

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

# HOUSE BILL 2026

AN ACT

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

(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

6 A. A person is eligible for election as county school  
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  
10 superintendent is eligible for reimbursement of travel expenses.

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  
14 monies to provide programs and services to school districts, charter  
15 schools, county free library districts, ~~and~~ municipal libraries, **NONPROFIT**  
16 **AND PUBLIC LIBRARIES, TRIBAL LIBRARIES, PRIVATE SCHOOLS AND TRIBAL SCHOOLS**  
17 within that county.

18 D. The office of county school superintendent shall be under the  
19 jurisdiction of the elected county school superintendent.

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

22 15-302. Powers and duties

23 A. The county school superintendent shall:

24 1. Distribute all laws, reports, circulars, instructions and forms  
25 that ~~he~~ **THE COUNTY SCHOOL SUPERINTENDENT** may receive for the use of school  
26 officers.

27 2. Record all official acts.

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

41 4. Make reports, when directed by the superintendent of public  
42 instruction, showing matters relating to schools in ~~his~~ **THE** county as may  
43 be required on the forms furnished by the superintendent of public  
44 instruction.

- 1           5. Have such powers and perform such duties as otherwise prescribed  
2 by law.
- 3           6. On or before October 1 of each year, ~~make a~~ report to the  
4 superintendent of public instruction ~~showing~~ the amount of monies received  
5 from state school funds, special school district taxes and other sources,  
6 the total expenditures for school purposes and the balance on hand to the  
7 credit of each school district at the close of the school year.
- 8           7. Contract with the board of supervisors for the board of  
9 supervisors to conduct all regular school district elections.
- 10          8. Be responsible, in cooperation with the SCHOOL DISTRICT  
11 governing boards and the board of supervisors, for all special school  
12 district elections.
- 13          9. Maintain teacher and administrator certification records of  
14 effective dates and expiration dates of teachers' and administrators'  
15 certificates in compliance with guidelines prescribed in the uniform  
16 system of financial records for those school districts for which the  
17 county school superintendent is the fiscal agent. The county school  
18 superintendent shall not draw a warrant in payment of a teacher's,  
19 substitute teacher's or administrator's salary unless the teacher,  
20 substitute teacher or administrator is legally certified during the fiscal  
21 year in which the term for payment is demanded.
- 22          10. Notify a school district three years before the expiration of a  
23 revenue control limit override that the school district's budget must be  
24 adjusted in the final two years of the override pursuant to section  
25 15-481, subsections P and Q, if the voters do not approve another  
26 override.
- 27          11. In collaboration with the department of education and other  
28 state agencies, provide assistance to school districts, charter schools,  
29 county free library districts, ~~and~~ municipal libraries, NONPROFIT AND  
30 PUBLIC LIBRARIES, TRIBAL LIBRARIES, PRIVATE SCHOOLS AND TRIBAL SCHOOLS on  
31 the use of student data, staff development, curriculum alignment and  
32 technology to improve student performance.
- 33          12. Assist schools in meeting yearly adequate progress goals as  
34 defined by criteria established by the state board of education and  
35 implemented by the department of education.
- 36          B. At the request of school districts and charter schools, the  
37 county school superintendent may provide discretionary programs in  
38 addition to the programs prescribed in subsection A of this section.
- 39          C. The county school superintendent may provide the services  
40 prescribed in subsections A and B of this section in the county or jointly  
41 with two or more counties pursuant to title 11, chapter 7, article 3.
- 42          D. Each county school superintendent may establish an advisory  
43 committee to the office of the county school superintendent.

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

3           15-362. Libraries; powers and duties; authority to contract

4           A. The governing board of a school district may establish and  
5 maintain libraries. Such libraries shall be under control of the  
6 GOVERNING board. The GOVERNING board ~~shall be~~ IS accountable for the care  
7 of the libraries, but ~~it~~ THE BOARD may appoint district librarians, ~~or it~~  
8 may put the libraries under THE direct charge of a teacher or other  
9 qualified person. When requested, the GOVERNING board shall report on the  
10 libraries to the county school superintendent on forms supplied by the  
11 superintendent of public instruction.

12           B. The governing board shall:

13           1. Enforce the rules prescribed for ~~government of~~ GOVERNING school  
14 libraries.

15           2. Exclude from school libraries all books, publications and papers  
16 of a sectarian, partisan or denominational character. This paragraph does  
17 not prohibit any materials for the elective course permitted by section  
18 15-717.01.

19           C. A district library ~~shall be~~ IS free to all pupils of suitable  
20 age who attend the school. Residents of the district may become entitled  
21 to library privileges by payment of fees and compliance with regulations  
22 prescribed by the GOVERNING board. The governing board may enter into a  
23 contract or agreement with the proper authorities of a county free library  
24 or other public library possessing facilities ~~for rendering~~ TO RENDER the  
25 desired service for the procurement of reference or other library books or  
26 the extension services of ~~such~~ THE library. The amount expended shall not  
27 exceed two percent of the total school district budget for the school year  
28 during which the services are utilized.

29           D. A school district governing board may enter into  
30 ~~intergovernmental~~ agreements with counties, county free library districts,  
31 ~~and~~ municipal libraries, NONPROFIT AND PUBLIC LIBRARIES, TRIBAL LIBRARIES,  
32 PRIVATE SCHOOLS AND TRIBAL SCHOOLS in the county where the school district  
33 is located.

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

36           15-365. Service programs operated through the office of a  
37 county school superintendent; reports; definitions

38           A. The county school superintendent may establish service programs  
39 that ~~shall be~~ ARE available to any county free library district, municipal  
40 library, ~~or~~ local school district governing board, NONPROFIT AND PUBLIC  
41 LIBRARY, TRIBAL LIBRARY, PRIVATE SCHOOL OR TRIBAL SCHOOL officially  
42 requesting such programs.

43           B. Both central administrative costs and general service costs  
44 shall be shared on a user basis and budgeted and paid as contract costs by

1 the districts using such programs, except as provided in subsections E, F  
2 and H of this section.

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

6 D. Each county school superintendent shall submit to the school  
7 districts involved and to the board of supervisors no later than May 31 of  
8 each year a program progress report and a fiscal report, including actual  
9 expenditures through March 31 and estimates for the remainder of the  
10 fiscal year, on each service program in operation in ~~such~~ THE county.

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

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

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

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

40 G. School districts that provide only financing for pupils who are  
41 instructed by another district shall be included in determining the number  
42 of districts counted for the small district service program fund.

43 H. For each small district service program that serves two or more  
44 counties, a county of jurisdiction shall be selected by the superintendent  
45 of public instruction. Payment shall be made into the small district

1 service program fund in the county of jurisdiction from monies that are  
2 received from the superintendent of public instruction pursuant to this  
3 section for all counties served by the county of jurisdiction.

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

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

15 K. For the purposes of this section:

16 1. "Central administrative costs" means only those costs that are  
17 incurred by the county school superintendent in administering any service  
18 program that benefits all the school districts in the program and that are  
19 shared on a user basis and budgeted and paid as contract costs by  
20 districts, except as provided in subsections E, F and H of this section.

21 2. "General service costs" means those costs that are directly  
22 related to each of the service programs, that are shared on a user basis  
23 and that are budgeted and paid as contract costs by districts, except as  
24 provided in subsections E, F and H of this section.

25 3. "Service programs" means those programs that can be accomplished  
26 more efficiently and economically as multidistrict or multicounty  
27 operations.

28 4. "Student count" means the student count as defined in section  
29 15-901, subsection A, except that it ~~shall~~ DOES not include pupils  
30 enrolled in grades nine through twelve to whom the district does not  
31 provide instruction if the district is a common school district that is  
32 not within a high school district.