

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

HOUSE BILL 2205

AN ACT

AMENDING SECTION 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 15-393, Arizona Revised Statutes, is amended to
3 read:

4 15-393. Joint technical education district governing board;
5 report; definitions

6 A. The management and control of the joint district are vested in
7 the joint technical education district governing board, including the
8 content and quality of the courses offered by the district, the quality of
9 teachers who provide instruction on behalf of the district, the salaries
10 of teachers who provide instruction on behalf of the district and the
11 reimbursement of other entities for the facilities used by the
12 district. This section does not restrict a school district ~~FROM~~ offering
13 any career and technical education course that does not qualify for
14 funding as a joint district course or program. Unless the governing
15 boards of the school districts participating in the formation of the joint
16 district vote to implement an alternative election system as provided in
17 subsection B of this section, the joint board shall consist of five
18 members elected from five single member districts formed within the joint
19 district. The single member district election system shall be submitted
20 as part of the plan for the joint district pursuant to section 15-392 and
21 shall be established in the plan as follows:

22 1. The governing boards of the school districts participating in
23 the formation of the joint district shall define the boundaries of the
24 single member districts so that the single member districts are as nearly
25 equal in population as is practicable, except that if the joint district
26 lies in part in each of two or more counties, at least one single member
27 district may be entirely within each of the counties comprising the joint
28 district if this district design is consistent with the obligation to
29 equalize the population among single member districts.

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

33 3. A person who is a registered voter of this state and who is a
34 resident of the single member district is eligible for election to the
35 office of joint board member from the single member district. The terms
36 of office of the members of the joint board shall be as prescribed in
37 section 15-427, subsection B. An employee of a joint technical education
38 district or the spouse of an employee shall not hold membership on ~~a~~ THE
39 governing board of a joint technical education district by which the
40 employee is employed. AN EDUCATOR WHO TEACHES OR ADMINISTERS A CAREER AND
41 TECHNICAL EDUCATION PROGRAM OR COURSE AT A SATELLITE CAMPUS IS INELIGIBLE
42 TO BE A CANDIDATE FOR ELECTION TO THE GOVERNING BOARD OF THAT JOINT
43 TECHNICAL EDUCATION DISTRICT, EXCEPT THAT AN EDUCATOR WHO TEACHES OR
44 ADMINISTERS A CAREER AND TECHNICAL EDUCATION PROGRAM OR COURSE AT A
45 SATELLITE CAMPUS MAY BE APPOINTED BY THE COUNTY SCHOOL SUPERINTENDENT TO

1 THE GOVERNING BOARD OF THAT JOINT TECHNICAL EDUCATION DISTRICT. A member
2 of one school district governing board or joint technical education
3 district governing board is ineligible to be a candidate for nomination or
4 election to or serve simultaneously as a member of any other governing
5 board, except that a member of a governing board may be a candidate for
6 nomination or election for any other governing board if the member is
7 serving in the last year of a term of office. A member of a governing
8 board shall resign the member's seat on the governing board before
9 becoming a candidate for nomination or election to the governing board of
10 any other school district or joint technical education district, unless
11 the member of the governing board is serving in the last year of a term of
12 office. Members of a joint technical education district governing board
13 are subject to the conflict of interest requirements prescribed in section
14 38-503.

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

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

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

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

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

- 44 1. A joint district may issue bonds for the purposes specified in
45 section 15-1021 and in chapter 4, article 5 of this title to an amount in

1 the aggregate, including the existing indebtedness, not exceeding one
2 percent of the net assessed value of the full cash value of the property
3 within the joint technical education district. For the purposes of this
4 paragraph, "full cash value" and "net assessed value" have the same
5 meanings prescribed in section 42-11001.

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

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

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

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

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

35 (d) After March 15 of the first year of operation, the district of
36 residence shall adjust its student count by reducing it to reflect the
37 courses actually taken at the joint district. The district of residence
38 shall revise its student count, the base support level as provided in
39 section 15-943, the revenue control limit as provided in section 15-944
40 and the district additional assistance as provided in section 15-962.01
41 ~~prior to~~ BEFORE May 15. A district that underestimated the student count
42 for students attending the joint district shall revise its budget ~~prior to~~
43 BEFORE May 15. A district that overestimated the student count for
44 students attending the joint district may revise its budget ~~prior to~~
45 BEFORE 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. For the purposes of this paragraph, "district of residence"
7 means the district that included the pupil in its average daily membership
8 for the year before the first year of operation of the joint district and
9 that would have included the pupil in its student count for the purposes
10 of computing its base support level for the fiscal year of the first year
11 of operation of the joint district if the pupil had not enrolled in the
12 joint district.

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

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

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

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

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

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

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

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

1 district used monies received pursuant to this article or that used the
2 monies for purposes other than for career and technical education courses
3 shall use one hundred percent of the monies received pursuant to this
4 article to supplement and not supplant base year career and technical
5 education courses. Each applicable school district shall provide a report
6 to the joint board and the department of education outlining the required
7 maintenance of effort and how monies were used to supplement and not
8 supplant base year career and technical education courses and directly
9 related equipment and facilities.

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

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

25 E. The joint board shall appoint a superintendent as the executive
26 officer of the joint district.

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

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

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

44 I. The joint board may accept gifts, grants, federal monies,
45 tuition and other allocations of monies to erect, repair and equip

1 buildings and for the cost of operation of the schools of the joint
2 district.

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

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

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

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

20 2. The accountability provisions of the intergovernmental agreement
21 or other written contract.

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

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

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

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

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

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

41 9. That the payment for services shall not exceed the cost of the
42 services provided.

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

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

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

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

9 M. A member school district or charter school may not submit
10 requests for the approval or addition of satellite campus joint district
11 programs or courses directly to the career and technical education
12 division of the department of education, but shall submit all appropriate
13 application documentation and materials for programs or courses to the
14 joint district. On approval from the joint board, a joint district shall
15 only submit requests for the approval or addition of satellite campus
16 joint district programs or courses directly to the career and technical
17 education division of the department of education, which shall determine
18 whether the criteria prescribed in section 15-391, paragraphs 3 and 5 have
19 been met. If the career and technical education division of the
20 department of education determines that a course does not meet the
21 criteria for approval as a joint technical education course, the governing
22 board of the joint technical education district may appeal this decision
23 to the state board of education acting as the state board of vocational
24 education.

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

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

44 P. The sum of the average daily membership of a pupil who is
45 enrolled in both the school district and joint technical education

1 district course or program provided at a community college pursuant to
2 subsection K of this section or at a centralized campus shall not exceed
3 1.75. The member school district and the joint district shall determine
4 the apportionment of the average daily membership and student enrollment
5 for that pupil between the member school district and the joint district,
6 except that the amount apportioned shall not exceed 1.0 for either
7 entity. Notwithstanding any other law, the average daily membership for a
8 pupil in grade ten, eleven or twelve who is enrolled in a course that
9 meets for at least one hundred fifty minutes per class period at a
10 centralized campus shall be 0.75. To qualify for funding pursuant to this
11 subsection, a centralized campus shall offer programs and courses to all
12 eligible students in each member district of the joint technical education
13 district.

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

22 1. The course qualifies as a joint technical education course ~~as~~
23 ~~defined in section 15-391.~~

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

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

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

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

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

1 T. A school district or charter school may not prohibit or
2 discourage students who are enrolled in that school district or charter
3 school from attending courses offered by a joint technical education
4 district, including requiring students to generate a full 1.0 average
5 daily membership or to enroll in more courses than are needed to graduate
6 before enrolling in and attending programs or courses offered by a joint
7 district.

8 U. The governing board of the joint technical education district
9 may contract with any charter school that is located within the boundaries
10 of the joint technical education district to allow that charter school to
11 offer career and technical education courses or programs as a satellite
12 campus.

13 V. Beginning in 2020 and every five years thereafter, the career
14 and technical education division of the department of education shall
15 review joint technical education district programs and joint technical
16 education courses to ensure compliance, quality and eligibility. Any
17 program or course deemed to not meet the requirements set forth by law
18 shall not be funded for the current school year and shall be removed from
19 the approved program and course list for the purposes of funding. The
20 career and technical education division may establish a staggered schedule
21 for reviewing each joint technical education district.

22 W. For the purposes of this section:

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

25 2. "Centralized campus" means a facility that is owned and operated
26 by a joint technical education district for the purpose of offering joint
27 technical education district programs or joint technical education
28 courses.

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

32 4. "Leased centralized campus" means a facility that is leased and
33 operated by a joint technical education district for the purpose of
34 offering joint technical education district programs or joint technical
35 education courses.

36 5. "Satellite campus" means a facility that is owned or operated by
37 a school district or charter school for the purpose of offering joint
38 technical education district programs or joint technical education
39 courses.

40 Sec. 2. Retention of members

41 Notwithstanding section 15-393, Arizona Revised Statutes, as amended
42 by this act, all persons serving as members of a joint technical education
43 district governing board on the effective date of this act may continue to
44 serve until the expiration of their normal terms.