district or charter school and in a
35 dropout recovery program shall not exceed 1.0, except that if the pupil is
36 enrolled in a dropout recovery program and a joint technical education
37 district, the average daily membership provisions of section
38 15-393, ~~subsection D, paragraph 3~~ apply. If the pupil is enrolled in both a
39 school district or charter school and a dropout recovery program in the same
40 fiscal year and the sum of the average daily membership and average daily
41 attendance for that pupil is greater than 1.0 or the amount prescribed in
42 section 15-393, ~~subsection D, paragraph 3~~ if the pupil is enrolled in a joint
43 technical education district, the sum shall be reduced to 1.0 or to the
44 amount specified in section 15-393, ~~subsection D, paragraph 3~~ if the pupil is
45 enrolled in a joint technical education district and shall be apportioned
46 between the school district or charter school and the joint technical

1 education district, if applicable, and the dropout recovery program based on
2 the proportionate shares of average daily membership in the school district
3 or charter school and the average daily attendance in the dropout recovery
4 program. The uniform system of financial records shall include guidelines
5 for the apportionment of pupil enrollment and attendance as provided in this
6 subsection. Pupils in a dropout recovery program do not incur absences for
7 purposes of this subsection and may generate average daily attendance for
8 attendance during any hour of the day, during any day of the week and at any
9 time between July 1 and June 30 of each fiscal year. The average daily
10 attendance of a pupil who participates in a dropout recovery program shall
11 not exceed 1.0 or the amount prescribed in section 15-393, ~~subsection D,~~
12 ~~paragraph 3~~ if the pupil is enrolled in a joint technical education district,
13 and shall be calculated by fulfilling the requirements of subsection E of
14 this section. Average daily membership shall not be calculated on the one
15 hundredth day of instruction for the purposes of this section.

16 G. Notwithstanding section 15-901, subsection A, paragraph 1, the
17 average daily membership for pupils enrolled in a dropout recovery program
18 shall equal the average daily attendance of the pupils.

19 H. School districts and charter schools shall be responsible for
20 tuition charges and fees related to pupil participation in a dropout recovery
21 program, including course materials and access to technology for use with
22 online courses.

23 I. School districts and charter schools may contract with an
24 educational management organization to provide a dropout recovery program.
25 If contracting with an educational management organization, the school
26 district or charter school shall ensure that all of the following
27 requirements are met:

28 1. The educational management organization is accredited by a regional
29 accrediting body.

30 2. Teachers provided by the educational management organization hold a
31 current teaching license from any state and a valid Arizona fingerprint
32 clearance card pursuant to section 15-534, and teachers of core subjects are
33 highly qualified in the subjects to which they are assigned.

34 J. Dropout recovery programs shall be classified as alternative
35 schools and shall be subject to the accountability provisions of section
36 15-241, subsection J.

37 K. Entities that are contracted to provide dropout recovery programs
38 may conduct outreach to encourage pupils who are not currently enrolled in a
39 school district or charter school in this state to return to school.
40 Entities that are contracted to provide dropout recovery programs shall not
41 conduct advertising or marketing campaigns directed at pupils who are
42 currently enrolled in a school district or charter school, or undertake any
43 other activity that encourages pupils who are currently enrolled in a school
44 district or charter school to stop attending school in order to qualify for a
45 dropout recovery program.

46 L. For the purposes of this section:

1 1. "Eligible pupil" means a pupil who, if enrolled, would be eligible
2 for placement in an alternative school but who is not currently enrolled in a
3 school district or charter school and who has been withdrawn from a school
4 district or charter school for at least thirty days, unless the district
5 determines that the student is unable to participate in other district
6 programs.

7 2. "Satisfactory monthly progress" means an amount of progress that is
8 measurable on a monthly basis and that, if continued for ~~a full~~ twelve
9 months, would result in the same amount of academic credit being awarded to
10 the pupil as would be awarded to a pupil in a traditional education program
11 who completes a full school year. Satisfactory monthly progress may include
12 a lesser required amount of progress for the first two months that a pupil
13 participates in the program.

14 Sec. 4. Retroactivity

15 Section 15-393, subsection Q, paragraph 4, Arizona Revised Statutes, as
16 amended by this act, applies retroactively to, from and after December 31,
17 2012.

APPROVED BY THE GOVERNOR JUNE 19, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.