

REFERENCE TITLE: JTEDs; 9th graders; certification; funding

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

## **HB 2176**

Introduced by  
Representatives Orr, Borrelli, Cardenas, Steele: Brophy McGee, Mach,  
Saldate

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

42           (a) Determine the estimated student count for joint district classes  
43 that will operate in the first year of operation. This estimate shall be  
44 based on actual registration of pupils as of March 30 scheduled to attend  
45 classes that will be operated by the joint district. The student count for  
46 the district of residence of the pupils registered at the joint district

1 shall be adjusted. The adjustment shall cause the district of residence to  
2 reduce the student count for the pupil to reflect the courses to be taken at  
3 the joint district. The district of residence shall review and approve the  
4 adjustment of its own student count as provided in this subdivision before  
5 the pupils from the school district can be added to the student count of the  
6 joint district.

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

9 (c) For the first year of operation, the joint district shall revise  
10 the student count to the actual average daily membership as prescribed in  
11 section 15-901, subsection A, paragraph 1 for students attending classes in  
12 the joint district. A joint district shall revise its student count, the  
13 base support level as provided in section 15-943.02, the revenue control  
14 limit as provided in section 15-944.01 and the district additional assistance  
15 as provided in section 15-962.01 prior to May 15. A joint district that  
16 overestimated its student count shall revise its budget prior to May 15. A  
17 joint district that underestimated its student count may revise its budget  
18 prior to May 15.

19 (d) After March 15 of the first year of operation, the district of  
20 residence shall adjust its student count by reducing it to reflect the  
21 courses actually taken at the joint district. The district of residence  
22 shall revise its student count, the base support level as provided in section  
23 15-943, the revenue control limit as provided in section 15-944 and the  
24 district additional assistance as provided in section 15-962.01 prior to  
25 May 15. A district that underestimated the student count for students  
26 attending the joint district shall revise its budget prior to May 15. A  
27 district that overestimated the student count for students attending the  
28 joint district may revise its budget prior to May 15.

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

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

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

37 For the purposes of this paragraph, "district of residence" means the  
38 district that included the pupil in its average daily membership for the year  
39 before the first year of operation of the joint district and that would have  
40 included the pupil in its student count for the purposes of computing its  
41 base support level for the fiscal year of the first year of operation of the  
42 joint district if the pupil had not enrolled in the joint district.

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

1 (a) A student in a kindergarten program or in grades one through nine  
2 who enrolls in courses offered by the joint technical education district  
3 shall not be included in the joint district's student count or average daily  
4 membership, EXCEPT THAT A PUPIL IN GRADE NINE WHO IS ENROLLED IN A CAREER AND  
5 TECHNICAL EDUCATION PROGRAM THAT LEADS TO CERTIFICATION IN AND ACCEPTANCE BY  
6 A SPECIFIC VOCATION OR INDUSTRY MAY BE INCLUDED IN THE JOINT DISTRICT'S  
7 STUDENT COUNT AND AVERAGE DAILY MEMBERSHIP.

8 (b) A student in a kindergarten program or in grades one through nine  
9 who is enrolled in career and technical education courses shall not be funded  
10 in whole or in part with monies provided by a joint technical education  
11 district, except that:

12 (i) A pupil in grade eight or nine may be funded with monies generated  
13 by the five cent qualifying tax rate authorized in subsection F of this  
14 section.

15 (ii) A PUPIL IN GRADE NINE WHO IS ENROLLED IN A CAREER AND TECHNICAL  
16 EDUCATION PROGRAM THAT LEADS TO CERTIFICATION IN AND ACCEPTANCE BY A SPECIFIC  
17 VOCATION OR INDUSTRY MAY BE FUNDED IN WHOLE OR IN PART WITH MONIES PROVIDED  
18 BY A JOINT TECHNICAL EDUCATION DISTRICT.

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

22 5. A joint district may operate for more than one hundred eighty days  
23 per year, with expanded hours of service.

24 6. A joint district may use the carryforward provisions of section  
25 15-943.01.

26 7. A school district that is part of a joint district shall use any  
27 monies received pursuant to this article to supplement and not supplant base  
28 year career and technical education courses, and directly related equipment  
29 and facilities, except that a school district that is part of a joint  
30 technical education district and that has used monies received pursuant to  
31 this article to supplant career and technical education courses that were  
32 offered before the first year that the school district participated in the  
33 joint district or the first year that the school district used monies  
34 received pursuant to this article or that used the monies for purposes other  
35 than for career and technical education courses shall use one hundred per  
36 cent of the monies received pursuant to this article to supplement and not  
37 supplant base year career and technical education courses.

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

41 9. A joint technical education district or a school district that is  
42 part of a joint district shall only include pupils in grades ten through  
43 twelve in the calculation of student count or average daily membership if the  
44 pupils are enrolled in courses that are approved jointly by the governing  
45 board of the joint technical education district and each participating school  
46 district for satellite courses taught within the participating school

1 district, or approved solely by the joint technical education district for  
2 centrally located courses. Student count and average daily membership from  
3 courses that are not part of an approved program for career and technical  
4 education shall not be included in student count and average daily membership  
5 of a joint technical education district.

6 E. The joint board shall appoint a superintendent as the executive  
7 officer of the joint district.

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

15 G. The schools in the joint district are available to all persons who  
16 reside in the joint district and to pupils whose district of residence is  
17 paying tuition on behalf of the pupils to a district of attendance that is a  
18 member of the joint technical education district, subject to the rules for  
19 admission prescribed by the joint board.

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

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

27 J. One member of the joint board shall be selected chairman. The  
28 chairman shall be selected annually on a rotation basis from among the  
29 participating school districts. The chairman of the joint board shall be a  
30 voting member.

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

34 L. Any agreement between the governing board of a joint technical  
35 education district and another joint technical education district, a school  
36 district, a charter school or a community college district shall be in the  
37 form of an intergovernmental agreement or other written contract. The  
38 auditor general shall modify the uniform system of financial records and  
39 budget forms in accordance with this subsection. The intergovernmental  
40 agreement or other written contract shall completely and accurately specify  
41 each of the following:

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

44 2. The accountability provisions of the intergovernmental agreement or  
45 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           M. On or before December 31 of each year, each joint technical  
21 education district shall submit a detailed report to the career and technical  
22 education division of the department of education. The career and technical  
23 education division of the department of education shall collect, summarize  
24 and analyze the data submitted by the joint districts, shall submit an annual  
25 report that summarizes the data submitted by the joint districts to the  
26 governor, the speaker of the house of representatives, the president of the  
27 senate and the state board of education and shall submit a copy of this  
28 report to the secretary of state. The data submitted by each joint technical  
29 education district shall include the following:

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

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

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

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

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

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

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

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

1 N. If the career and technical education division of the department of  
2 education determines that a course does not meet the criteria for approval as  
3 a joint technical education course, the governing board of the joint  
4 technical education district may appeal this decision to the state board of  
5 education acting as the state board of vocational education.

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

12 P. If a career and technical education course or program is provided  
13 on a satellite campus, the sum of the average daily membership, as provided  
14 in section 15-901, subsection A, paragraph 1, for that pupil in both the  
15 school district and joint technical education district shall not exceed 1.25.  
16 The school district and the joint district shall determine the apportionment  
17 of the average daily membership for that pupil between the school district  
18 and the joint district. A pupil who attends a course or program at a  
19 satellite campus and who is not enrolled in the school district where the  
20 satellite campus is located may generate the average daily membership  
21 pursuant to this subsection if the pupil is enrolled in a school district  
22 that is a member district in the same joint technical education district.

23 Q. The sum of the average daily membership of a pupil who is enrolled  
24 in both the school district and joint technical education district course or  
25 program provided at a community college pursuant to subsection K of this  
26 section or at a centralized campus shall not exceed 1.75. The member school  
27 district and the joint district shall determine the apportionment of the  
28 average daily membership and student enrollment for that pupil between the  
29 member school district and the joint district, except that the amount  
30 apportioned shall not exceed 1.0 for either entity. Notwithstanding any  
31 other law, the average daily membership for a pupil in grade ten, eleven or  
32 twelve who is enrolled in a course that meets for at least one hundred fifty  
33 minutes per class period at a centralized campus shall be 0.75. To qualify  
34 for funding pursuant to this subsection, a centralized campus shall offer  
35 programs and courses to all eligible students in each member district of the  
36 joint technical education district.

37 R. The average daily membership for a pupil in grade ten, eleven or  
38 twelve who is enrolled in a course that meets for at least one hundred fifty  
39 minutes per class period at a leased centralized campus shall not exceed  
40 0.75. The sum of the average daily membership, as provided in section  
41 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the  
42 school district and in joint technical education district courses provided at  
43 a leased centralized campus shall not exceed 1.75 if all of the following  
44 conditions are met:

45 1. The course qualifies as a joint technical education course as  
46 defined in section 15-391.

1           2. The course is offered to all eligible students in each member  
2 district of the joint technical education district and enrolls students from  
3 multiple high schools.

4           3. The joint technical education district program in which the course  
5 is included addresses a specific industry need and has been developed in  
6 cooperation with that industry, or the leased facility is a state or federal  
7 asset that would otherwise be unused or underutilized.

8           4. The lease is established at fair market value if the lease is  
9 executed for a facility located on the site of a member district and was  
10 approved by the joint committee on capital review, except that a lease that  
11 was executed or renewed before December 31, 2012 is not subject to approval  
12 by the joint committee on capital review. The requirement prescribed in this  
13 paragraph does not apply from and after December 31, 2016.

14           S. A student who is enrolled in an accommodation school as defined in  
15 section 15-101 may be treated as a student of the school district in which  
16 the student physically resides for the purposes of enrollment in a joint  
17 technical education district and shall be included in the calculation of  
18 average daily membership for either the joint technical education district or  
19 the accommodation school, or both.

20           T. Notwithstanding any other law, beginning in fiscal year 2011-2012,  
21 the student count for a joint technical education district shall be  
22 equivalent to the joint technical education district's average daily  
23 membership.

24           U. For the purposes of this section:

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

27           2. "Centralized campus" means a facility that is owned and operated by  
28 a joint technical education district for the purpose of offering joint  
29 technical education programs or joint technical education courses as defined  
30 in section 15-391.

31           3. "Lease" means a written agreement in which the right of occupancy  
32 or use of real property is conveyed from one person or entity to another  
33 person or entity for a specified period of time.

34           4. "Leased centralized campus" means a facility that is leased and  
35 operated by a joint technical education district for the purpose of offering  
36 joint technical education programs or joint technical education courses as  
37 defined in section 15-391.

38           5. "Satellite campus" means a facility that is owned or operated by a  
39 school district for the purpose of offering joint technical education  
40 programs or joint technical education courses as defined in section 15-391.