

REFERENCE TITLE: community colleges; employment contracts; duration

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1623

Introduced by
Senator Gonzales

AN ACT

AMENDING SECTION 15-1444, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1444, Arizona Revised Statutes, is amended to
3 read:

4 15-1444. General powers and duties of district boards

5 A. Except as otherwise provided, each district board shall:

6 1. Maintain each community college under its jurisdiction for a
7 period of at least eight months in each year and, if the monies of the
8 district are sufficient, maintain each community college for a longer
9 period.

10 2. Adopt policies in a public forum to offer programs that meet the
11 educational needs of the population served by the community college.

12 3. Enforce the courses of study prescribed by the district board.

13 4. Visit each community college under its jurisdiction and examine
14 carefully into its management, conditions and needs.

15 5. Exclude from each community college all books, publications or
16 papers of a sectarian, partisan or denominational character intended for
17 use as textbooks.

18 6. Appoint and employ a chancellor or chancellors, vice
19 chancellors, a president or presidents, vice presidents, deans,
20 professors, instructors, lecturers, fellows and such other officers and
21 employees it deems necessary. The district board may enter into
22 employment contracts with chancellors, vice chancellors and presidents for
23 a duration of more than one year but not more than ~~five~~ THREE years.

24 7. Determine the salaries of persons it appoints and employs. A
25 district may not compensate an employee for work performed on behalf of an
26 elected employee representative organization and may not provide more
27 favorable terms and conditions of employment to any employee because that
28 individual belongs to an elected employee representative organization.

29 8. Remove any officer or employee if in its judgment the interests
30 of education in this state require the removal.

31 9. Award degrees, certificates and diplomas on the completion of
32 courses and curricula as it deems appropriate.

33 10. Appoint or employ, if it deems necessary, police officers who
34 shall have the authority and power of peace officers. The police officers
35 who have received a certificate from the Arizona peace officer standards
36 and training board are eligible for membership in and benefits under
37 either title 38, chapter 5, article 2 or the public safety personnel
38 retirement system under title 38, chapter 5, article 4.

39 11. Determine the location within the district of a community
40 college and purchase, receive, hold, make and take leases of, sell and
41 convey real or personal property for the benefit of the community colleges
42 under its jurisdiction.

43 12. Obtain insurance or be self-insured, or a combination of
44 insurance and self-insurance, against loss, to the extent it is determined

1 necessary on community college buildings of the district. The local
2 district shall have an insurable interest in the buildings.

3 B. The district board may:

4 1. Administer trusts declared or created for the district and
5 receive by gift or devise and hold in trust or otherwise property
6 wheresoever located, and if not otherwise provided, dispose of the
7 property for the benefit of the district.

8 2. Lease real property, as lessor or as lessee. If a district is
9 the lessee, the lease may contain an option to purchase the property. The
10 district board may adopt policies as are deemed necessary and may delegate
11 in writing to the chancellor or president of the district, or their
12 designees, all or any part of its authority to lease property under this
13 paragraph. Any delegation by the district board pursuant to this
14 paragraph may be rescinded in whole or in part at any time by the district
15 board.

16 3. Sue and be sued.

17 4. Contract. The district board may adopt such policies as are
18 deemed necessary and may delegate in writing to the chancellor or
19 president of the district, or their designees, all or any part of its
20 authority to contract under this paragraph. Any delegation of authority
21 under this paragraph may be rescinded by the district board at any time in
22 whole or in part.

23 5. Construct, remodel and repair buildings.

24 6. In conjunction with other districts, establish policies for
25 procuring goods and services.

26 7. Provide a plan or plans for employee benefits, which may include
27 optional retirement programs pursuant to section 15-1451, subsection A,
28 ~~which~~ THAT allow for participation in a cafeteria plan that meets the
29 requirements of the United States internal revenue code of 1986.

30 8. Accept grants or donations of monies from the United States or
31 any of its agencies, departments or officers, this state, political
32 subdivisions of this state, tribal governments, school districts, special
33 taxing districts, persons, corporations, foundations or associations. The
34 district board shall deposit the monies ~~into~~ IN a specific fund or account
35 and shall administer the monies in accordance with the purpose of the
36 grant or donation with specific policies or restrictions as described or
37 stipulated in the grant or donation. In the case of personal property
38 granted or donated to or for the benefit of a community college district,
39 the district board shall immediately transfer possession and ownership of
40 the property to the designated district. Monies received pursuant to this
41 paragraph are not considered local revenues for the purposes of article
42 IX, section 21, Constitution of Arizona.

43 9. Enter into intergovernmental agreements or contracts pursuant to
44 section 11-952.01 for participation in programs offered by public agency
45 pools or separately contract with a trustee or board of trustees that

provides a common self-insurance program with pooled funds and risks pursuant to section 15-382, subsection B, paragraph 2. The district board is not required to engage in competitive procurement in order to make the decision to participate in these programs.

10. Name a building or a group of buildings that is located on a community college campus on behalf of a person or entity that has made a significant contribution of monies or other property to the community college or the community college district.

11. Enter into research and development agreements, royalty agreements, development agreements, licensing agreements and profit-sharing agreements concerning the research, development, production, storing or marketing of new products developed or to be developed through community college district research. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

12. Enter into an intergovernmental agreement pursuant to section 15-1747 to participate in a reciprocity agreement subject to the terms of the reciprocity agreement.

13. Engage in entrepreneurial and commercial activities. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

14. Collect auxiliary fees, including cafeteria fees, food service fees, bookstore fees and dormitory fees. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

15. Provide goods and services pursuant to a contract with a political subdivision of this state or with a tribal government. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

16. For a community college in a county with a population of seven hundred fifty thousand persons or less, offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the United States department of education.

17. For a community college in a county with a population of more than seven hundred fifty thousand persons, offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the United States department of education as follows:

(a) For the first four years that a community college offers four-year baccalaureate degrees, the community college may not offer more than five percent of its total number of degree and certification offerings for four-year baccalaureate degrees. For the fifth and subsequent years that a community college offers four-year baccalaureate degrees, the community college may not offer more than ten percent of its total number of degree and certification offerings for four-year baccalaureate degrees.

(b) Tuition per credit hour for the third and fourth years of a four-year baccalaureate program may not exceed one hundred fifty percent of the tuition per credit hour of any other district program.

C. If a district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the district shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by the district:

1. Is not abated, extinguished, discharged or merged in the title to the property.

2. Is enforceable in the same manner as other delinquent tax liens.

D. In a district whose boundaries encompass a vehicle emissions control area as defined in section 49-541, the district board shall require all out-of-county and out-of-state students to sign an affidavit at the time of course registration that the student's vehicle meets the requirements of section 49-542. The district board on property under its jurisdiction within a vehicle emissions control area shall prohibit the parking of those vehicles that fail to comply with section 49-542.

E. A community college district and a career technical education district governing board may enter into agreements to provide administrative, operational and educational services and facilities.

F. Each district may establish a program for the exchange of students between the community colleges under its jurisdiction and colleges and universities located in Sonora, Mexico. The program may provide for in-state tuition for Sonora students at the community colleges under the jurisdiction of the district in exchange for similar tuition provisions for Arizona students enrolled or seeking enrollment in Sonora colleges and universities. The community colleges may work in conjunction with the Arizona-Mexico commission in the governor's office to coordinate recruitment and admissions activities to provide for in-state tuition for up to fifty Sonora students at the community colleges under the jurisdiction of the district in exchange for similar tuition provisions for up to fifty total Arizona students enrolled or seeking enrollment in Sonora colleges and universities.

G. Each district shall facilitate transfer articulation coordination pursuant to section 15-1824.

Sec. 2. Existing contracts; applicability

Notwithstanding section 15-1444, Arizona Revised Statutes, as amended by this act, all chancellors, vice chancellors and presidents who are under an existing employment contract with a community college district board shall continue to serve until the expiration of their existing employment contract. This act applies to all new employment contracts entered into on or after the effective date of this act.