

REFERENCE TITLE: JTEDs; ninth graders; funding; programs

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

## **SB 1269**

Introduced by  
Senators Allen S: Kerr, Pratt, Smith, Yee; Representative Cook

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 ~~an~~ THE  
39 governing board of a joint technical education district by which the  
40 employee is employed. A member of one school district governing board or  
41 joint technical education district governing board is ineligible to be a  
42 candidate for nomination or election to or serve simultaneously as a  
43 member of any other governing board, except that a member of a governing  
44 board may be a candidate for nomination or election for any other  
45 governing board if the member is serving in the last year of a term of

1 office. A member of a governing board shall resign the member's seat on  
2 the governing board before becoming a candidate for nomination or election  
3 to the governing board of any other school district or joint technical  
4 education district, unless the member of the governing board is serving in  
5 the last year of a term of office. Members of a joint technical education  
6 district governing board are subject to the conflict of interest  
7 requirements prescribed in section 38-503.

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

10 B. The governing boards of the school districts participating in  
11 the formation of the joint district may vote to implement any other  
12 alternative election system for the election of joint district board  
13 members. If an alternative election system is selected, it shall be  
14 submitted as part of the plan for the joint district pursuant to section  
15 15-392, and the implementation of the system shall be as approved by the  
16 United States justice department.

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

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

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

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

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

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

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

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

17           (c) For the first year of operation, the joint district shall  
18 revise the student count to the actual average daily membership as  
19 prescribed in section 15-901, subsection A, paragraph 1 for students  
20 attending classes in the joint district. A joint district shall revise  
21 its student count, the base support level as provided in section  
22 15-943.02, the revenue control limit as provided in section 15-944.01 and  
23 the district additional assistance as provided in section 15-962.01 ~~prior~~  
24 ~~to~~ BEFORE May 15. A joint district that overestimated its student count  
25 shall revise its budget ~~prior to~~ BEFORE May 15. A joint district that  
26 underestimated its student count may revise its budget ~~prior to~~ BEFORE  
27 May 15.

28           (d) After March 15 of the first year of operation, the district of  
29 residence shall adjust its student count by reducing it to reflect the  
30 courses actually taken at the joint district. The district of residence  
31 shall revise its student count, the base support level as provided in  
32 section 15-943, the revenue control limit as provided in section 15-944  
33 and the district additional assistance as provided in section 15-962.01  
34 ~~prior to~~ BEFORE May 15. A district that underestimated the student count  
35 for students attending the joint district shall revise its budget ~~prior to~~  
36 BEFORE May 15. A district that overestimated the student count for  
37 students attending the joint district may revise its budget ~~prior to~~  
38 BEFORE May 15.

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

41           (f) Pupils in an approved joint technical education district  
42 centralized program may generate an average daily membership of 1.0 during  
43 any day of the week and at any time between July 1 and June 30 of each  
44 fiscal year. For the purposes of this paragraph, "district of residence"  
45 means the district that included the pupil in its average daily membership

1 for the year before the first year of operation of the joint district and  
2 that would have included the pupil in its student count for the purposes  
3 of computing its base support level for the fiscal year of the first year  
4 of operation of the joint district if the pupil had not enrolled in the  
5 joint district.

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

9 (a) A student in a kindergarten program or in ANY OF grades one  
10 through nine who enrolls in courses offered by the joint technical  
11 education district shall not be included in the joint district's student  
12 count or average daily membership, EXCEPT FOR A STUDENT IN GRADE NINE WHO  
13 IS ENROLLED IN AGRISCIENCE, AUTOMOTIVE TECHNOLOGIES, CONSTRUCTION,  
14 ENGINEERING OR MANUFACTURING.

15 (b) A student in a kindergarten program or in ANY OF grades one  
16 through nine who is enrolled in career and technical education courses  
17 shall not be funded in whole or in part with monies provided by a joint  
18 technical education district, EXCEPT FOR A STUDENT IN GRADE NINE WHO IS  
19 ENROLLED IN AGRISCIENCE, AUTOMOTIVE TECHNOLOGIES, CONSTRUCTION,  
20 ENGINEERING OR MANUFACTURING AND except that a pupil in grade eight or  
21 OTHER PUPILS IN GRADE nine may be funded with monies generated by the five  
22 cent qualifying tax rate authorized in subsection F of this section.

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

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

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

33 6. A joint district may use the carryforward provisions of section  
34 15-943.01.

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

1 article to supplement and not supplant base year career and technical  
2 education courses. Each applicable school district shall provide a report  
3 to the joint board and the department of education outlining the required  
4 maintenance of effort and how monies were used to supplement and not  
5 supplant base year career and technical education courses and directly  
6 related equipment and facilities.

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, **AND PUPILS IN GRADE NINE WHO ARE ENROLLED IN**  
13 **AGRISCIENCE, AUTOMOTIVE TECHNOLOGIES, CONSTRUCTION, ENGINEERING OR**  
14 **MANUFACTURING**, in the calculation of student count or average daily  
15 membership if the pupils are enrolled in courses that are approved jointly  
16 by the governing board of the joint technical education district and each  
17 participating school district or charter school for satellite courses  
18 taught within the participating school district or charter school, or  
19 approved solely by the joint technical education district for centrally  
20 located courses. Student count and average daily membership from courses  
21 that are not part of an approved program for career and technical  
22 education shall not be included in student count and average daily  
23 membership of a joint technical education district.

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

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

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

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

43 I. The joint board may accept gifts, grants, federal monies,  
44 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, **OR A PUPIL IN GRADE NINE WHO IS**  
 9 **ENROLLED IN AGRISCIENCE, AUTOMOTIVE TECHNOLOGIES, CONSTRUCTION,**  
 10 **ENGINEERING OR MANUFACTURING, AND** who is enrolled in a course that meets  
 11 for at least one hundred fifty minutes per class period at a centralized  
 12 campus shall be 0.75. To qualify for funding pursuant to this subsection,  
 13 a centralized campus shall offer programs and courses to all eligible  
 14 students in each member district of the joint technical education  
 15 district.

16 Q. The average daily membership for a pupil in grade ten, eleven or  
 17 twelve, **OR A PUPIL IN GRADE NINE WHO IS ENROLLED IN AGRISCIENCE,**  
 18 **AUTOMOTIVE TECHNOLOGIES, CONSTRUCTION, ENGINEERING OR MANUFACTURING, AND**  
 19 who is enrolled in a course that meets for at least one hundred fifty  
 20 minutes per class period at a leased centralized campus shall not exceed  
 21 0.75. The sum of the average daily membership, as provided in section  
 22 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the  
 23 school district and in joint technical education district courses provided  
 24 at a leased centralized campus shall not exceed 1.75 if all of the  
 25 following conditions are met:

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

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

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

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

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

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

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

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

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

25           W. For the purposes of this section:

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

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

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

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

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

1           Sec. 2. Students in agriscience, automotive technologies,  
2                                   construction, engineering and manufacturing; annual  
3                                   report; delayed repeal

4           A. On or before September 15 in each of years 2019, 2020, 2021 and  
5 2022, each joint technical education district shall submit to the  
6 president of the senate, the speaker of the house of representatives, the  
7 chairperson of the education committee in the senate, or its successor  
8 committee, and the chairperson of the education committee in the house of  
9 representatives, or its successor committee, a report that includes the  
10 following information:

11           1. For school year 2018-2019, the number of ninth grade students  
12 who are enrolled in agriscience, automotive technologies, construction,  
13 engineering and manufacturing.

14           2. For school year 2019-2020, the number of ninth and tenth grade  
15 students who are enrolled in agriscience, automotive technologies,  
16 construction, engineering and manufacturing.

17           3. For school year 2020-2021, the number of ninth, tenth and  
18 eleventh grade students who are enrolled in agriscience, automotive  
19 technologies, construction, engineering and manufacturing.

20           4. For school year 2021-2022, the number of nine, tenth, eleventh  
21 and twelfth grade students who are enrolled in agriscience, automotive  
22 technologies, construction, engineering and manufacturing.

23           B. Each joint technical education district shall provide a copy of  
24 its reports to the secretary of state.

25           C. This section is repealed from and after October 31, 2022.