

REFERENCE TITLE: school consolidation elections; majority vote

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1122

Introduced by
Senator Allen S

AN ACT

AMENDING SECTION 15-459, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 335, SECTION 1; AMENDING SECTION 15-459, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 335, SECTION 2; RELATING TO SCHOOL ELECTIONS.

(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, as amended by
3 Laws 2018, chapter 335, section 1, is amended to read:

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

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

17 B. Consolidations allowed pursuant to subsection A of this section
18 include:

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

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

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

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

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

33 6. To change the boundaries of a school district that has received
34 a letter grade of A or B pursuant to section 15-241 to include another
35 school district within twenty miles.

36 7. If a common school district that is part of a union high school
37 district made up of two or fewer common school districts desires to
38 consolidate with that union high school district.

39 C. Notice of the election to determine consolidation of school
40 districts shall be posted in ~~not less than~~ AT LEAST three public places in
41 each of the school districts proposed to be consolidated at least
42 twenty-five days before the election.

43 D. The county school superintendent shall prepare and the governing
44 board shall distribute a report on the proposed boundary changes in a

1 manner similar to that prescribed in section 15-481, subsection B. The
2 report shall contain the following information:

3 1. The date of the election.
4 2. The polling places and times they are open.
5 3. The full cash value, the assessed valuation and the estimated
6 amount of the primary property taxes and the estimated amount of the
7 secondary property taxes under the proposed boundary changes for each of
8 the following:

9 (a) An owner-occupied residence whose assessed valuation is the
10 average assessed valuation of property classified as class three, as
11 prescribed by section 42-12003 for the current year in the school
12 district.

13 (b) An owner-occupied residence whose assessed valuation is
14 one-half of the assessed valuation of the residence in subdivision (a) of
15 this paragraph.

16 (c) An owner-occupied residence whose assessed valuation is twice
17 the assessed valuation of the residence in subdivision (a) of this
18 paragraph.

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

23 4. A consolidation plan to include:

24 (a) The proposed boundary changes.

25 (b) The impact of the proposed boundary changes, including where
26 pupils will attend school, changes in pupil transportation services,
27 changes in availability of special education services, changes in
28 pupil-teacher ratio and operational costs.

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

33 (d) Any other information the county school superintendent deems
34 appropriate to include.

35 E. Ballots shall be prepared by the county school superintendent,
36 shall be delivered to the inspector at least forty-eight hours before the
37 opening of the polls as prescribed in section 16-509 and shall contain the
38 information prescribed in subsection D, paragraph 3 of this section and
39 the following statement: "Consolidation includes the assumption of
40 liability by the resulting school district for all indebtedness of
41 existing school districts or those parts of school districts proposed for
42 consolidation. Do you support consolidation under the specified
43 provisions of the consolidation plan? Yes () No ()." If the election
44 is to simultaneously consolidate and unify two or more common school
45 districts, the ballot shall contain: "Do you support the consolidation of

1 the (insert names of common school districts) and the subsequent
2 unification of the consolidated districts with the (insert name of union
3 high school district) to form one unified school district under the
4 consolidation and unification plan? Yes () No ()."

5 F. The county school superintendent shall hold the election during
6 the fiscal year preceding the fiscal year consolidation is proposed to be
7 effective on a date prescribed by section 16-204. The election shall be
8 held in the manner and electors shall possess qualifications as prescribed
9 for the election of governing board members. The results of the election
10 shall be reported to the county school superintendent.

11 G. The county school superintendent and the chairman of the board
12 of supervisors, on the seventh day after the election, shall canvass the
13 vote. If a majority of the **TOTAL** votes cast ~~in each district~~ approved the
14 consolidation, the districts are consolidated and become one district from
15 and after June 30 next following the election. ~~If parts of two or more~~
~~school districts are proposed to be consolidated, a majority of the voters~~
~~in the part of a school district or districts not affected by the proposed~~
~~consolidation and a majority of the voters in the part of the school~~
~~district or districts proposed for consolidation must approve the~~
~~consolidation.~~

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

21 1. The governing board of the financing school district approves
22 the consolidation or ten percent of the qualified electors residing in the
23 school district, or that part of the school district proposed for
24 consolidation, petitions the county school superintendent to call an
25 election to approve the proposed consolidation.

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

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

35 J. If the consolidated district includes territory located in two
36 or more counties, the county of jurisdiction is the county in which the
37 largest number of qualified electors of the consolidated school district
38 resides, except that if all of the existing school buildings are in one
39 county, that county is the county of jurisdiction. The county school
40 superintendent of the jurisdictional county shall perform all duties for

1 and with respect to the consolidated school district as required to be
2 performed by county school superintendents. The board of supervisors of
3 the jurisdictional county shall perform all duties for and with respect to
4 the consolidated school district as required to be performed by boards of
5 supervisors, except that school district taxes to be levied on property in
6 the portion of the consolidated school district lying in another county
7 shall be levied by the board of supervisors of the other county or
8 counties and on receipt shall be transferred to the county of
9 jurisdiction. All school buildings located within the consolidated school
10 district, together with all equipment and furnishings, become the property
11 of the consolidated school district. Any assumed indebtedness is an
12 indebtedness of the consolidated school district for the purpose of
13 determining the debt incurring authority of the consolidated school
14 district.

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

17 L. Consolidation pursuant to this section is not allowed if the
18 resulting school district would have a student count for the current year
19 of more than ten percent of the total student count of all school
20 districts in this state.

21 M. The governing board is constituted, may conduct meetings and
22 shall prepare policies, curricula and budgets for the new school district
23 after the canvass pursuant to subsection G of this section demonstrates
24 that a majority of the **TOTAL** votes cast ~~in each school district~~ approved
25 the consolidation. These policies shall require that:

26 1. The base salary and benefits of each employee for the first year
27 of operation of the new school district shall not be lower than the
28 employee's base salary and benefits for the prior year in the previously
29 existing school district.

30 2. The employee's years of employment in the previously existing
31 school district shall be included in determining the employee's years of
32 employment in the new school district. An employee who was entitled to
33 continuing employment contract status in the previously existing school
34 district is entitled to continuing employment contract status in the new
35 school district.

36 3. Notwithstanding paragraphs 1 and 2 of this subsection and
37 pursuant to section 15-544, ~~nothing in~~ this section ~~shall be construed to~~
38 **DOES NOT** restrict the ability of the governing board to implement a
39 reduction in force or to scale back salaries of certified teachers,
40 administrators or noncertificated employees for reasons of economy or to
41 improve the efficient conduct of schools within the district following a
42 school district consolidation.

43 N. If all of the districts to be consolidated have authorization
44 for an override as provided in section 15-481 that would have continued
45 after the consolidation, the override authorization continues for the new

1 district and expires at the time that the earliest override would have
2 expired.

3 0. If one or more, but not all, of the districts to be consolidated
4 have authorization for an override as provided in section 15-481 that
5 would have continued after the consolidation, the override authorization
6 shall only apply to the schools included under the terms of the prior
7 override authorization. Consolidation of school districts does not
8 consolidate or pool the liability to be taxed for the override, and only
9 property that was located within the boundaries of the district that
10 approved the override ~~prior to~~ BEFORE consolidation is to pay taxes to
11 support the override. This subsection also applies if all of the
12 districts to be consolidated have authorization for overrides, but the
13 authorizations are pursuant to different subsections of section 15-481 or
14 the override amounts are not the same percentage of the revenue control
15 limit.

16 P. Notwithstanding section 15-457, consolidation of school
17 districts does not consolidate or pool the liability of the former school
18 districts into the resulting school district. Outstanding indebtedness
19 incurred by a school district before consolidation shall be repaid without
20 interruption according to existing debt schedules as determined by the
21 county board of supervisors. If a school district consolidates after July
22 1, 2004, the new school district may pay tuition to the district of
23 attendance when a pupil is precluded by distance or lack of transportation
24 from attending school in the district of a pupil's residence.

25 Q. If one or more of the previously existing school districts were
26 authorized to budget for expenses of complying with or continuing to
27 implement activities that were required or permitted by court order of
28 desegregation or administrative agreement with the United States
29 department of education office for civil rights directed toward
30 remediating alleged or proven racial discrimination pursuant to section
31 15-910, this authorization does not expire on the effective date of
32 consolidation but only applies to schools included in the court order or
33 administrative agreement.

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

44 S. If a union high school district is consolidated with a common
45 school district as provided in subsection B, paragraph 7 of this section

1 to form a unified school district, any common school district that is not
2 included in the consolidation shall become a common school district that
3 is not within a high school district and is subject to section 15-951.
4 The unified school district shall admit high school pupils who reside in a
5 common school district that was located within the boundaries of the
6 former union high school district. The common school district shall pay
7 tuition for high school pupils as specified in section 15-824 and subject
8 to section 15-448, subsection J.

9 Sec. 2. Section 15-459, Arizona Revised Statutes, as amended by
10 Laws 2018, chapter 335, section 2, is amended to read:

11 15-459. Consolidation of districts; petition; election;
12 notice; report; ballots; canvass of votes;
13 governing board

14 A. On the request of the governing boards of two or more school
15 districts in the same county or in adjacent counties or on receipt of
16 petitions bearing the signatures of ten percent or more of the number of
17 qualified electors who voted in whichever of the last two general
18 elections resulted in the higher number of ballots cast and who reside in
19 each of two or more school districts in the same county or in adjacent
20 counties to consolidate the school districts or parts of the districts,
21 the county school superintendent of each of the counties affected, within
22 ten days, shall call an election to determine the question on
23 consolidation.

24 B. Consolidations allowed pursuant to subsection A of this section
25 include:

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

28 2. If all the common school districts within the boundaries of an
29 existing union high school district desire to consolidate into one common
30 school district.

31 3. If two or more adjacent school districts of like character,
32 either common, high or unified school districts, desire to consolidate
33 into one common, high or unified school district.

34 4. If a common school district that is not a part of a union high
35 school district desires to consolidate with an adjacent unified school
36 district.

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

40 6. To change the boundaries of a school district that has received
41 a letter grade of A or B pursuant to section 15-241 to include another
42 school district within twenty miles.

43 C. Notice of the election to determine consolidation of school
44 districts shall be posted in ~~not less than~~ AT LEAST three public places in

1 each of the school districts proposed to be consolidated at least
2 twenty-five days before the election.

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

7 1. The date of the election.

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

9 3. The full cash value, the assessed valuation and the estimated
10 amount of the primary property taxes and the estimated amount of the
11 secondary property taxes under the proposed boundary changes for each of
12 the following:

13 (a) An owner-occupied residence whose assessed valuation is the
14 average assessed valuation of property classified as class three, as
15 prescribed by section 42-12003 for the current year in the school
16 district.

17 (b) An owner-occupied residence whose assessed valuation is
18 one-half of the assessed valuation of the residence in subdivision (a) of
19 this paragraph.

20 (c) An owner-occupied residence whose assessed valuation is twice
21 the assessed valuation of the residence in subdivision (a) of this
22 paragraph.

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

27 4. A consolidation plan to include:

28 (a) The proposed boundary changes.

29 (b) The impact of the proposed boundary changes, including where
30 pupils will attend school, changes in pupil transportation services,
31 changes in availability of special education services, changes in
32 pupil-teacher ratio and operational costs.

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

37 (d) Any other information the county school superintendent deems
38 appropriate to include.

39 E. Ballots shall be prepared by the county school superintendent,
40 shall be delivered to the inspector at least forty-eight hours before the
41 opening of the polls as prescribed in section 16-509 and shall contain the
42 information prescribed in subsection D, paragraph 3 of this section and
43 the following statement: "Consolidation includes the assumption of
44 liability by the resulting school district for all indebtedness of
45 existing school districts or those parts of school districts proposed for

1 consolidation. Do you support consolidation under the specified provisions
2 of the consolidation plan? Yes () No ()." If the election is to
3 simultaneously consolidate and unify two or more common school districts,
4 the ballot shall contain: "Do you support the consolidation of the
5 insert names of common school districts and the subsequent unification
6 of the consolidated districts with the insert name of union high school
7 district to form one unified school district under the consolidation and
8 unification plan? Yes () No ()."

9 F. The county school superintendent shall hold the election during
10 the fiscal year preceding the fiscal year consolidation is proposed to be
11 effective on a date prescribed by section 16-204. The election shall be
12 held in the manner and electors shall possess qualifications as prescribed
13 for the election of governing board members. The results of the election
14 shall be reported to the county school superintendent.

15 G. The county school superintendent and the chairman of the board
16 of supervisors, on the seventh day after the election, shall canvass the
17 vote. If a majority of the **TOTAL** votes cast ~~in each district~~ approved the
18 consolidation, the districts are consolidated and become one district from
19 and after June 30 next following the election. ~~If parts of two or more~~
20 ~~school districts are proposed to be consolidated, a majority of the voters~~
21 ~~in the part of a school district or districts not affected by the proposed~~
22 ~~consolidation and a majority of the voters in the part of the school~~
23 ~~district or districts proposed for consolidation must approve the~~
24 ~~consolidation.~~

25 H. If a school district provides only financing for pupils who are
26 instructed by another school district in the same county or in an adjacent
27 county, the school district or any part of the school district may be
28 consolidated with the school district providing the instructional program
29 as follows:

30 1. The governing board of the financing school district approves
31 the consolidation or ten percent of the qualified electors residing in the
32 school district, or that part of the school district proposed for
33 consolidation, petitions the county school superintendent to call an
34 election to approve the proposed consolidation.

35 2. At an election called by the county school superintendent of
36 each of the counties affected, a majority of the persons voting in the
37 school district, or that part of the school district providing financing,
38 approve the proposed consolidation and a majority of the persons voting in
39 the district providing instruction approve the proposed consolidation.

40 I. Elections held as provided in subsection H of this section shall
41 be conducted in the same manner as elections prescribed in subsections C
42 through G of this section and shall be held concurrently as prescribed in
43 section 15-458.

1 J. If the consolidated district includes territory located in two
2 or more counties, the county of jurisdiction is the county in which the
3 largest number of qualified electors of the consolidated school district
4 resides, except that if all of the existing school buildings are in one
5 county, that county is the county of jurisdiction. The county school
6 superintendent of the jurisdictional county shall perform all duties for
7 and with respect to the consolidated school district as required to be
8 performed by county school superintendents. The board of supervisors of
9 the jurisdictional county shall perform all duties for and with respect to
10 the consolidated school district as required to be performed by boards of
11 supervisors, except that school district taxes to be levied on property in
12 the portion of the consolidated school district lying in another county
13 shall be levied by the board of supervisors of the other county or
14 counties and on receipt shall be transferred to the county of
15 jurisdiction. All school buildings located within the consolidated school
16 district, together with all equipment and furnishings, become the property
17 of the consolidated school district. Any assumed indebtedness is an
18 indebtedness of the consolidated school district for the purpose of
19 determining the debt incurring authority of the consolidated school
20 district.

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

23 L. Consolidation pursuant to this section is not allowed if the
24 resulting school district would have a student count for the current year
25 of more than ten percent of the total student count of all school
26 districts in this state.

27 M. The governing board is constituted, may conduct meetings and
28 shall prepare policies, curricula and budgets for the new school district
29 after the canvass pursuant to subsection G of this section demonstrates
30 that a majority of the **TOTAL** votes cast ~~in each school district~~ approved
31 the consolidation. These policies shall require that:

32 1. The base salary and benefits of each employee for the first year
33 of operation of the new school district shall not be lower than the
34 employee's base salary and benefits for the prior year in the previously
35 existing school district.

36 2. The employee's years of employment in the previously existing
37 school district shall be included in determining the employee's years of
38 employment in the new school district. An employee who was entitled to
39 continuing employment contract status in the previously existing school
40 district is entitled to continuing employment contract status in the new
41 school district.

42 3. Notwithstanding paragraphs 1 and 2 of this subsection and
43 pursuant to section 15-544, ~~nothing in~~ this section ~~shall be construed to~~
44 **DOES NOT** restrict the ability of the governing board to implement a
45 reduction in force or to scale back salaries of certified teachers,

1 administrators or noncertificated employees for reasons of economy or to
2 improve the efficient conduct of schools within the district following a
3 school district consolidation.

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

9 O. If one or more, but not all, of the districts to be consolidated
10 have authorization for an override as provided in section 15-481 that
11 would have continued after the consolidation, the override authorization
12 shall only apply to the schools included under the terms of the prior
13 override authorization. Consolidation of school districts does not
14 consolidate or pool the liability to be taxed for the override, and only
15 property that was located within the boundaries of the district that
16 approved the override ~~prior to~~ BEFORE consolidation is to pay taxes to
17 support the override. This subsection also applies if all of the
18 districts to be consolidated have authorization for overrides, but the
19 authorizations are pursuant to different subsections of section 15-481 or
20 the override amounts are not the same percentage of the revenue control
21 limit.

22 P. Notwithstanding section 15-457, consolidation of school
23 districts does not consolidate or pool the liability of the former school
24 districts into the resulting school district. Outstanding indebtedness
25 incurred by a school district before consolidation shall be repaid without
26 interruption according to existing debt schedules as determined by the
27 county board of supervisors. If a school district consolidates after
28 July 1, 2004, the new school district may pay tuition to the district of
29 attendance when a pupil is precluded by distance or lack of transportation
30 from attending school in the district of a pupil's residence.

31 Q. If one or more of the previously existing school districts were
32 authorized to budget for expenses of complying with or continuing to
33 implement activities that were required or permitted by court order of
34 desegregation or administrative agreement with the United States
35 department of education office for civil rights directed toward
36 remediating alleged or proven racial discrimination pursuant to section
37 15-910, this authorization does not expire on the effective date of
38 consolidation but only applies to schools included in the court order or
39 administrative agreement.

40 R. If the formation of a new consolidated and unified school
41 district is authorized, the terms of the governing board members of the
42 common and union high school districts do not expire on the effective date
43 of the unification. The governing board members of the previously
44 existing school districts shall serve as provided in section 15-430,
45 except that the power of the governing board members of the previously

1 existing school districts acting as the governing board of the unified
2 school district is limited to the maintenance and operation of the
3 previously existing school districts and compliance with the consolidation
4 and unification plan.

5 Sec. 3. Effective date

6 Section 15-459, Arizona Revised Statutes, as amended by Laws 2018,
7 chapter 335, section 2 and section 2 of this act, is effective from and
8 after December 31, 2022.