HB 2124

Introduced by
Representative Udall

AN ACT

AMENDING SECTIONS 15-341.01 AND 15-393, ARIZONA REVISED STATUTES; RELATING TO CAREER TECHNICAL EDUCATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-341.01, Arizona Revised Statutes, is amended to read:

15-341.01. One hundred eighty day school year; definition
A. Notwithstanding any other law AND EXCEPT AS PRESCRIBED IN SECTION 15-393, SUBSECTION D, PARAGRAPH 5, school instruction shall be conducted in each public school in this state for school sessions that total at least one hundred eighty days each school year. The superintendent of public instruction shall cause all relevant school funding formulas to be adjusted to reflect instruction on the one hundred eighty days' equivalency. The department of education shall adjust the amount of state aid distributed to school districts pursuant to section 15-971 to correspond to the increased number of school days prescribed by this section.

B. For the purposes of this section, "one hundred eighty days" means one hundred eighty days of instruction or an equivalent number of minutes of instruction per school year based on a different number of days of instruction approved by the school district governing board or charter school governing body.

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

15-393. Career technical education district governing board; report; definitions
A. The management and control of a career technical education district are vested in the career technical education district governing board, including the content and quality of the courses offered by the district, the quality of teachers who provide instruction on behalf of the district, the salaries of teachers who provide instruction on behalf of the district and the reimbursement of other entities for the facilities used by the district. This section does not restrict a school district from offering any career and technical education course that does not qualify for funding as a career technical education course or career technical education district program. Unless the governing boards of the school districts participating in the formation of the career technical education district vote to implement an alternative election system as provided in subsection B of this section, the career technical education board shall consist CONSISTS of five members elected from five single member districts formed within the career technical education district. The single member district election system shall be submitted as part of the plan for the career technical education district pursuant to section 15-392 and shall be established in the plan as follows:

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

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

3. A person who is a registered voter of this state and who is a resident of the single member district is eligible for election to the office of career technical education board member from the single member district. The terms of office of the members of the career technical education board shall be as prescribed in section 15-427, subsection B. An employee of a career technical education district or the spouse of an employee shall not hold membership on a governing board of a career technical education district by which the employee is employed. A member of one school district governing board or career technical education district governing board is ineligible to be a candidate for nomination or election to or serve simultaneously as a member of any other governing board, except that a member of a governing board may be a candidate for nomination or election for any other governing board if the member is serving in the last year of a term of office. A member of a governing board shall resign the member's seat on the governing board before becoming a candidate for nomination or election to the governing board of any other school district or career technical education district, unless the member of the governing board is serving in the last year of a term of office. Members of a career technical education district governing board are subject to the conflict of interest requirements prescribed in section 38-503.

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

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

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

1. Chapter 1, articles 1 through 6.
3. Articles 2, 3 and 5 of this chapter.
4. Section 15-361.
5. Chapter 4, articles 1, 2 and 5.
6. Chapter 5, articles 1 and 3.
8. Chapter 7, article 5.
9. Chapter 8, articles 1, 3 and 4.
11. Chapter 9, article 1, article 6, except for section 15-995, and article 7.
14. Chapter 10, articles 2, 3, 4 and 8.

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

1. A career technical education district may issue bonds for the purposes specified in section 15-1021 and in chapter 4, article 5 of this title to an amount in the aggregate, including the existing indebtedness, not exceeding one percent of the net assessed value of the full cash value of the property within the career technical education district. For the purposes of this paragraph, "full cash value" and "net assessed value" have the same meanings prescribed in section 42-11001.
2. The number of governing board members for a career technical education district shall be as prescribed in subsection A of this section.
3. The student count for the first year of operation of a career technical education district as provided in this article shall be determined as follows:
   (a) Determine the estimated student count for career technical education district classes that will operate in the first year of operation. This estimate shall be based on actual registration of pupils as of March 30 scheduled to attend classes that will be operated by the career technical education district. The student count for the school district of residence of the pupils registered at the career technical education district shall be adjusted. The adjustment shall cause the school district of residence to reduce the student count for the pupil to reflect the courses to be taken at the career technical education district. The school district of residence shall review and approve the adjustment of its own student count as provided in this subdivision before the pupils from the school district can be added to the student count of the career technical education district.
   (b) The student count for the new career technical education district shall be the student count as determined in subdivision (a) of this paragraph.
   (c) For the first year of operation, the career technical education district shall revise the student count to the actual average daily membership as prescribed in section 15-901, subsection A, paragraph 1 for
students attending classes in the career technical education district. A career technical education district shall revise its student count, the base support level as provided in section 15-943.02, the revenue control limit as provided in section 15-944.01 and the district additional assistance as provided in section 15-962.01 before May 15. A career technical education district that overestimated its student count shall revise its budget before May 15. A career technical education district that underestimated its student count may revise its budget before May 15.

(d) After March 15 of the first year of operation, the school district of residence shall adjust its student count by reducing it to reflect the courses actually taken at the career technical education district. The school district of residence shall revise its student count, the base support level as provided in section 15-943, the revenue control limit as provided in section 15-944 and the district additional assistance as provided in section 15-962.01 prior to May 15. A district that underestimated the student count for students attending the career technical education district shall revise its budget before May 15. A district that overestimated the student count for students attending the career technical education district may revise its budget before May 15.

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

(f) Pupils in an approved career technical education district centralized program may generate an average daily membership of 1.0 during any day of the week and at any time between July 1 and June 30 of each fiscal year. For the purposes of this paragraph, "school district of residence" means the school district that included the pupil in its average daily membership for the year before the first year of operation of the career technical education district and that would have included the pupil in its student count for the purposes of computing its base support level for the fiscal year of the first year of operation of the career technical education district if the pupil had not enrolled in the career technical education district.

4. A student includes any person enrolled in the career technical education district without regard to the person's age or high school graduation status, except that:

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

(b) A student in a kindergarten program or in any of grades one through nine who is enrolled in career and technical education courses shall not be funded in whole or in part with monies provided by a career technical education district, except that a pupil in grade eight or nine may be funded with monies generated by the five-cent $.05 qualifying tax rate authorized in subsection F of this section.
(c) A student who has graduated from high school or received a general equivalency diploma or who is over twenty-one years of age shall not be included in the student count of the career technical education district for the purposes of chapter 9, articles 3, 4 and 5 of this title.

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

5. A career technical education district may operate for more OR LESS than one hundred eighty days per year, with expanded hours of service.

6. A career technical education district may use the carryforward provisions of section 15-943.01.

7. A school district that is part of a career technical education district shall use any monies received pursuant to this article to supplement and not supplant base year career and technical education courses, and directly related equipment and facilities, except that a school district that is part of a career technical education district and that has used monies received pursuant to this article to supplant career and technical education courses that were offered before the first year that the school district participated in the career technical education district or the first year that the school district used monies received pursuant to this article or that used the monies for purposes other than for career and technical education courses shall use one hundred percent of the monies received pursuant to this article to supplement and not supplant base year career and technical education courses. Each applicable school district shall provide a report to the career technical education board and the department of education outlining the required maintenance of effort and how monies were used to supplement and not supplant base year career and technical education courses and directly related equipment and facilities.

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

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

E. The career technical education board shall appoint a
superintendent as the executive officer of the career technical education
district.

F. Taxes may be levied for the support of the career technical
education district as prescribed in chapter 9, article 6 of this title,
except that a career technical education district shall not levy a
property tax pursuant to law that exceeds five-cents $.05 per one-hundred
dollars $100 assessed valuation except for bond monies pursuant to
subsection D, paragraph 1 of this section. Except for the taxes levied
pursuant to section 15-994, such taxes shall be obtained from a levy of
taxes on the taxable property used for secondary tax purposes.

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

H. The career technical education board may collect tuition for
adult students and the attendance of pupils who are residents of school
districts that are not participating in the career technical education
district pursuant to arrangements made between the governing board of the
school district and the career technical education board.

I. The career technical education board may accept gifts, grants,
federal monies, tuition and other allocations of monies to erect, repair
and equip buildings and for the cost of operating the schools
of the career technical education district.

J. One member of the career technical education board shall be
selected chairman. The chairman shall be selected annually on a rotation
basis from among the participating school districts. The chairman of the
career technical education board shall be a voting member.

K. A career technical education board and a community college
district may enter into agreements for the provision of administrative, operational and educational services and facilities.

L. Any agreement between the governing board of a career technical
education district and another career technical education district, a
school district, a charter school or a community college district shall be
in the form of an intergovernmental agreement or other written
contract. The auditor general shall modify the uniform system of
financial records and budget forms in accordance with this subsection.
The intergovernmental agreement or other written contract shall completely
and accurately specify each of the following:
1. The financial provisions of the intergovernmental agreement or other written contract and the format for the billing of all services.
2. The accountability provisions of the intergovernmental agreement or other written contract.
3. The responsibilities of each career technical education district, each school district, each charter school and each community college district that is a party to the intergovernmental agreement or other written contract.
4. The type of instruction that will be provided under the intergovernmental agreement or other written contract, including individualized education programs pursuant to section 15-763.
5. The quality of the instruction that will be provided under the intergovernmental agreement or other written contract.
6. The transportation services that will be provided under the intergovernmental agreement or other written contract and the manner in which transportation costs will be paid.
7. The amount that the career technical education district will contribute to a course and the amount of support required by the school district, THE CHARTER SCHOOL or the community college.
8. That the services provided by the career technical education district, the school district, the charter school or the community college district be proportionally calculated in the cost of delivering the service.
9. That the payment for services shall not exceed the cost of the services provided.
10. That the career technical education district will provide the following minimum services for all member districts:
   (a) Professional development of career and technical teachers in the career technical education district who are teaching programs or courses at a satellite campus.
   (b) Ongoing evaluation and support of satellite campus programs and courses to ensure quality and compliance.
11. An itemized listing of other goods and services that are provided to the member district and that are paid for by the retention of satellite campus student funding.
M. A member school district or charter school may not submit requests for the approval TO APPROVE or addition of ADD satellite campus career technical education district programs or courses directly to the career and technical education division of the department of education, but shall submit all appropriate application documentation and materials for programs or courses to the career technical education district. On approval from the career technical education board, a career technical education district shall only submit requests for the approval TO APPROVE or addition of ADD satellite campus career technical education district programs or courses directly to the career and technical education
division of the department of education, which shall determine whether the
criteria prescribed in section 15-391, paragraphs 2 and 4 have been
met. If the career and technical education division of the department of
education determines that a course does not meet the criteria for approval
as a career technical education course, the governing board of the career
technical education district may appeal this decision to the state board
of education acting as the state board of vocational education.

N. Notwithstanding any other law, the average daily membership for
a pupil who is enrolled in a career technical education course and who
does not meet the criteria specified in subsection P or Q of this section
shall be 0.25 for each course, except the sum of the average daily
membership shall not exceed the limits prescribed by subsection D, P or Q
of this section, as applicable.

O. If a career and technical education course or program is
provided on a satellite campus, the sum of the average daily membership,
as provided in section 15-901, subsection A, paragraph 1, for that pupil
in the school district or charter school and career technical education
district shall not exceed 1.25. The school district or charter school and
the career technical education district shall determine the apportionment
of the average daily membership for that pupil between the school district
or charter school and the career technical education district. A pupil
who attends a course or program at a satellite campus and who is not
enrolled in the school district or charter school where the satellite
campus is located may generate the average daily membership FOR
INSTRUCTION RECEIVED ANY DAY OF THE WEEK AND AT ANY TIME BETWEEN JULY 1
AND JUNE 30 OF EACH FISCAL YEAR pursuant to this subsection if the pupil
is enrolled in a school district that is a member district in the same
career technical education district.

P. The sum of the average daily membership of a pupil who is
enrolled in both the school district and career technical education course
or career technical education program provided at BY a community college
pursuant to subsection K of this section or at a centralized campus shall
not exceed 1.75. The member school district and the career technical
education district shall determine the apportionment of the average daily
membership and student enrollment for that pupil between the member school
district and the career technical education district, except that the
amount apportioned shall not exceed 1.0 for either entity. Notwithstanding any other law, the average daily membership for a pupil in
grade ten, eleven or twelve who is enrolled in a course that meets for at
least one hundred fifty minutes per class period at a centralized campus
shall be 0.75. To qualify for funding pursuant to this subsection, a
centralized campus shall offer programs and courses to all eligible
students in each member district of the career technical education
district. STUDENTS IN AN APPROVED CAREER TECHNICAL EDUCATION PROGRAM MAY
GENERATE AN AVERAGE DAILY MEMBERSHIP FOR INSTRUCTION RECEIVED DURING ANY
DAY OF THE WEEK AND AT ANY TIME BETWEEN JULY 1 AND JUNE 30 OF EACH FISCAL YEAR.

Q. The average daily membership for a pupil in grade ten, eleven or twelve who is enrolled in a course that meets for at least one hundred fifty minutes per class period at a leased centralized campus shall not exceed 0.75. STUDENTS IN AN APPROVED CAREER TECHNICAL EDUCATION PROGRAM PROVIDED BY A LEASED CENTRALIZED CAMPUS MAY GENERATE AN AVERAGE DAILY MEMBERSHIP FOR INSTRUCTION RECEIVED DURING ANY DAY OF THE WEEK AND AT ANY TIME BETWEEN JULY 1 AND JUNE 30 OF EACH FISCAL YEAR. The sum of the average daily membership, as provided in section 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the school district and in career technical education courses provided at a leased centralized campus shall not exceed 1.75 if all of the following conditions are met:

1. The course qualifies as a career technical education course.
2. The course is offered to all eligible students in each member district of the career technical education district and enrolls students from multiple high schools.
3. The career technical education district program in which the course is included addresses a specific industry need and has been developed in cooperation with that industry, or the leased facility is a state or federal asset that would otherwise be unused or underutilized.
4. The lease is established at fair market value if the lease is executed for a facility located on the site of a member district and was approved by the joint committee on capital review, except that a lease that was executed or renewed before December 31, 2012 is not subject to approval by the joint committee on capital review.

R. A student who is enrolled in an accommodation school may be treated as a student of the school district in which the student physically resides for the purposes of enrollment in a career technical education district and shall be included in the calculation of average daily membership for either the career technical education district or the accommodation school, or both.

S. Notwithstanding any other law, the student count for a career technical education district shall be equivalent to the career technical education district's average daily membership. STUDENTS IN AN APPROVED CAREER TECHNICAL EDUCATION PROGRAM PROVIDED BY A SATELLITE CAMPUS, CENTRALIZED CAMPUS OR LEASED CENTRALIZED CAMPUS MAY GENERATE AN AVERAGE DAILY MEMBERSHIP FOR INSTRUCTION RECEIVED DURING ANY DAY OF THE WEEK AND AT ANY TIME BETWEEN JULY 1 AND JUNE 30 OF EACH FISCAL YEAR. THE DEPARTMENT MAY NOT RESTRICT THE INSTRUCTIONAL TIME BY LIMITING THE PARTICULAR DAYS OF THE WEEK OR TIME OF THE FISCAL YEAR FOR INSTRUCTION TO OCCUR.

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

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

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

W. For the purposes of this section:

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

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

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

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

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

Sec. 3. Legislative findings and intent

A. The legislature finds that the unique nature of many career technical education courses and programs require maximum flexibility in scheduling to provide access to students. Career technical education instruction delivery commonly requires block scheduling with longer hours over a shorter period of time, so instruction may occur over a few months rather than an entire semester. In an effort to provide efficient scheduling, career technical education courses may meet on Saturdays in order to offer the full-day instruction appropriate for a particular
program. This flexibility also gives students more opportunities to fulfill the hourly obligations required for industry certification by regulators or a particular trade.

B. The intent of section 15-393, Arizona Revised Statutes, as amended by this act, is to establish clear statutory authority for career technical education districts to deliver career technical education instruction any day of the week at any time between July 1 and June 30 of each fiscal year. The legislature's intent is to offer maximum scheduling flexibility for career technical education programs to be delivered in ways that best serve the students.