House Engrossed

State of Arizona House of Representatives Fifty-second Legislature First Regular Session 2015

HOUSE BILL 2186

AN ACT

AMENDING SECTIONS 15-301, 15-302, 15-362 AND 15-365, ARIZONA REVISED STATUTES; RELATING TO LIBRARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona: 2 Section 1. Section 15-301, Arizona Revised Statutes, is amended to 3 read: 4 15-301. Office of county school superintendent; 5 qualifications; travel expenses election 6 person is eligible for as county school A. A 7 superintendent if the person holds a basic or standard certificate to 8 teach in the schools of this state. 9 B. In addition to the salary allowed by law, the county school superintendent is eligible for reimbursement of travel expenses. 10 11 C. The office of county school superintendent is designated as a 12 local education agency for the purpose of serving as an education service 13 agency that is eligible to receive and spend local, state and federal monies to provide programs and services to school districts, and charter 14 schools, COUNTY FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES within that 15 16 county. 17 D. The office of county school superintendent shall be under the 18 jurisdiction of the elected county school superintendent. 19 Sec. 2. Section 15-302, Arizona Revised Statutes, is amended to 20 read: 21 15-302. Powers and duties 22 A. The county school superintendent shall: Distribute all laws, reports, circulars, instructions and forms 23 1. 24 that he may receive for the use of school officers. 25 2. Record all official acts. 26 3. Appoint governing board members of school districts to fill all vacancies, but the term of the appointment shall be until the next regular 27 28 election for governing board members, at which time a successor shall be 29 elected to serve the unexpired portion of the term. Within thirty days after notification of a vacancy, the school district governing board may 30 31 submit up to three names to the county school superintendent for consideration of an appointment to fill the vacancy. The county school 32 33 superintendent is not required to appoint a governing board member from the list of names submitted by the governing board. The county school 34 35 superintendent, if he deems it in the best interest of the community, may 36 call a special election to fill the vacancies. If an election is called, 37 the newly elected member shall serve for the remainder of the unexpired 38 portion of the term. 4. Make reports, when directed by the superintendent of public 39 40 instruction, showing matters relating to schools in his county as may be 41 required on the forms furnished by the superintendent of public 42 instruction. 43 5. Have such powers and perform such duties as otherwise prescribed 44 by law.

1 6. On or before October 1 of each year, make a report to the 2 superintendent of public instruction showing the amount of monies received 3 from state school funds, special school district taxes and other sources, 4 the total expenditures for school purposes and the balance on hand to the 5 credit of each school district at the close of the school year.

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7. Contract with the board of supervisors for the board of 7 supervisors to conduct all regular school district elections.

8 Be responsible, in cooperation with the governing boards and the 8. 9 board of supervisors, for all special school district elections.

10 9. Maintain teacher and administrator certification records of 11 effective dates and expiration dates of teachers' and administrators' certificates in compliance with guidelines prescribed in the uniform 12 13 system of financial records for those school districts for which the county school superintendent is the fiscal agent. The county school 14 superintendent shall not draw a warrant in payment of a teacher's, 15 16 substitute teacher's or administrator's salary unless the teacher, 17 substitute teacher or administrator is legally certified during the fiscal 18 year in which the term for payment is demanded.

19 10. Notify a school district three years before the expiration of a 20 revenue control limit override that the school district's budget must be 21 adjusted in the final two years of the override pursuant to section 22 15-481, subsections P and Q, if the voters do not approve another 23 override.

24 11. In collaboration with the department of education and other 25 state agencies, provide assistance to school districts, and charter 26 schools, COUNTY FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES on the use 27 of student data, staff development, curriculum alignment and technology to 28 improve student performance.

29 12. Assist schools in meeting yearly adequate progress goals as 30 defined by criteria established by the state board of education and 31 implemented by the department of education.

32 B. At the request of school districts and charter schools, the 33 county school superintendent may provide discretionary programs in addition to the programs prescribed in subsection A of this section. 34

35 C. The county school superintendent may provide the services 36 prescribed in subsections A and B of this section in the county or jointly 37 with two or more counties pursuant to title 11, chapter 7, article 3.

38 D. Each county school superintendent may establish an advisory 39 committee to the office of the county school superintendent.

40 Sec. 3. Section 15-362, Arizona Revised Statutes, is amended to 41 read:

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- 15-362. Libraries; powers and duties; authority to contract with a county free library or other public library

A. The governing board of a school district may establish and 44 45 maintain libraries. Such libraries shall be under control of the board.

1 The board shall be accountable for the care of the libraries, but it may 2 appoint district librarians, or it may put the libraries under direct 3 charge of a teacher or other qualified person. When requested, the board 4 shall report on the libraries to the county school superintendent on forms 5 supplied by the superintendent of public instruction.

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B. The governing board shall:

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1. Enforce the rules prescribed for government of school libraries.

8 2. Exclude from school libraries all books, publications and papers 9 of a sectarian, partisan or denominational character. This paragraph 10 shall not be construed to prohibit any materials for the elective course 11 permitted by section 15-717.01.

12 C. A district library shall be free to all pupils of suitable age 13 who attend the school. Residents of the district may become entitled to library privileges by payment of fees and compliance with regulations 14 15 prescribed by the board. The governing board may enter into a contract or 16 agreement with the proper authorities of a county free library or other 17 public library possessing facilities for rendering the desired service for 18 the procurement of reference or other library books or the extension services of such library. The amount so expended shall not exceed two per 19 20 cent PERCENT of the total school district budget for the school year 21 during which the services are utilized.

22D. ASCHOOLDISTRICTGOVERNINGBOARDMAYENTERINTO23INTERGOVERNMENTALAGREEMENTSWITHCOUNTYFREELIBRARYDISTRICTSAND24MUNICIPALLIBRARIESINTHECOUNTYWHERETHESCHOOLDISTRICTISLOCATED.

25 Sec. 4. Section 15-365, Arizona Revised Statutes, is amended to 26 read:

27 28 15-365. <u>Service programs operated through the office of a</u> <u>county school superintendent: reports: definitions</u>

A. The county school superintendent may establish service programs Which THAT shall be available to any COUNTY FREE LIBRARY DISTRICT, MUNICIPAL LIBRARY OR local school district governing board officially requesting such programs.

B. Both central administrative costs and general service costs shall be shared on a user basis and budgeted and paid as contract costs by the districts using such programs, except as provided in subsections E, F and H of this section.

C. Agreements or contracts entered into pursuant to this section shall not be subject to title 11, chapter 7, article 3 relating to intergovernmental agreements and contracts.

D. Each county school superintendent shall submit to the school districts involved and to the board of supervisors no later than May 31 of each year a program progress report and a fiscal report, including actual expenditures through March 31 and estimates for the remainder of the fiscal year on each service program in operation in such county. 1 E. County school superintendents may establish special small 2 district service programs designed to meet the special needs of school 3 districts with a total student count of fewer than six hundred in such 4 areas as administrative assistance and specialized services as follows:

5 1. For counties with seven or more school districts with a student 6 count of fewer than six hundred, the small district service program may 7 serve a single county or two or more counties.

8 2. Except as provided in subsection I of this section, for counties 9 with fewer than seven school districts with a student count of fewer than six hundred, the small district service program shall serve two or more 10 11 counties as determined by the superintendent of public instruction.

12 F. The costs of the small district service program are payable in 13 part from the small district service program fund. Costs in excess of the amount available in the small district service program fund shall be 14 shared on a user basis and budgeted and paid as contract costs by the 15 16 district using such programs. The small district service program fund for 17 each program shall consist of a base amount plus a per district amount for 18 each school district in the county or counties served which has a student 19 count of fewer than six hundred. For fiscal year 1989-1990, the base 20 amount is fifty-six thousand four hundred ninety-four dollars and the per 21 district amount is five thousand eighty-four dollars. Beginning with 22 fiscal year 1990–1991, the base amount and per district amount are the amounts for the prior year adjusted by the growth rate prescribed by law, 23 24 subject to appropriation. The base amount and per district amount for 25 each county or counties served shall be funded with state general fund 26 monies, subject to appropriation. The county school superintendent must 27 submit claims for payments to the state superintendent of public instruction. The county school superintendent shall deposit the payments 28 29 into the small district service program fund.

30 School districts which THAT provide only financing for pupils G. 31 who are instructed by another district shall be included in determining the number of districts counted for the small district service program 32 33 fund.

34 H. For each small district service program which THAT serves two or 35 more counties, a county of jurisdiction shall be selected by the 36 superintendent of public instruction. Payment shall be made into the small district service program fund in the county of jurisdiction from 37 monies that are received from the superintendent of public instruction 38 39 pursuant to this section for all counties served by the county of 40 jurisdiction.

41 I. If a small district service program is established before fiscal 42 year 1987-1988, the program may continue to operate as a single county 43 program if the county contains fewer than seven, but at least four, school districts with a student count of fewer than six hundred. 44

J. A school district with a student count of six hundred or more in the current year which THAT participated in a small district service program and which had a student count of fewer than six hundred in the prior year may continue to participate in the program for the current year and one additional year. The amount in the small district service program fund shall be determined as if the district had a student count of fewer than six hundred.

8 K. In FOR THE PURPOSES OF this section, unless the context 9 otherwise requires:

10 1. "Central administrative costs" means only those costs which THAT 11 are incurred by the county school superintendent in administering any 12 service program which THAT benefits all the school districts in the 13 program and which THAT are shared on a user basis and budgeted and paid as 14 contract costs by districts, except as provided in subsections E, F and H 15 of this section.

16 2. "General service costs" means those costs which THAT are 17 directly related to each of the service programs, which THAT are shared on 18 a user basis and which THAT are budgeted and paid as contract costs by 19 districts, except as provided in subsections E, F and H of this section.

20 3. "Service programs" means those programs which THAT can be 21 accomplished more efficiently and economically as multidistrict or 22 multicounty operations.

4. "Student count" means the student count as defined in section 15-901, subsection A, except that it shall not include pupils enrolled in grades nine through twelve to whom the district does not provide instruction if the district is a common school district which THAT is not within a high school district.