

COMMITTEE ON GOVERNMENT REFORM
SENATE AMENDMENTS TO S.B. 1577
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-302, Arizona Revised Statutes, is amended to
3 read:

4 15-302. Powers and duties

5 A. The county school superintendent shall:

6 1. Distribute all laws, reports, circulars, instructions and forms
7 that he may receive for the use of school officers.

8 2. Record all official acts.

9 ~~3. Appoint governing board members of school districts to fill all
10 vacancies, but the term of the appointment shall be until the next regular
11 election for governing board members, at which time a successor shall be
12 elected to serve the unexpired portion of the term. Within thirty days after
13 notification of a vacancy, the school district governing board may submit up
14 to three names to the county school superintendent for consideration of an
15 appointment to fill the vacancy. The county school superintendent is not
16 required to appoint a governing board member from the list of names submitted
17 by the governing board. The county school superintendent, if he deems it in
18 the best interest of the community, may call a special election to fill the
19 vacancies. If an election is called, the newly elected member shall serve
20 for the remainder of the unexpired portion of the term.~~

21 ~~4.~~ 3. Make reports, when directed by the superintendent of public
22 instruction, showing matters relating to schools in his county as may be
23 required on the forms furnished by the superintendent of public instruction.

24 ~~5.~~ 4. Have such powers and perform such duties as otherwise
25 prescribed by law.

26 ~~6.~~ 5. On or before October 1 of each year, make a report to the
27 superintendent of public instruction showing the amount of monies received
28 from state school funds, special school district taxes and other sources, the
29 total expenditures for school purposes and the balance on hand to the credit
30 of each school district at the close of the school year.

31 ~~7.~~ 6. Contract with the board of supervisors for the board of
32 supervisors to conduct all regular school district elections.

33 ~~8.~~ 7. Be responsible, in cooperation with the governing boards and
34 the board of supervisors, for all special school district elections.

1 ~~9.~~ 8. Maintain teacher and administrator certification records of
2 effective dates and expiration dates of teachers' and administrators'
3 certificates in compliance with guidelines prescribed in the uniform system
4 of financial records for those school districts for which the county school
5 superintendent is the fiscal agent. The county school superintendent shall
6 not draw a warrant in payment of a teacher's, substitute teacher's or
7 administrator's salary unless the teacher, substitute teacher or
8 administrator is legally certified during the fiscal year in which the term
9 for payment is demanded.

10 ~~10.~~ 9. Notify a school district three years before the expiration of a
11 revenue control limit override that the school district's budget must be
12 adjusted in the final two years of the override pursuant to section 15-481,
13 subsections P and Q, if the voters do not approve another override.

14 ~~11.~~ 10. In collaboration with the department of education and other
15 state agencies, provide assistance to school districts and charter schools on
16 the use of student data, staff development, curriculum alignment and
17 technology to improve student performance.

18 ~~12.~~ 11. Assist schools in meeting yearly adequate progress goals as
19 defined by criteria established by the state board of education and
20 implemented by the department of education.

21 B. At the request of school districts and charter schools, the county
22 school superintendent may provide discretionary programs in addition to the
23 programs prescribed in subsection A of this section.

24 C. The county school superintendent may provide the services
25 prescribed in subsections A and B of this section in the county or jointly
26 with two or more counties pursuant to title 11, chapter 7, article 3.

27 D. Each county school superintendent may establish an advisory
28 committee to the office of the county school superintendent.

29 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:

30 15-341. General powers and duties; immunity; delegation

31 A. The governing board shall:

32 1. Prescribe and enforce policies and procedures for the governance of
33 the schools, not inconsistent with law or rules prescribed by the state board
34 of education.

35 2. Exclude from schools all books, publications, papers or audiovisual
36 materials of a sectarian, partisan or denominational character.

37 3. Manage and control the school property within its district.

1 4. Acquire school furniture, apparatus, equipment, library books and
2 supplies for the use of the schools.

3 5. Prescribe the curricula and criteria for the promotion and
4 graduation of pupils as provided in sections 15-701 and 15-701.01.

5 6. Furnish, repair and insure, at full insurable value, the school
6 property of the district.

7 7. Construct school buildings on approval by a vote of the district
8 electors.

9 8. Make in the name of the district conveyances of property belonging
10 to the district and sold by the board.

11 9. Purchase school sites when authorized by a vote of the district at
12 an election conducted as nearly as practicable in the same manner as the
13 election provided in section 15-481 and held on a date prescribed in section
14 15-491, subsection E, but such authorization shall not necessarily specify
15 the site to be purchased and such authorization shall not be necessary to
16 exchange unimproved property as provided in section 15-342, paragraph 23.

17 10. Construct, improve and furnish buildings used for school purposes
18 when such buildings or premises are leased from the national park service.

19 11. Purchase school sites or construct, improve and furnish school
20 buildings from the proceeds of the sale of school property only on approval
21 by a vote of the district electors.

22 12. Hold pupils to strict account for disorderly conduct on school
23 property.

24 13. Discipline students for disorderly conduct on the way to and from
25 school.

26 14. Except as provided in section 15-1224, deposit all monies received
27 by the district as gifts, grants and devises with the county treasurer who
28 shall credit the deposits as designated in the uniform system of financial
29 records. If not inconsistent with the terms of the gifts, grants and devises
30 given, any balance remaining after expenditures for the intended purpose of
31 the monies have been made shall be used for reduction of school district
32 taxes for the budget year, except that in the case of accommodation schools
33 the county treasurer shall carry the balance forward for use by the county
34 school superintendent for accommodation schools for the budget year.

35 15. Provide that, if a parent or legal guardian chooses not to accept a
36 decision of the teacher as provided in section 15-521, paragraph 2, the
37 parent or legal guardian may request in writing that the governing board
38 review the teacher's decision. Nothing in this paragraph shall be construed

1 to release school districts from any liability relating to a child's
2 promotion or retention.

3 16. Provide for adequate supervision over pupils in instructional and
4 noninstructional activities by certificated or noncertificated personnel.

5 17. Use school monies received from the state and county school
6 apportionment exclusively for payment of salaries of teachers and other
7 employees and contingent expenses of the district.

8 18. Make an annual report to the county school superintendent on or
9 before October 1 in the manner and form and on the blanks prescribed by the
10 superintendent of public instruction or county school superintendent. The
11 board shall also make reports directly to the county school superintendent or
12 the superintendent of public instruction whenever required.

13 19. Deposit all monies received by school districts other than student
14 activities monies or monies from auxiliary operations as provided in sections
15 15-1125 and 15-1126 with the county treasurer to the credit of the school
16 district except as provided in paragraph 20 of this subsection and sections
17 15-1223 and 15-1224, and the board shall expend the monies as provided by law
18 for other school funds.

19 20. Establish bank accounts in which the board during a month may
20 deposit miscellaneous monies received directly by the district. The board
21 shall remit monies deposited in the bank accounts at least monthly to the
22 county treasurer for deposit as provided in paragraph 19 of this subsection
23 and in accordance with the uniform system of financial records.

24 21. Prescribe and enforce policies and procedures for disciplinary
25 action against a teacher who engages in conduct that is a violation of the
26 policies of the governing board but that is not cause for dismissal of the
27 teacher or for revocation of the certificate of the teacher. Disciplinary
28 action may include suspension without pay for a period of time not to exceed
29 ten school days. Disciplinary action shall not include suspension with pay
30 or suspension without pay for a period of time longer than ten school days.
31 The procedures shall include notice, hearing and appeal provisions for
32 violations that are cause for disciplinary action. The governing board may
33 designate a person or persons to act on behalf of the board on these matters.

34 22. Prescribe and enforce policies and procedures for disciplinary
35 action against an administrator who engages in conduct that is a violation of
36 the policies of the governing board regarding duties of administrators but
37 that is not cause for dismissal of the administrator or for revocation of the
38 certificate of the administrator. Disciplinary action may include suspension

1 without pay for a period of time not to exceed ten school days. Disciplinary
2 action shall not include suspension with pay or suspension without pay for a
3 period of time longer than ten school days. The procedures shall include
4 notice, hearing and appeal provisions for violations that are cause for
5 disciplinary action. The governing board may designate a person or persons
6 to act on behalf of the board on these matters. For violations that are
7 cause for dismissal, the provisions of notice, hearing and appeal in chapter
8 5, article 3 of this title shall apply. The filing of a timely request for a
9 hearing suspends the imposition of a suspension without pay or a dismissal
10 pending completion of the hearing.

11 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce
12 policies and procedures that prohibit a person from carrying or possessing a
13 weapon on school grounds unless the person is a peace officer or has obtained
14 specific authorization from the school administrator.

15 24. Prescribe and enforce policies and procedures relating to the
16 health and safety of all pupils participating in district sponsored practice
17 sessions, ~~OR~~ OR games or other interscholastic athletic activities, including
18 the provision of water.

19 25. Prescribe and enforce policies and procedures regarding the smoking
20 of tobacco within school buildings. The policies and procedures shall be
21 adopted in consultation with school district personnel and members of the
22 community and shall state whether smoking is prohibited in school buildings.
23 If smoking in school buildings is not prohibited, the policies and procedures
24 shall clearly state the conditions and circumstances under which smoking is
25 permitted, those areas in a school building that may be designated as smoking
26 areas and those areas in a school building that may not be designated as
27 smoking areas.

28 26. Establish an assessment, data gathering and reporting system as
29 prescribed in chapter 7, article 3 of this title.

30 27. Provide special education programs and related services pursuant to
31 section 15-764, subsection A to all children with disabilities as defined in
32 section 15-761.

33 28. Administer competency tests prescribed by the state board of
34 education for the graduation of pupils from high school.

35 29. Ensure that insurance coverage is secured for all construction
36 projects for purposes of general liability, property damage and workers'
37 compensation and secure performance and payment bonds for all construction
38 projects.

1 30. Keep on file the resumes of all current and former employees who
2 provide instruction to pupils at a school. Resumes shall include an
3 individual's educational and teaching background and experience in a
4 particular academic content subject area. A school district shall inform
5 parents and guardians of the availability of the resume information and shall
6 make the resume information available for inspection on request of parents
7 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph
8 shall NOT be construed to require any school to release personally
9 identifiable information in relation to any teacher or employee, including
10 the teacher's or employee's address, salary, social security number or
11 telephone number.

12 31. Report to local law enforcement agencies any suspected crime
13 against a person or property that is a serious offense as defined in section
14 13-706 or that involves a deadly weapon or dangerous instrument or serious
15 physical injury and any conduct that poses a threat of death or serious
16 physical injury to employees, students or anyone on the property of the
17 school. This paragraph does not limit or preclude the reporting by a school
18 district or an employee of a school district of suspected crimes other than
19 those required to be reported by this paragraph. For the purposes of this
20 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
21 injury" have the same meanings prescribed in section 13-105.

22 32. In conjunction with local law enforcement agencies and local
23 medical facilities, develop an emergency response plan for each school in the
24 school district in accordance with minimum standards developed jointly by the
25 department of education and the division of emergency management within the
26 department of emergency and military affairs.

27 33. Provide written notice to the parents or guardians of all students
28 affected in the school district at least thirty days prior to a public
29 meeting to discuss closing a school within the school district. The notice
30 shall include the reasons for the proposed closure and the time and place of
31 the meeting. The governing board shall fix a time for a public meeting on
32 the proposed closure no less than thirty days before voting in a public
33 meeting to close the school. The school district governing board shall give
34 notice of the time and place of the meeting. At the time and place
35 designated in the notice, the school district governing board shall hear
36 reasons for or against closing the school. The school district governing
37 board is exempt from this paragraph if it is determined by the governing

1 board that the school shall be closed because it poses a danger to the health
2 or safety of the pupils or employees of the school.

3 34. Incorporate instruction on Native American history into appropriate
4 existing curricula.

5 35. Prescribe and enforce policies and procedures allowing pupils who
6 have been diagnosed with anaphylaxis by a health care provider licensed
7 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
8 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
9 and self-administer emergency medications, including auto-injectable
10 epinephrine, while at school and at school sponsored activities. The pupil's
11 name on the prescription label on the medication container or on the
12 medication device and annual written documentation from the pupil's parent or
13 guardian to the school that authorizes possession and self-administration is
14 sufficient proof that the pupil is entitled to the possession and
15 self-administration of the medication. The policies shall require a pupil
16 who uses auto-injectable epinephrine while at school and at school sponsored
17 activities to notify the nurse or the designated school staff person of the
18 use of the medication as soon as practicable. A school district and its
19 employees are immune from civil liability with respect to all decisions made
20 and actions taken that are based on good faith implementation of the
21 requirements of this paragraph, except in cases of wanton or wilful neglect.

22 36. Allow the possession and self-administration of prescription
23 medication for breathing disorders in handheld inhaler devices by pupils who
24 have been prescribed that medication by a health care professional licensed
25 pursuant to title 32. The pupil's name on the prescription label on the
26 medication container or on the handheld inhaler device and annual written
27 documentation from the pupil's parent or guardian to the school that
28 authorizes possession and self-administration shall be sufficient proof that
29 the pupil is entitled to the possession and self-administration of the
30 medication. A school district and its employees are immune from civil
31 liability with respect to all decisions made and actions taken that are based
32 on a good faith implementation of the requirements of this paragraph.

33 37. Prescribe and enforce policies and procedures to prohibit pupils
34 from harassing, intimidating and bullying other pupils on school grounds, on
35 school property, on school buses, at school bus stops and at school sponsored
36 events and activities that include the following components:

37 (a) A procedure for pupils to confidentially report to school
38 officials incidents of harassment, intimidation or bullying.

1 (b) A procedure for parents and guardians of pupils to submit written
2 reports to school officials of suspected incidents of harassment,
3 intimidation or bullying.

4 (c) A requirement that school district employees report suspected
5 incidents of harassment, intimidation or bullying to the appropriate school
6 official.

7 (d) A formal process for the documentation of reported incidents of
8 harassment, intimidation or bullying and for the confidentiality, maintenance
9 and disposition of this documentation. If a school maintains documentation
10 of reported incidents of harassment, intimidation or bullying, the school
11 shall not use that documentation to impose disciplinary action unless the
12 appropriate school official has investigated and determined that the reported
13 incidents of harassment, intimidation or bullying occurred.

14 (e) A formal process for the investigation by the appropriate school
15 officials of suspected incidents of harassment, intimidation or bullying.

16 (f) Disciplinary procedures for pupils who have admitted or been found
17 to have committed incidents of harassment, intimidation or bullying.

18 (g) A procedure that sets forth consequences for submitting false
19 reports of incidents of harassment, intimidation or bullying.

20 38. Prescribe and enforce policies and procedures regarding changing or
21 adopting attendance boundaries that include the following components:

22 (a) A procedure for holding public meetings to discuss attendance
23 boundary changes or adoptions that allows public comments.

24 (b) A procedure to notify the parents or guardians of the students
25 affected.

26 (c) A procedure to notify the residents of the households affected by
27 the attendance boundary changes.

28 (d) A process for placing public meeting notices and proposed maps on
29 the school district's website for public review, if the school district
30 maintains a website.

31 (e) A formal process for presenting the attendance boundaries of the
32 affected area in public meetings that allows public comments.

33 (f) A formal process for notifying the residents and parents or
34 guardians of the affected area as to the decision of the governing board on
35 the school district's website, if the school district maintains a website.

36 (g) A formal process for updating attendance boundaries on the school
37 district's website within ninety days of an adopted boundary change. The

1 school district shall send a direct link to the school district's attendance
2 boundaries website to the department of real estate.

3 (h) If the land that a school was built on was donated within the past
4 five years, a formal process to notify the entity that donated the land
5 affected by the decision of the governing board.

6 39. If the state board of education determines that the school district
7 has committed an overexpenditure as defined in section 15-107, provide a copy
8 of the fiscal management report submitted pursuant to section 15-107,
9 subsection H on its website and make copies available to the public on
10 request. The school district shall comply with a request within five
11 business days after receipt.

12 40. Ensure that the contract for the superintendent is structured in a
13 manner where at least twenty per cent of the total annual compensation and
14 benefits included for the superintendent in the contract is classified as
15 performance pay. Nothing in this paragraph shall be construed to require
16 school districts to increase total compensation for superintendents. Unless
17 the school district governing board votes to implement an alternative
18 procedure at a public meeting called for this purpose, the performance pay
19 portion of the superintendent's total annual compensation shall be determined
20 as follows:

21 (a) Twenty-five per cent of the performance pay shall be determined
22 based on the percentage of academic gain determined by the department of
23 education of pupils who are enrolled in the school district compared to the
24 academic gain achieved by the highest ranking of the fifty largest school
25 districts in this state. For the purposes of this subdivision, the
26 department of education shall determine academic gain by the academic growth
27 achieved by each pupil who has been enrolled at the same school in a school
28 district for at least five consecutive months measured against that pupil's
29 academic results in the 2008-2009 school year. For the purposes of this
30 subdivision, of the fifty largest school districts in this state, the school
31 district with pupils who demonstrate the highest statewide percentage of
32 overall academic gain measured against academic results for the 2008-2009
33 school year shall be assigned a score of 100 and the school district with
34 pupils who demonstrate the lowest statewide percentage of overall academic
35 gain measured against academic results for the 2008-2009 school year shall be
36 assigned a score of 0.

37 (b) Twenty-five per cent of the performance pay shall be determined by
38 the percentage of parents of pupils who are enrolled at the school district

1 who assign a letter grade of "A" to the school on a survey of parental
2 satisfaction with the school district. The parental satisfaction survey
3 shall be administered and scored by an independent entity that is selected by
4 the governing board and that demonstrates sufficient expertise and experience
5 to accurately measure the results of the survey. The parental satisfaction
6 survey shall use standard random sampling procedures and provide anonymity
7 and confidentiality to each parent who participates in the survey. The
8 letter grade scale used on the parental satisfaction survey shall direct
9 parents to assign one of the following letter grades:

10 (i) A letter grade of "A" if the school district is excellent.

11 (ii) A letter grade of "B" if the school district is above average.

12 (iii) A letter grade of "C" if the school district is average.

13 (iv) A letter grade of "D" if the school district is below average.

14 (v) A letter grade of "F" if the school district is a failure.

15 (c) Twenty-five per cent of the performance pay shall be determined by
16 the percentage of teachers who are employed at the school district and who
17 assign a letter grade of "A" to the school on a survey of teacher
18 satisfaction with the school. The teacher satisfaction survey shall be
19 administered and scored by an independent entity that is selected by the
20 governing board and that demonstrates sufficient expertise and experience to
21 accurately measure the results of the survey. The teacher satisfaction
22 survey shall use standard random sampling procedures and provide anonymity
23 and confidentiality to each teacher who participates in the survey. The
24 letter grade scale used on the teacher satisfaction survey shall direct
25 teachers to assign one of the following letter grades:

26 (i) A letter grade of "A" if the school district is excellent.

27 (ii) A letter grade of "B" if the school district is above average.

28 (iii) A letter grade of "C" if the school district is average.

29 (iv) A letter grade of "D" if the school district is below average.

30 (v) A letter grade of "F" if the school district is a failure.

31 (d) Twenty-five per cent of the performance pay shall be determined by
32 other criteria selected by the governing board.

33 41. APPOINT GOVERNING BOARD MEMBERS OF SCHOOL DISTRICTS TO FILL ALL
34 VACANCIES, BUT THE TERM OF THE APPOINTMENT SHALL BE UNTIL THE NEXT REGULAR
35 ELECTION FOR GOVERNING BOARD MEMBERS, AT WHICH TIME A SUCCESSOR SHALL BE
36 ELECTED TO SERVE THE UNEXPIRED PORTION OF THE TERM. IF IT IS DEEMED TO BE IN
37 THE BEST INTEREST OF THE COMMUNITY, THE SCHOOL DISTRICT GOVERNING BOARD MAY
38 CALL A SPECIAL ELECTION TO FILL THE VACANCIES. IF AN ELECTION IS CALLED, THE

1 NEWLY ELECTED MEMBER SHALL SERVE FOR THE REMAINDER OF THE UNEXPIRED PORTION
2 OF THE TERM.

3 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
4 section, the county school superintendent may construct, improve and furnish
5 school buildings or purchase or sell school sites in the conduct of an
6 accommodation school.

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

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

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

16 D. The governing board may not locate a school on property that is
17 less than one-fourth mile from agricultural land regulated pursuant to
18 section 3-365, except that the owner of the agricultural land may agree to
19 comply with the buffer zone requirements of section 3-365. If the owner
20 agrees in writing to comply with the buffer zone requirements and records the
21 agreement in the office of the county recorder as a restrictive covenant
22 running with the title to the land, the school district may locate a school
23 within the affected buffer zone. The agreement may include any stipulations
24 regarding the school, including conditions for future expansion of the school
25 and changes in the operational status of the school that will result in a
26 breach of the agreement.

27 E. A school district, its governing board members, its school council
28 members and its employees are immune from civil liability for the
29 consequences of adoption and implementation of policies and procedures
30 pursuant to subsection A of this section and section 15-342. This waiver
31 does not apply if the school district, its governing board members, its
32 school council members or its employees are guilty of gross negligence or
33 intentional misconduct.

34 F. A governing board may delegate in writing to a superintendent,
35 principal or head teacher the authority to prescribe procedures that are
36 consistent with the governing board's policies.

37 G. Notwithstanding any other provision of this title, a school
38 district governing board shall not take any action that would result in a

1 reduction of pupil square footage unless the governing board notifies the
2 school facilities board established by section 15-2001 of the proposed action
3 and receives written approval from the school facilities board to take the
4 action. A reduction includes an increase in administrative space that
5 results in a reduction of pupil square footage or sale of school sites or
6 buildings, or both. A reduction includes a reconfiguration of grades that
7 results in a reduction of pupil square footage of any grade level. This
8 subsection does not apply to temporary reconfiguration of grades to
9 accommodate new school construction if the temporary reconfiguration does not
10 exceed one year. The sale of equipment that results in a reduction that
11 falls below the equipment requirements prescribed in section 15-2011,
12 subsection B is subject to commensurate withholding of school district
13 capital outlay revenue limit monies pursuant to the direction of the school
14 facilities board. Except as provided in section 15-342, paragraph 10,
15 proceeds from the sale of school sites, buildings or other equipment shall be
16 deposited in the school plant fund as provided in section 15-1102.

17 H. Subsections C through G of this section apply to a county board of
18 supervisors and a county school superintendent when operating and
19 administering an accommodation school.

20 Sec. 3. Section 15-424, Arizona Revised Statutes, is amended to read:
21 15-424. Election of governing board members; terms; statement of
22 contributions and expenditures

23 A. A regular election shall be held for each school district at the
24 time and place, and in the manner, of general elections as provided in
25 title 16.

26 B. Except as provided in subsection C of this section and sections
27 15-429 and 15-430, the term of office for each member shall be four years
28 from January 1 next following the member's election.

29 C. At the first general election held for a newly formed district,
30 three members shall be elected. The candidate receiving the highest number
31 of votes shall be elected to a four year term, and the candidates having the
32 second and third highest number of votes shall be elected to two year terms.
33 A district increasing its governing board to five members shall elect at the
34 next general election members in the following manner:

35 1. If one of the previous three offices is to be filled, the three
36 candidates receiving the highest, the second highest and the third highest
37 number of votes shall be elected to four year terms.

1 2. If two of the previous three offices are to be filled, the
2 candidates receiving the highest, the second highest and the third highest
3 number of votes shall be elected to four year terms. The candidate receiving
4 the fourth highest number of votes shall be elected to a two year term.
5 Thereafter all such offices shall have four year terms.

6 D. If only one person files or no person files a nominating petition
7 or nomination paper for a write-in candidate for an election to fill a
8 district office, the board of supervisors no earlier than seventy-five days
9 before the election may cancel the election for the position and appoint the
10 person who filed the nominating petition or nomination paper to fill the
11 position. If no person files a nominating petition or nomination paper for
12 an election to fill a district office, the board of supervisors no earlier
13 than seventy-five days before the election may cancel the election for that
14 office and that office is deemed vacant and shall be filled as provided in
15 section ~~15-302~~ 15-341. A person who is appointed pursuant to this subsection
16 is fully vested with the powers and duties of the office as if elected to
17 that office.

18 E. If two or more candidates receive an equal number of votes for the
19 same office, and a higher number than any other candidate for that office,
20 whether upon the tally by the school election board or canvass of returns by
21 the board of supervisors, or upon recount by a court, the officer or board
22 whose duty it is to declare the result shall determine by lot and in the
23 presence of the candidates which candidate shall be declared elected.

24 F. Position of the names of candidates for each office shall be
25 rotated so that each candidate occupies each position on the ballot an equal
26 number of times, insofar as is possible, for each ballot style. For
27 candidates seeking election to fill a vacancy on the governing board, the
28 ballot shall be designated as provided in section 16-502.

29 G. This section does not require that a school election at which no
30 member is to be elected be held on a general election day.

31 H. All candidates for the office of school district governing board
32 member shall file with the county school superintendent a statement of
33 contributions and expenditures as provided in section 16-913.

1 Sec. 4. Section 15-425, Arizona Revised Statutes, is amended to read:
2 15-425. Election to determine whether membership of governing
3 board shall increase to five members; form of ballot;
4 reconsideration procedure if negative vote;
5 appointment or election of new members

6 A. A qualified elector of a school district may submit to the county
7 school superintendent a petition, signed by not less than ten per cent of the
8 qualified school electors of the district, requesting the county school
9 superintendent to call a special election to determine whether or not the
10 number of members of the governing board for the school district should be
11 increased to five. Upon receipt of the petition, in proper form and with the
12 necessary signatures, the county school superintendent shall thereafter call
13 a special election not later than ninety days prior to the general election
14 to determine the question of whether the membership of the governing board
15 for the school district shall be increased to five.

16 B. Public notices of a special election called to determine whether
17 there shall be five governing board members shall be posted in not less than
18 three public places in the district at least ten days prior to the election.
19 The election shall be held as prescribed by the county school superintendent
20 and electors shall possess the qualifications as prescribed for the election
21 of governing board members.

22 C. The ballots shall contain the words: "Five governing board
23 members, yes. Five governing board members, no."

24 D. If the majority of the electors voting on the question votes in the
25 affirmative, the school district shall elect five governing board members, as
26 provided in section 15-424. If the majority of the electors voting on the
27 question of increasing the number of governing board members votes in the
28 negative, the question shall not again be placed upon the ballot of an
29 election in the district until the lapse of one year from the date of such
30 election.

31 E. Notwithstanding section 15-424 and subsection D of this section, if
32 the voters approve an increase in the size of the governing board at least
33 one year before the next general election, the ~~county school superintendent~~
34 GOVERNING BOARD may appoint the two new members or call a special election
35 pursuant to section ~~15-302~~ 15-341.

36 F. The term of the two new members appointed by the county school
37 superintendent or elected through a special election expires January 1
38 following the next general election. At the first general election following

1 the increase in the size of the governing board, the candidates elected and
2 their terms shall be determined pursuant to section 15-424, subsection C.

3 Sec. 5. Section 15-502, Arizona Revised Statutes, is amended to read:

4 15-502. Employment of school district personnel; payment of
5 wages of discharged employee

6 A. The governing board at any time may employ and fix the salaries and
7 benefits of employees necessary for the succeeding year. The contracts of
8 all certificated employees shall be in writing, and all employees shall be
9 employed subject to section 38-481. The governing board may obtain the
10 services of any employee, including teachers, substitute teachers and
11 administrators, by contracting with a private entity that employs personnel
12 required by the school district.

13 B. A teacher shall not be employed if the teacher has not received a
14 certificate for teaching granted by the proper authorities. If a teacher has
15 filed an application and completed all of the requirements for a certificate
16 but time does not allow a teacher to receive a certificate before the
17 commencement of employment, the conditional certificate shall serve as a
18 certificate for the payment of wages, provided that the teacher files the
19 conditional certificate with the county school superintendent and the
20 certificate is issued within three months of the date of commencing
21 employment. In order to be paid wages beyond the three month period
22 prescribed in this subsection, the teacher shall file the certificate with
23 the county school superintendent. Any contract issued to a teacher who has
24 completed certificate requirements but has not received a certificate shall
25 be specifically contingent upon receipt of such a certificate. The governing
26 board of a school district that is subject to section 15-914.01 shall adhere
27 to the duties described in section 15-302, subsection A, paragraph ~~9~~ 8 for
28 purposes of this subsection.

29 C. No dependent, as defined in section 43-1001, of a governing board
30 member may be employed in the school district in which the person to whom
31 such dependent is so related is a governing board member, except by consent
32 of the board.

33 D. The governing board may employ certificated teachers under contract
34 as part-time classroom teachers. Notwithstanding any other statute, a
35 certificated teacher who has been employed by the school district for more
36 than the major portion of three consecutive school years does not lose the
37 entitlement to the procedures prescribed in sections 15-538.01, 15-539
38 through 15-544 and 15-547 if the teacher is employed under contract on a

1 part-time basis for at least forty per cent time. For the purposes of this
2 subsection, "forty per cent time" means employed for at least forty per cent
3 of the school day required of full-time teachers of the same grade level or
4 for at least forty per cent of the class load assigned to full-time teachers
5 of the same grade level, as determined by the governing board.

6 E. The governing board may employ a business manager who has expertise
7 in finance. For the purposes of this subsection, "expertise in finance"
8 means one or more of the following:

9 1. A baccalaureate degree in accounting, finance, school finance or
10 public finance.

11 2. A graduate degree in accounting, finance, school finance or public
12 finance.

13 3. Other finance training or finance experience that the governing
14 board determines is sufficient to qualify the person to administer the
15 business operations of the school district.

16 F. Notwithstanding sections 23-351 and 23-353, if an employee is
17 discharged from the service of a school district, the school district shall
18 pay the wages due to the employee within ten calendar days from the date of
19 discharge.

20 G. Each school district shall establish policies and procedures to
21 provide teachers with personal liability insurance.

22 H. Notwithstanding any other law, a school district shall not adopt
23 policies that provide employment retention priority for teachers based on
24 tenure or seniority."

25 Amend title to conform

02/14/2011

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