

REFERENCE TITLE: JTEDs; courses and programs; approval

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2229

Introduced by
Representative Shooter

AN ACT

AMENDING SECTIONS 15-391 AND 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 15-391, Arizona Revised Statutes, is amended to
3 read:

4 15-391. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Joint board" means a joint technical education district
7 governing board.

8 2. "Joint district" means a joint technical education district.

9 3. "Joint technical education course" means a course that is
10 offered by a joint technical education district as part of a joint
11 technical education district program, that is approved by the career and
12 technical education division of the department of education and that meets
13 each of the following requirements:

14 (a) Is taught by an instructor who is certified to teach career and
15 technical education by the state board of education or by a postsecondary
16 educational institution.

17 (b) Is part of a program that requires students to obtain a passing
18 score of at least sixty percent on an assessment that demonstrates the
19 level of skills, knowledge and competencies necessary to be successful in
20 the designated vocation or industry for that program of study.

21 (c) Is part of an approved joint technical education district
22 program.

23 (d) Is not a course or any variation of a course, including honors,
24 that is required under the minimum course of study pursuant to section
25 15-701.01 in order to graduate from high school, **EXCEPT THAT CREDIT MAY BE**
26 **AWARDED FOR ANY CAREER AND TECHNICAL EDUCATION COURSE.**

27 (e) Requires a majority of instructional time to be conducted in a
28 laboratory environment, field-based environment or work-based learning
29 environment.

30 (f) Has demonstrated a need for extra funding in order to provide
31 the joint technical education course.

32 (g) Requires specialized equipment **OR INSTRUCTIONAL MATERIALS** in
33 order to provide instruction to students that exceeds the cost of a
34 standard educational course.

35 4. "Joint technical education district" means a district that is
36 formed pursuant to this article and that offers joint technical education
37 courses.

38 5. "Joint technical education district program" means a sequence of
39 courses that is offered by a joint technical education district and that
40 meets all of the following requirements:

41 (a) Is taught by an instructor who is certified to teach career and
42 technical education by the state board of education or by a postsecondary
43 educational institution.

44 (b) Requires an assessment that demonstrates the level of skills,
45 knowledge and competencies necessary to be successful in the designated

1 vocation or industry or an assessment necessary for certification, IF
2 APPROPRIATE, OR FOR CAREER READINESS, in and acceptance by that vocation
3 or industry. Any assessment adopted pursuant to this subdivision shall
4 require a passing score of at least sixty percent.

5 (c) Requires specialized equipment OR INSTRUCTIONAL MATERIALS in
6 order to provide instruction to students that exceeds the cost of a
7 standard educational course.

8 (d) Requires a majority of instructional time to be conducted in a
9 laboratory environment, field-based environment or work-based learning
10 environment, and requires career and technical student organization
11 participation.

12 (e) Demonstrates alignment through a curriculum, instructional
13 model and course sequence to meet the standards of a career and technical
14 education preparatory program as determined by the career and technical
15 education division of the department of education.

16 (f) Has a defined pathway to career and postsecondary education in
17 a specific vocation or industry as determined by the career and technical
18 education division of the department of education.

19 (g) Is approved by the career and technical education division of
20 the department of education based on the requirements prescribed in this
21 paragraph after the submission of all required documentation.

22 (h) Is certified by the joint technical education district
23 governing board to have met all the requirements prescribed in this
24 article.

25 (i) Is offered only to students in grades nine, ten, eleven and
26 twelve.

27 (j) Fills a high-need vocational or industry need as determined by
28 the career and technical education division of the department of
29 education.

30 (k) Requires a single or stackable credential as described in
31 subdivision (l) of this paragraph or a skill that will allow a student to
32 obtain work as described in subdivision (l) of this paragraph on
33 graduation before receiving an ~~associate's~~ ASSOCIATE degree or
34 baccalaureate degree.

35 (l) Leads to certification or licensure, IF APPROPRIATE, OR TO
36 CAREER READINESS, in the designated vocation or industry that has been
37 verified and accepted by that vocation or industry and that qualifies the
38 ~~recipient of the certification or licensure~~ PERSON for employment ~~for~~
39 ~~which the student would not otherwise qualify~~. If there is no
40 certification or licensure that is accepted by the vocation or industry,
41 OR IF BUSINESS PRACTICALITIES DO NOT REQUIRE CERTIFICATION OR LICENSURE,
42 completion of the program must qualify the student for employment ~~for~~
43 ~~which the student would not otherwise qualify without completion of the~~
44 ~~joint technical education district program~~.

1 (m) Requires instruction and instructional materials in courses
2 that are substantially different from and exceed the scope of standard
3 instruction and that include vocational skills, competencies and knowledge
4 to be successful in the designated joint technical education district
5 program vocation or industry.

6 (n) An industry or vocation has agreed to provide financial or
7 technical support to the joint technical education district for a specific
8 joint technical education district program. For the purposes of this
9 subdivision, "financial support" includes in-kind contributions and
10 donations.

11 (o) A joint technical education district has demonstrated a need
12 for extra funding in order to provide the joint technical education
13 district program.

14 6. "State board" means the state board of education.

15 Sec. 2. Section 15-393, Arizona Revised Statutes, is amended to
16 read:

17 15-393. Joint technical education district governing board;
18 report; definitions

19 A. The management and control of the joint district are vested in
20 the joint technical education district governing board, including the
21 content and quality of the courses offered by the district, the quality of
22 teachers who provide instruction on behalf of the district, the salaries
23 of teachers who provide instruction on behalf of the district and the
24 reimbursement of other entities for the facilities used by the
25 district. Unless the governing boards of the school districts
26 participating in the formation of the joint district vote to implement an
27 alternative election system as provided in subsection B of this section,
28 the joint board shall consist of five members elected from five single
29 member districts formed within the joint district. The single member
30 district election system shall be submitted as part of the plan for the
31 joint district pursuant to section 15-392 and shall be established in the
32 plan as follows:

33 1. The governing boards of the school districts participating in
34 the formation of the joint district shall define the boundaries of the
35 single member districts so that the single member districts are as nearly
36 equal in population as is practicable, except that if the joint district
37 lies in part in each of two or more counties, at least one single member
38 district may be entirely within each of the counties comprising the joint
39 district if this district design is consistent with the obligation to
40 equalize the population among single member districts.

41 2. The boundaries of each single member district shall follow
42 election precinct boundary lines, as far as practicable, in order to avoid
43 further segmentation of the precincts.

44 3. A person who is a registered voter of this state and who is a
45 resident of the single member district is eligible for election to the

1 office of joint board member from the single member district. The terms
2 of office of the members of the joint board shall be as prescribed in
3 section 15-427, subsection B. An employee of a joint technical education
4 district or the spouse of an employee shall not hold membership on a
5 governing board of a joint technical education district by which the
6 employee is employed. A member of one school district governing board or
7 joint technical education district governing board is ineligible to be a
8 candidate for nomination or election to or serve simultaneously as a
9 member of any other governing board, except that a member of a governing
10 board may be a candidate for nomination or election for any other
11 governing board if the member is serving in the last year of a term of
12 office. A member of a governing board shall resign the member's seat on
13 the governing board before becoming a candidate for nomination or election
14 to the governing board of any other school district or joint technical
15 education district, unless the member of the governing board is serving in
16 the last year of a term of office.

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

19 B. The governing boards of the school districts participating in
20 the formation of the joint district may vote to implement any other
21 alternative election system for the election of joint district board
22 members. If an alternative election system is selected, it shall be
23 submitted as part of the plan for the joint district pursuant to section
24 15-392, and the implementation of the system shall be as approved by the
25 United States justice department.

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

- 28 1. Chapter 1, articles 1 through 6.
- 29 2. Sections 15-208, 15-210, 15-213 and 15-234.
- 30 3. Articles 2, 3 and 5 of this chapter.
- 31 4. Section 15-361.
- 32 5. Chapter 4, articles 1, 2 and 5.
- 33 6. Chapter 5, articles 1, ~~2~~ and 3.
- 34 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728,
35 15-729 and 15-730.
- 36 8. Chapter 7, article 5.
- 37 9. Chapter 8, articles 1, 3 and 4.
- 38 10. Sections 15-828 and 15-829.
- 39 11. Chapter 9, article 1, article 6, except for section 15-995, and
40 article 7.
- 41 12. Sections 15-941, 15-943.01, 15-952, 15-953 and 15-973.
- 42 13. Sections 15-1101 and 15-1104.
- 43 14. Chapter 10, articles 2, 3, 4 and 8.

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

1 1. A joint district may issue bonds for the purposes specified in
2 section 15-1021 and in chapter 4, article 5 of this title to an amount in
3 the aggregate, including the existing indebtedness, not exceeding one
4 percent of the net assessed value of the full cash value of the property
5 within the joint technical education district. For the purposes of this
6 paragraph, "full cash value" and "net assessed value" have the same
7 meanings prescribed in section 42-11001.

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

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

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

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

26 (c) For the first year of operation, the joint district shall
27 revise the student count to the actual average daily membership as
28 prescribed in section 15-901, subsection A, paragraph 1 for students
29 attending classes in the joint district. A joint district shall revise
30 its student count, the base support level as provided in section
31 15-943.02, the revenue control limit as provided in section 15-944.01 and
32 the district additional assistance as provided in section 15-962.01 prior
33 to May 15. A joint district that overestimated its student count shall
34 revise its budget prior to May 15. A joint district that underestimated
35 its student count may revise its budget prior to May 15.

36 (d) After March 15 of the first year of operation, the district of
37 residence shall adjust its student count by reducing it to reflect the
38 courses actually taken at the joint district. The district of residence
39 shall revise its student count, the base support level as provided in
40 section 15-943, the revenue control limit as provided in section 15-944
41 and the district additional assistance as provided in section 15-962.01
42 prior to May 15. A district that underestimated the student count for
43 students attending the joint district shall revise its budget prior to May
44 15. A district that overestimated the student count for students
45 attending the joint district may revise its budget prior to May 15.

1 (e) The procedures for implementing this paragraph shall be as
2 prescribed in the uniform system of financial records.

3 (f) Pupils in an approved joint technical education district
4 centralized program may generate an average daily membership of 1.0 during
5 any day of the week and at any time between July 1 and June 30 of each
6 fiscal year.

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

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

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

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

27 (c) Beginning July 1, 2016, a student who has graduated from high
28 school or received a general equivalency diploma or who is over twenty-one
29 years of age shall not be included in the student count of the joint
30 district for the purposes of chapter 9, articles 3, 4 and 5 of this title.

31 (d) A student who is enrolled in any internship course as part of a
32 joint technical education district program shall not be included in the
33 student count of the joint district for that internship course for the
34 purposes of chapter 9, articles 3, 4 and 5 of this title.

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

37 6. A joint district may use the carryforward provisions of section
38 15-943.01.

39 7. A school district that is part of a joint district shall use any
40 monies received pursuant to this article to supplement and not supplant
41 base year career and technical education courses, and directly related
42 equipment and facilities, except that a school district that is part of a
43 joint technical education district and that has used monies received
44 pursuant to this article to supplant career and technical education
45 courses that were offered before the first year that the school district

1 participated in the joint district or the first year that the school
2 district used monies received pursuant to this article or that used the
3 monies for purposes other than for career and technical education courses
4 shall use one hundred percent of the monies received pursuant to this
5 article to supplement and not supplant base year career and technical
6 education courses.

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

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

22 E. The joint board shall appoint a superintendent as the executive
23 officer of the joint district.

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

32 G. The schools in the joint district are available to all persons
33 who reside in the joint district and to pupils whose district of residence
34 within this state is paying tuition on behalf of the pupils to a district
35 of attendance that is a member of the joint technical education district,
36 subject to the rules for admission prescribed by the joint board.

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

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

1 J. One member of the joint board shall be selected chairman. The
2 chairman shall be selected annually on a rotation basis from among the
3 participating school districts. The chairman of the joint board shall be
4 a voting member.

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

8 L. Beginning July 1, 2016, any agreement between the governing
9 board of a joint technical education district and another joint technical
10 education district, a school district, a charter school or a community
11 college district shall be in the form of an intergovernmental agreement or
12 other written contract. The auditor general shall modify the uniform
13 system of financial records and budget forms in accordance with this
14 subsection. The intergovernmental agreement or other written contract
15 shall completely and accurately specify each of the following:

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

18 2. The accountability provisions of the intergovernmental agreement
19 or other written contract.

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

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

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

29 6. The transportation services that will be provided under the
30 intergovernmental agreement or other written contract and the manner in
31 which transportation costs will be paid.

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

35 8. That the services provided by the joint technical education
36 district, the school district, the charter school or the community college
37 district be proportionally calculated in the cost of delivering the
38 service.

39 9. That the payment for services shall not exceed the cost of the
40 services provided.

41 10. That the joint technical education district will provide the
42 following minimum services for all member districts:

43 (a) Professional development of career and technical teachers in
44 the joint district who are teaching programs or courses at a satellite
45 campus.

1 (b) Ongoing evaluation and support of satellite campus programs and
2 courses to ensure quality and compliance.

3 11. An itemized listing of other goods and services that are
4 provided to the member district and that are paid for by the retention of
5 satellite campus student funding.

6 M. A member school district or charter school may not submit
7 requests for the approval or addition of satellite campus joint district
8 programs or courses directly to the career and technical education
9 division of the department of education, but shall submit all appropriate
10 application documentation and materials for programs or courses to the
11 joint district. On approval from the joint board, a joint district shall
12 only submit requests for the approval or addition of satellite campus
13 joint district programs or courses directly to the career and technical
14 education division of the department of education. If the career and
15 technical education division of the department of education determines
16 that a course does not meet the criteria for approval as a joint technical
17 education course, the governing board of the joint technical education
18 district may appeal this decision to the state board of education acting
19 as the state board of vocational education.

20 N. Notwithstanding any other law, the average daily membership for
21 a pupil who is enrolled in a joint technical education course defined in
22 section 15-391 and who does not meet the criteria specified in subsection
23 P or Q of this section shall be 0.25 for each course, except the sum of
24 the average daily membership shall not exceed the limits prescribed by
25 subsection D, P or Q of this section, as applicable.

26 O. If a career and technical education course or program is
27 provided on a satellite campus, the sum of the average daily membership,
28 as provided in section 15-901, subsection A, paragraph 1, for that pupil
29 in the school district or charter school and joint technical education
30 district shall not exceed 1.25. The school district or charter school and
31 the joint district shall determine the apportionment of the average daily
32 membership for that pupil between the school district or charter school
33 and the joint district. A pupil who attends a course or program at a
34 satellite campus and who is not enrolled in the school district or charter
35 school where the satellite campus is located may generate the average
36 daily membership pursuant to this subsection if the pupil is enrolled in a
37 school district that is a member district in the same joint technical
38 education district.

39 P. The sum of the average daily membership of a pupil who is
40 enrolled in both the school district and joint technical education
41 district course or program provided at a community college pursuant to
42 subsection K of this section or at a centralized campus shall not exceed
43 1.75. The member school district and the joint district shall determine
44 the apportionment of the average daily membership and student enrollment
45 for that pupil between the member school district and the joint district,

1 except that the amount apportioned shall not exceed 1.0 for either
2 entity. Notwithstanding any other law, the average daily membership for a
3 pupil in grade ten, eleven or twelve who is enrolled in a course that
4 meets for at least one hundred fifty minutes per class period at a
5 centralized campus shall be 0.75. To qualify for funding pursuant to this
6 subsection, a centralized campus shall offer programs and courses to all
7 eligible students in each member district of the joint technical education
8 district.

9 Q. The average daily membership for a pupil in grade ten, eleven or
10 twelve who is enrolled in a course that meets for at least one hundred
11 fifty minutes per class period at a leased centralized campus shall not
12 exceed 0.75. The sum of the average daily membership, as provided in
13 section 15-901, subsection A, paragraph 1, of a pupil who is enrolled in
14 both the school district and in joint technical education district courses
15 provided at a leased centralized campus shall not exceed 1.75 if all of
16 the following conditions are met:

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

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

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

26 4. The lease is established at fair market value if the lease is
27 executed for a facility located on the site of a member district and was
28 approved by the joint committee on capital review, except that a lease
29 that was executed or renewed before December 31, 2012 is not subject to
30 approval by the joint committee on capital review.

31 R. A student who is enrolled in an accommodation school as defined
32 in section 15-101 may be treated as a student of the school district in
33 which the student physically resides for the purposes of enrollment in a
34 joint technical education district and shall be included in the
35 calculation of average daily membership for either the joint technical
36 education district or the accommodation school, or both.

37 S. Notwithstanding any other law, the student count for a joint
38 technical education district shall be equivalent to the joint technical
39 education district's average daily membership.

40 T. A school district or charter school may not prohibit or
41 discourage students who are enrolled in that school district or charter
42 school from attending courses offered by a joint technical education
43 district, including requiring students to generate a full 1.0 average
44 daily membership or to enroll in more courses than are needed to graduate

1 before enrolling in and attending programs or courses offered by a joint
2 district.

3 U. The governing board of the joint technical education district
4 may contract with any charter school that is located within the boundaries
5 of the joint technical education district to allow that charter school to
6 offer career and technical education courses or programs as a satellite
7 campus.

8 V. Beginning in 2020 and every five years thereafter, the career
9 and technical education division of the department of education shall
10 review joint technical education district programs and joint technical
11 education courses to ensure compliance, quality and eligibility. Any
12 program or course deemed to not meet the requirements set forth by law
13 shall not be funded for the preceding CURRENT school year ~~and shall be~~
14 ~~removed from the approved program and course list~~. The career and
15 technical education division may establish a staggered schedule for
16 reviewing each joint technical education district.

17 W. For the purposes of this section:

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

20 2. "Centralized campus" means a facility that is owned and operated
21 by a joint technical education district for the purpose of offering joint
22 technical education district programs or joint technical education
23 courses.

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

27 4. "Leased centralized campus" means a facility that is leased and
28 operated by a joint technical education district for the purpose of
29 offering joint technical education district programs or joint technical
30 education courses.

31 5. "Satellite campus" means a facility that is owned or operated by
32 a school district or charter school for the purpose of offering joint
33 technical education district programs or joint technical education
34 courses.