

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1376

AN ACT

AMENDING SECTION 15-459, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT BOUNDARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-459, Arizona Revised Statutes, is amended to
3 read:

4 15-459. Consolidation of districts; petition; election; notice;
5 report; ballots; canvass of votes; governing board

6 A. On the request of the governing boards of two or more school
7 districts in the same county or in adjacent counties or on receipt of
8 petitions bearing the signatures of ten ~~per-cent~~ PERCENT or more of the
9 number of qualified electors who voted in whichever of the last two general
10 elections resulted in the higher number of ballots cast and who reside in
11 each of two or more school districts in the same county or in adjacent
12 counties to consolidate the school districts or parts of the districts, the
13 county school superintendent of each of the counties affected, within ten
14 days, shall call an election to determine the question on consolidation.

15 B. Consolidations allowed pursuant to subsection A of this section
16 include:

17 1. To change the boundaries of a school district to include any part
18 of an adjacent school district.

19 2. If all the common school districts within the boundaries of an
20 existing union high school district desire to consolidate into one common
21 school district.

22 3. If two or more adjacent school districts of like character, either
23 common, high or unified school districts, desire to consolidate into one
24 common, high or unified school district.

25 4. If a common school district that is not a part of a union high
26 school district desires to consolidate with an adjacent unified school
27 district.

28 5. If two or more common school districts desire to consolidate into
29 one school district and unify the consolidated district with a union high
30 school district to form one unified school district.

31 6. TO CHANGE THE BOUNDARIES OF A SCHOOL DISTRICT THAT HAS RECEIVED A
32 LETTER GRADE OF A OR B PURSUANT TO SECTION 15-241 TO INCLUDE ANOTHER SCHOOL
33 DISTRICT WITHIN TWENTY MILES OF EACH OTHER.

34 C. Notice of the election to determine consolidation of school
35 districts shall be posted in not less than three public places in each of the
36 school districts proposed to be consolidated at least twenty-five days before
37 the election.

38 D. The county school superintendent shall prepare and the governing
39 board shall distribute a report on the proposed boundary changes in a manner
40 similar to that prescribed in section 15-481, subsection B. The report shall
41 contain the following information:

42 1. The date of the election.

43 2. The polling places and times they are open.

44 3. The full cash value, the assessed valuation and the estimated
45 amount of the primary property taxes and the estimated amount of the

1 secondary property taxes under the proposed boundary changes for each of the
2 following:

3 (a) An ~~owner-occupied~~ OWNER-OCCUPIED residence whose assessed
4 valuation is the average assessed valuation of property classified as class
5 three, as prescribed by section 42-12003 for the current year in the school
6 district.

7 (b) An ~~owner-occupied~~ OWNER-OCCUPIED residence whose assessed
8 valuation is one-half of the assessed valuation of the residence in
9 subdivision (a) of this paragraph.

10 (c) An ~~owner-occupied~~ OWNER-OCCUPIED residence whose assessed
11 valuation is twice the assessed valuation of the residence in subdivision (a)
12 of this paragraph.

13 (d) A business whose assessed valuation is the average of the assessed
14 valuation of property classified as class one, as prescribed by section
15 42-12001, paragraphs 12 and 13 for the current year in the school district.

16 4. A consolidation plan to include:

17 (a) The proposed boundary changes.

18 (b) The impact of the proposed boundary changes, including where
19 pupils will attend school, changes in pupil transportation services, changes
20 in availability of special education services, changes in pupil-teacher ratio
21 and operational costs.

22 (c) If subsection P of this section applies to one or more of the
23 existing school districts, a detailed description of desegregation funding
24 and expenses for the resulting school district as set forth in subsection P
25 of this section.

26 (d) Any other information the county school superintendent deems
27 appropriate to include.

28 E. Ballots shall be prepared by the county school superintendent,
29 shall be delivered to the inspector at least forty-eight hours before the
30 opening of the polls as prescribed in section 16-509 and shall contain the
31 information prescribed in subsection D, paragraph 3 of this section and the
32 following statement: "Consolidation includes the assumption of liability by
33 the resulting school district for all indebtedness of existing school
34 districts or those parts of school districts proposed for consolidation. Do
35 you support consolidation under the specified provisions of the consolidation
36 plan? Yes () No ()." If the election is to simultaneously consolidate
37 and unify two or more common school districts, the ballot shall contain: "Do
38 you support the consolidation of the (insert names of common school
39 districts) and the subsequent unification of the consolidated districts with
40 the (insert name of union high school district) to form one unified school
41 district under the consolidation and unification plan? Yes () No ()."

42 F. The county school superintendent shall hold the election during the
43 fiscal year preceding the fiscal year consolidation is proposed to be
44 effective on a date prescribed by section 16-204. The election shall be held
45 in the manner and electors shall possess qualifications as prescribed for the

1 election of governing board members. The results of the election shall be
2 reported to the county school superintendent.

3 G. The county school superintendent and the chairman of the board of
4 supervisors, on the seventh day after the election, shall canvass the vote.
5 If a majority of the votes cast in each district approved the consolidation,
6 the districts are consolidated and become one district from and after June 30
7 next following the election. If parts of two or more school districts are
8 proposed to be consolidated, a majority of the voters in the part of a school
9 district or districts not affected by the proposed consolidation and a
10 majority of the voters in the part of the school district or districts
11 proposed for consolidation must approve the consolidation.

12 H. If a school district provides only financing for pupils who are
13 instructed by another school district in the same county or in an adjacent
14 county, the school district or any part of the school district may be
15 consolidated with the school district providing the instructional program as
16 follows:

17 1. The governing board of the financing school district approves the
18 consolidation or ten ~~per-cent~~ PERCENT of the qualified electors residing in
19 the school district, or that part of the school district proposed for
20 consolidation, petitions the county school superintendent to call an election
21 to approve the proposed consolidation.

22 2. The governing board of the school district providing instruction
23 approves the consolidation.

24 3. At an election called by the county school superintendent of each
25 of the counties affected, a majority of the persons voting in the school
26 district, or that part of the school district providing financing, approve
27 the proposed consolidation and a majority of the persons voting in the
28 district providing instruction approve the proposed consolidation.

29 I. Elections held as provided in subsection H of this section shall be
30 conducted in the same manner as elections prescribed in subsections C through
31 G of this section and shall be held concurrently as prescribed in section
32 15-458.

33 J. If the consolidated district includes territory located in two or
34 more counties, the county of jurisdiction is the county in which the largest
35 number of qualified electors of the consolidated school district resides,
36 except that if all of the existing school buildings are in one county, that
37 county is the county of jurisdiction. The county school superintendent of
38 the jurisdictional county shall perform all duties for and with respect to
39 the consolidated school district as required to be performed by county school
40 superintendents. The board of supervisors of the jurisdictional county shall
41 perform all duties for and with respect to the consolidated school district
42 as required to be performed by boards of supervisors, except that school
43 district taxes to be levied on property in the portion of the consolidated
44 school district lying in another county shall be levied by the board of
45 supervisors of the other county or counties and on receipt shall be

1 transferred to the county of jurisdiction. All school buildings located
2 within the consolidated school district, together with all equipment and
3 furnishings, become the property of the consolidated school district. Any
4 assumed indebtedness is an indebtedness of the consolidated school district
5 for the purpose of determining the debt incurring authority of the
6 consolidated school district.

7 K. Sections 15-457, 15-975 and 15-997 apply to school districts that
8 are consolidated as provided in subsection H of this section.

9 L. Consolidation pursuant to this section is not allowed if the
10 resulting school district would have a student count for the current year of
11 more than ten ~~per-cent~~ PERCENT of the total student count of all school
12 districts in this state.

13 M. The governing board is constituted, may conduct meetings and shall
14 prepare policies, curricula and budgets for the new school district after the
15 canvass pursuant to subsection G of this section demonstrates that a majority
16 of the votes cast in each school district approved the consolidation. These
17 policies shall require that:

18 1. The base salary and benefits of each employee for the first year of
19 operation of the new school district shall not be lower than the employee's
20 base salary and benefits for the prior year in the previously existing school
21 district.

22 2. The employee's years of employment in the previously existing
23 school district shall be included in determining the employee's years of
24 employment in the new school district. An employee who was entitled to
25 continuing employment contract status in the previously existing school
26 district is entitled to continuing employment contract status in the new
27 school district.

28 3. Notwithstanding paragraphs 1 and 2 of this subsection and pursuant
29 to section 15-544, nothing in this section shall be construed to restrict the
30 ability of the governing board to implement a reduction in force or to scale
31 back salaries of certified teachers, administrators or noncertificated
32 employees for reasons of economy or to improve the efficient conduct of
33 schools within the district following a school district consolidation.

34 N. If all of the districts to be consolidated have authorization for
35 an override as provided in section 15-481 that would have continued after the
36 consolidation, the override authorization continues for the new district and
37 expires at the time that the earliest override would have expired.

38 O. If one or more, but not all, of the districts to be consolidated
39 have authorization for an override as provided in section 15-481 that would
40 have continued after the consolidation, the override authorization shall only
41 apply to the schools included under the terms of the prior override
42 authorization. Consolidation of school districts does not consolidate or
43 pool the liability to be taxed for the override, and only property that was
44 located within the boundaries of the district that approved the override
45 prior to consolidation is to pay taxes to support the override. This

1 subsection also applies if all of the districts to be consolidated have
2 authorization for overrides, but the authorizations are pursuant to different
3 subsections of section 15-481 or the override amounts are not the same
4 percentage of the revenue control limit.

5 P. Notwithstanding section 15-457, consolidation of school districts
6 does not consolidate or pool the liability of the former school districts
7 into the resulting school district. Outstanding indebtedness incurred by a
8 school district before consolidation shall be repaid without interruption
9 according to existing debt schedules as determined by the county board of
10 supervisors. If a school district consolidates after July 1, 2004, the new
11 school district may pay tuition to the district of attendance when a pupil is
12 precluded by distance or lack of transportation from attending school in the
13 district of a pupil's residence.

14 Q. If one or more of the previously existing school districts were
15 authorized to budget for expenses of complying with or continuing to
16 implement activities that were required or permitted by court order of
17 desegregation or administrative agreement with the United States department
18 of education office for civil rights directed toward remediating alleged or
19 proven racial discrimination pursuant to section 15-910, this authorization
20 does not expire on the effective date of consolidation but only applies to
21 schools included in the court order or administrative agreement.

22 ~~R. If one or more of the previously existing school districts were~~
23 ~~participating in a career ladder program pursuant to chapter 9, article 1.1~~
24 ~~of this title before consolidation, notwithstanding any other law the state~~
25 ~~board shall expedite the processing of and may approve an updated application~~
26 ~~for program reapproval that incorporates the geographic boundaries of the~~
27 ~~resulting school district and the inclusion of the additional staff in the~~
28 ~~career ladder program.~~

29 ~~S.~~ R. If the formation of a new consolidated and unified school
30 district is authorized, the terms of the governing board members of the
31 common and union high school districts do not expire on the effective date of
32 the unification. The governing board members of the previously existing
33 school districts shall serve as provided in section 15-430, except that the
34 power of the governing board members of the previously existing school
35 districts acting as the governing board of the unified school district is
36 limited to the maintenance and operation of the previously existing school
37 districts and compliance with the consolidation and unification plan.