

REFERENCE TITLE: community colleges; baccalaureate degrees

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

# SB 1012

Introduced by  
Senator Ableser

AN ACT

AMENDING SECTIONS 15-1401 AND 15-1444, ARIZONA REVISED STATUTES; RELATING TO  
COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1401, Arizona Revised Statutes, is amended to  
3 read:

4 15-1401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accredited" means accredited by a regional accrediting agency  
7 recognized by the United States department of education or by the council on  
8 postsecondary accreditation.

9 2. "Additional short-term classes" means those classes that are not in  
10 session on the forty-fifth day of the fall or spring semester, that commence  
11 at various times during the fiscal year and that are offered over a period of  
12 less than sixteen weeks.

13 3. "Budget year" means the fiscal year for which the community college  
14 district is budgeting and that immediately follows the current year.

15 4. "Community college" means an educational institution that is  
16 operated by a district board and that provides a program ~~not-exceeding~~ OF AT  
17 LEAST two years' training in the arts, sciences and humanities beyond the  
18 twelfth grade of the public or private high school course of study or  
19 vocational education, including terminal courses of a technical and  
20 vocational nature and basic adult education courses.

21 5. "Current year" means the fiscal year in which the community college  
22 district is operating.

23 6. "District" means a community college district that is established  
24 pursuant to sections 15-1402 and 15-1403 or section 15-1402.01 and that is a  
25 political subdivision of this state and, unless otherwise specified, includes  
26 provisional community college districts established pursuant to section  
27 15-1409.

28 7. "District board" means the community college district governing  
29 board.

30 8. "Full-time equivalent student" means student enrollment for fifteen  
31 community college semester credit units per semester.

32 9. "Open entry, open exit classes" means those classes in which  
33 students enter or exit based on mastery of specified competencies and that  
34 commence at various times during the fiscal year.

35 10. "Operational expense budget" means the budget as adopted by the  
36 district board pursuant to section 15-1461.

37 11. "Operational expenses" means the administration, instruction,  
38 operation of community college plant, maintenance of community college plant,  
39 fixed charges and contingencies incurred in the operation of a district  
40 exclusive of all capital outlay items, special levies, auxiliary enterprise  
41 funds, restricted funds and bond service items.

42 12. "Provisional community college district" means a community college  
43 district organized pursuant to section 15-1409.

1           Sec. 2. Section 15-1444, Arizona Revised Statutes, is amended to read:  
2           15-1444. General powers and duties of district governing boards

3           A. Except as otherwise provided, the district board shall:

4           1. Maintain each community college for a period of not less than eight  
5 months in each year and, if the funds of the district are sufficient,  
6 maintain each community college for a longer period.

7           2. Adopt policies in a public forum to offer programs that meet the  
8 educational needs of the population served by the community college.

9           3. Enforce the courses of study prescribed by the district board.

10          4. Visit each community college under its jurisdiction and examine  
11 carefully into its management, conditions and needs.

12          5. Exclude from each community college all books, publications or  
13 papers of a sectarian, partisan or denominational character intended for use  
14 as textbooks.

15          6. Appoint and employ a chancellor or chancellors, vice-chancellors, a  
16 president or presidents, vice-presidents, deans, professors, instructors,  
17 lecturers, fellows and such other officers and employees it deems necessary.  
18 The district board may enter into employment contracts with chancellors,  
19 vice-chancellors and presidents for a duration of more than one year but not  
20 more than five years.

21          7. Determine the salaries of persons it appoints and employs.

22          8. Remove any officer or employee if in its judgment the interests of  
23 education in this state require the removal.

24          9. Award degrees, certificates and diplomas on the completion of  
25 courses and curriculum as it deems appropriate.

26          10. Appoint or employ, if it deems necessary, police officers who shall  
27 have the authority and power of peace officers. The police officers who have  
28 received a certificate from the Arizona peace officer standards and training  
29 board are eligible for membership in and benefits under either title 38,  
30 chapter 5, article 2 or the public safety personnel retirement system under  
31 title 38, chapter 5, article 4.

32          11. Determine the location within the district of a community college  
33 and purchase, receive, hold, make and take leases of, sell and convey real or  
34 personal property for the benefit of the community colleges under its  
35 jurisdiction.

36          12. Obtain insurance or be self-insured, or a combination of insurance  
37 and self-insurance, against loss, to the extent it is determined necessary on  
38 community college buildings of the district. The local district shall have  
39 an insurable interest in the buildings.

40          B. The district board may:

41          1. Administer trusts declared or created for the district and receive  
42 by gift or devise and hold in trust or otherwise property wheresoever  
43 located, and if not otherwise provided, dispose of the property for the  
44 benefit of the district.

1           2. Lease real property, as lessor or as lessee. If a district is the  
2 lessee, the lease may contain an option to purchase the property. The  
3 district board may adopt policies as are deemed necessary and may delegate in  
4 writing to the chancellor or president of the district, or their designees,  
5 all or any part of its authority to lease property under this paragraph. Any  
6 delegation by the district board pursuant to this paragraph may be rescinded  
7 in whole or in part at any time by the district board.

8           3. Sue and be sued.

9           4. Contract. The district board may adopt such policies as are deemed  
10 necessary and may delegate in writing to the chancellor or president of the  
11 district, or their designees, all or any part of its authority to contract  
12 under this paragraph. Any delegation of authority under this paragraph may  
13 be rescinded by the district board at any time in whole or in part.

14           5. Construct, remodel and repair buildings.

15           6. In conjunction with other districts, establish policies for  
16 procurement of goods and services.

17           7. Provide a plan or plans for employee benefits, which may include  
18 optional retirement programs pursuant to section 15-1451, subsection A, **which**  
19 **THAT** allow for participation in a cafeteria plan that meets the requirements  
20 of the United States internal revenue code of 1986.

21           8. Accept grants or donations of monies from the United States, or  
22 from any of its agencies, departments or officers, or from persons,  
23 corporations, foundations or associations. A district board shall deposit  
24 the monies into a specific fund or account and a district board shall  
25 administer the monies in accordance with the purpose of the grant or donation  
26 with specific policies or restrictions as described or stipulated in the  
27 grant or donation. In the case of personal property granted or donated to or  
28 for the benefit of a community college district, a district board shall  
29 immediately transfer possession and ownership of the property to the  
30 designated district.

31           9. Enter into intergovernmental agreements or contracts pursuant to  
32 section 11-952.01 for participation in programs offered by public agency  
33 pools or separately contract with a trustee or board of trustees that  
34 provides a common self-insurance program with pooled funds and risks pursuant  
35 to section 15-382, subsection B, paragraph 2. The district board is not  
36 required to engage in competitive procurement in order to make the decision  
37 to participate in these programs.

38           10. Name a building or a group of buildings that is located on a  
39 community college campus on behalf of a person or entity that has made a  
40 significant contribution of monies or other property to the community college  
41 or the community college district.

42           11. Enter into research and development agreements, royalty agreements,  
43 development agreements, licensing agreements and profit-sharing agreements  
44 concerning the research, development, production, storing or marketing of new

1 products developed or to be developed through community college district  
2 research.

3 12. BEGINNING IN FISCAL YEAR 20\_\_-20\_\_, OFFER FOUR-YEAR BACCALAUREATE  
4 DEGREES.

5 C. If a district acquires real or personal property, whether by  
6 purchase, exchange, condemnation, gift or otherwise, the district shall pay  
7 to the county treasurer any taxes on the property that were unpaid as of the  
8 date of acquisition, including penalties and interest. The lien for unpaid  
9 delinquent taxes, penalties and interest on property acquired by the  
10 district:

11 1. Is not abated, extinguished, discharged or merged in the title to  
12 the property.

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

14 D. In a district whose boundaries encompass a vehicle emissions  
15 control area as defined in section 49-541, the district board shall require  
16 all out-of-county and out-of-state students to sign an affidavit at the time  
17 of course registration that the student's vehicle meets the requirements of  
18 section 49-542. The district board on property under its jurisdiction within  
19 a vehicle emissions control area shall prohibit the parking of those vehicles  
20 that fail to comply with section 49-542.

21 E. A community college district and a joint technical education  
22 district governing board may enter into agreements for the provision of  
23 administrative, operational and educational services and facilities.

24 F. Each district may establish a program for the exchange of students  
25 between the community colleges under its jurisdiction and colleges and  
26 universities located in Sonora, Mexico. The program may provide for in-state  
27 tuition for Sonora students at the community colleges under the jurisdiction  
28 of the district in exchange for similar tuition provisions for Arizona  
29 students enrolled or seeking enrollment in Sonora colleges and universities.  
30 The community colleges may work in conjunction with the Arizona-Mexico  
31 commission in the governor's office to coordinate recruitment and admissions  
32 activities to provide for in-state tuition for up to fifty Sonora students at  
33 the community colleges under the jurisdiction of the district in exchange for  
34 similar tuition provisions for up to fifty total Arizona students enrolled or  
35 seeking enrollment in Sonora colleges and universities.

36 G. Each district shall facilitate transfer articulation coordination  
37 pursuant to section 15-1824.

38 Sec. 3. Community college baccalaureate degree study committee;  
39 membership; powers and duties; report; delayed repeal

40 A. The community college baccalaureate degree study committee is  
41 established consisting of the following members:

42 1. Three community college administrators who are appointed by an  
43 organization that is composed of community college presidents in this state  
44 and that is selected jointly by the president of the senate and the minority  
45 leader of the senate. At least one of these members shall be an

1 administrator of a community college district that is located in a county  
2 with a population of at least two million persons.

3 2. Three members who are appointed by an organization that is composed  
4 of presidents of universities under the jurisdiction of the Arizona board of  
5 regents and that is selected jointly by the speaker of the house of  
6 representatives and the minority leader of the house of representatives.

7 3. One member who is appointed by the commission for postsecondary  
8 education and who serves as the chairperson of the study committee.

9 B. The study committee shall determine the baccalaureate degrees that  
10 may be offered by community college districts pursuant to section 15-1444,  
11 Arizona Revised Statutes, as amended by this act, and the criteria under  
12 which those baccalaureate degrees may be offered.

13 C. The study committee may:

14 1. Request information, data and reports from any state agency or  
15 political subdivision of this state. If possible, information shall be  
16 provided electronically.

17 2. Hold hearings, conduct fact-finding tours and take testimony from  
18 witnesses, including participants in the educational system, who may assist  
19 the committee in fulfilling its responsibilities.

20 D. On the request of the study committee, an agency of this state, a  
21 school district, a university under the jurisdiction of the Arizona board of  
22 regents or a community college district shall provide to the committee its  
23 services, equipment, documents, personnel and facilities to the extent  
24 possible without cost to the committee.

25 E. The community college districts in this state and the universities  
26 under the jurisdiction of the Arizona board of regents shall provide staff  
27 and support services to the committee.

28 F. The committee shall meet at places and times as the chairperson  
29 deems necessary or convenient, and all meetings shall be open to the public.

30 G. Members of the study committee are not eligible to receive  
31 compensation but are eligible for reimbursement of expenses pursuant to title  
32 38, chapter 4, article 2, Arizona Revised Statutes.

33 H. On or before December 31, 2014, the study committee shall submit a  
34 report regarding its findings and recommendations to the governor, the  
35 speaker of the house of representatives and the president of the senate and  
36 provide a copy of its report to the secretary of state. The report shall  
37 include the committee's recommendations regarding the offering of  
38 baccalaureate degrees by community college districts in this state, including  
39 any proposed legislation that may be required to implement the  
40 recommendations of the study committee.

41 I. This section is repealed from and after September 30, 2015.