

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

CHAPTER 103
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; qualifications;
5 travel expenses

6 A. A person is eligible for election as county school superintendent
7 if the person holds a basic or standard certificate to teach in the schools
8 of this state.

9 B. In addition to the salary allowed by law, the county school
10 superintendent is eligible for reimbursement of travel expenses.

11 C. The office of county school superintendent is designated as a local
12 education agency for the purpose of serving as an education service agency
13 that is eligible to receive and spend local, state and federal monies to
14 provide programs and services to school districts, ~~and~~ charter schools,
15 COUNTY FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES within that county.

16 D. The office of county school superintendent shall be under the
17 jurisdiction of the elected county school superintendent.

18 Sec. 2. Section 15-302, Arizona Revised Statutes, is amended to read:

19 15-302. Powers and duties

20 A. The county school superintendent shall:

21 1. Distribute all laws, reports, circulars, instructions and forms
22 that he may receive for the use of school officers.

23 2. Record all official acts.

24 3. Appoint governing board members of school districts to fill all
25 vacancies, but the term of the appointment shall be until the next regular
26 election for governing board members, at which time a successor shall be
27 elected to serve the unexpired portion of the term. Within thirty days after
28 notification of a vacancy, the school district governing board may submit up
29 to three names to the county school superintendent for consideration of an
30 appointment to fill the vacancy. The county school superintendent is not
31 required to appoint a governing board member from the list of names submitted
32 by the governing board. The county school superintendent, if he deems it in
33 the best interest of the community, may call a special election to fill the
34 vacancies. If an election is called, the newly elected member shall serve
35 for the remainder of the unexpired portion of the term.

36 4. Make reports, when directed by the superintendent of public
37 instruction, showing matters relating to schools in his county as may be
38 required on the forms furnished by the superintendent of public instruction.

39 5. Have such powers and perform such duties as otherwise prescribed by
40 law.

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

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

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

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

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

18 11. In collaboration with the department of education and other state
19 agencies, provide assistance to school districts, ~~and~~ charter schools, COUNTY
20 FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES on the use of student data,
21 staff development, curriculum alignment and technology to improve student
22 performance.

23 12. Assist schools in meeting yearly adequate progress goals as defined
24 by criteria established by the state board of education and implemented by
25 the department of education.

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

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

32 D. Each county school superintendent may establish an advisory
33 committee to the office of the county school superintendent.

34 Sec. 3. Section 15-362, Arizona Revised Statutes, is amended to read:
35 15-362. Libraries; powers and duties; authority to contract
36 with a county free library or other public library

37 A. The governing board of a school district may establish and maintain
38 libraries. Such libraries shall be under control of the board. The board
39 shall be accountable for the care of the libraries, but it may appoint
40 district librarians, or it may put the libraries under direct charge of a
41 teacher or other qualified person. When requested, the board shall report on
42 the libraries to the county school superintendent on forms supplied by the
43 superintendent of public instruction.

44 B. The governing board shall:

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

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

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

15 D. A SCHOOL DISTRICT GOVERNING BOARD MAY ENTER INTO INTERGOVERNMENTAL
16 AGREEMENTS WITH COUNTY FREE LIBRARY DISTRICTS AND MUNICIPAL LIBRARIES IN THE
17 COUNTY WHERE THE SCHOOL DISTRICT IS LOCATED.

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

19 15-365. Service programs operated through the office of a
20 county school superintendent; reports; definitions

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

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

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

32 D. Each county school superintendent shall submit to the school
33 districts involved and to the board of supervisors no later than May 31 of
34 each year a program progress report and a fiscal report, including actual
35 expenditures through March 31 and estimates for the remainder of the fiscal
36 year on each service program in operation in such county.

37 E. County school superintendents may establish special small district
38 service programs designed to meet the special needs of school districts with
39 a total student count of fewer than six hundred in such areas as
40 administrative assistance and specialized services as follows:

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

44 2. Except as provided in subsection I of this section, for counties
45 with fewer than seven school districts with a student count of fewer than six

1 hundred, the small district service program shall serve two or more counties
2 as determined by the superintendent of public instruction.

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

20 G. School districts ~~which~~ THAT provide only financing for pupils who
21 are instructed by another district shall be included in determining the
22 number of districts counted for the small district service program fund.

23 H. For each small district service program ~~which~~ THAT serves two or
24 more counties, a county of jurisdiction shall be selected by the
25 superintendent of public instruction. Payment shall be made into the small
26 district service program fund in the county of jurisdiction from monies that
27 are received from the superintendent of public instruction pursuant to this
28 section for all counties served by the county of jurisdiction.

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

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

40 K. ~~In FOR THE PURPOSES OF~~ this section, ~~unless the context otherwise~~
41 ~~requires:~~

42 1. "Central administrative costs" means only those costs ~~which~~ THAT
43 are incurred by the county school superintendent in administering any service
44 program ~~which~~ THAT benefits all the school districts in the program and ~~which~~
45 THAT are shared on a user basis and budgeted and paid as contract costs by
46 districts, except as provided in subsections E, F and H of this section.

- 1 2. "General service costs" means those costs ~~which~~ THAT are directly
2 related to each of the service programs, ~~which~~ THAT are shared on a user
3 basis and ~~which~~ THAT are budgeted and paid as contract costs by districts,
4 except as provided in subsections E, F and H of this section.
- 5 3. "Service programs" means those programs ~~which~~ THAT can be
6 accomplished more efficiently and economically as multidistrict or
7 multicounty operations.
- 8 4. "Student count" means the student count as defined in section
9 15-901, subsection A, except that it shall not include pupils enrolled in
10 grades nine through twelve to whom the district does not provide instruction
11 if the district is a common school district ~~which~~ THAT is not within a high
12 school district.

APPROVED BY THE GOVERNOR MARCH 30, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2015.