

REFERENCE TITLE: schools; governing boards; elections; revisions

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2435

Introduced by
Representative Kaiser

AN ACT

AMENDING SECTIONS 15-421, 15-424, 15-425, 15-427 AND 15-429, ARIZONA REVISED STATUTES; AMENDING SECTION 15-448, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2014, CHAPTER 211, SECTION 2; AMENDING SECTION 15-448, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2020, CHAPTER 14, SECTION 2; AMENDING SECTION 15-451, ARIZONA REVISED STATUTES; AMENDING SECTION 16-317, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-421, Arizona Revised Statutes, is amended to
3 read:

4 15-421. Governing board; members; qualifications; statement;
5 definitions

6 A. The governing body of a school district shall be a governing
7 board. There shall be three governing board members, except as otherwise
8 provided by this section and section 15-425, subsection A.

9 B. The governing body of a high school district shall be a
10 governing board composed of:

11 1. In a single district, the governing board members of the common
12 school district.

13 2. In a union high school district, five members.

14 C. A person who is a registered voter of this state and has been a
15 resident of the school district for at least one year immediately
16 preceding the day of election is eligible for election to the office of
17 governing board member.

18 D. ~~NO~~ AN employee of a school district, including a person who
19 directly provides certified or classified services to the school district
20 as an employee of a third-party contractor, or the spouse of such an
21 employee may NOT hold membership on ~~a~~ THE governing board of a school
22 district by which the employee is employed.

23 E. A member of one governing board is ineligible to be a candidate
24 for nomination or election to or serve simultaneously as a member of any
25 other governing board, except that a member of a governing board may be a
26 candidate for nomination or election for any other governing board if the
27 member is serving in the last year of a term of office. A member of a
28 governing board shall resign the member's seat on the governing board
29 before becoming a candidate for nomination or election to the governing
30 board of any other school district, unless the member of the governing
31 board is serving in the last year of a term of office.

32 F. Notwithstanding section 15-511, each county school
33 superintendent shall publish on the superintendent's website the statement
34 of each certified candidate for membership on a school district governing
35 board located in the county. The county school superintendent shall list
36 each school district on the superintendent's website from which a link
37 shall be established to the candidate's name, which shall link to the
38 candidate's statement and photograph. The candidate shall submit the
39 statement to the person at the county school superintendent's office
40 assigned to manage candidate statements, after notice of certification
41 from the county school superintendent's office but not later than
42 twenty-one days before the date that general election early ballots are
43 allowed to be mailed. The person shall post each candidate's statement on
44 the county school superintendent's website not later than fourteen days
45 before the date that general election early ballots are allowed to be
46 mailed. If a candidate does not submit a statement, the county school

1 superintendent's website shall state "no response submitted" for the
2 candidate. The candidate statements shall be posted on the website
3 alphabetically by each school district and by candidate. The candidate
4 statement shall be typewritten or electronically submitted. The county
5 school superintendent shall post the statements verbatim as they are
6 received unless a candidate requests in writing that typographical errors
7 be corrected. The candidate statement shall contain the following items
8 in the same size and format for each candidate:

- 9 1. A recent photograph of the candidate.
- 10 2. A statement not to exceed five hundred words.
- 11 3. A disclosure of any relationships by affinity, by consanguinity
12 or by law to the third degree that exist between the candidate and any
13 current governing board members or other candidates for election to the
14 same governing board.

15 G. Persons related as immediate family who have the same household
16 of residence within four years prior shall not serve simultaneously on the
17 governing board of the same school district if the governing board is
18 composed of five members. For a school district with a student count of
19 at least two hundred fifty ~~and~~ that is located in a county with a
20 population of more than five hundred thousand persons, not more than two
21 persons related by affinity, by consanguinity or by law to the third
22 degree shall serve simultaneously on the governing board of the same
23 school district if the governing board is composed of five members. A
24 qualified elector who resides in the school district may bring an action
25 in superior court to enforce this subsection.

26 H. A person related as immediate family who has the same household
27 of residence within four years prior to a member of the governing board of
28 the same school district is ineligible to be a candidate for nomination or
29 election to that governing board if the governing board is composed of
30 five members, except that a person related as immediate family who has the
31 same household of residence within four years prior to a member of a
32 governing board may be a candidate for nomination or election to the
33 governing board of the same school district if the member is serving in
34 the last year of a term of office. For a school district with a student
35 count of at least two hundred fifty ~~and~~ that is located in a county with a
36 population of more than five hundred thousand persons, not more than two
37 persons related by affinity, by consanguinity or by law to the third
38 degree shall be eligible to be a candidate for nomination or election to a
39 governing board that is composed of five members. A qualified elector who
40 resides in the school district may bring an action in superior court to
41 enforce this subsection.

42 I. Persons related as immediate family who have the same household
43 of residence within four years prior are ineligible to be simultaneous
44 candidates for nomination or election to the governing board of the same
45 school district if the governing board is composed of five members. For a
46 school district with a student count of at least two hundred fifty ~~and~~

1 that is located in a county with a population of more than five hundred
2 thousand persons, not more than two persons related by affinity, by
3 consanguinity or by law to the third degree shall be simultaneous
4 candidates for nomination or election to a governing board that is
5 composed of five members. A qualified elector who resides in the school
6 district may bring an action in superior court to enforce this subsection.

7 J. A SIMPLE MAJORITY OF SCHOOL DISTRICT GOVERNING BOARD MEMBERS
8 MUST BE PARENTS, GUARDIANS OR GRANDPARENTS OF A CHILD CURRENTLY ATTENDING
9 A SCHOOL IN THE SCHOOL DISTRICT. THE OTHER MEMBERS OF THE SCHOOL DISTRICT
10 GOVERNING BOARD MAY BE AT-LARGE MEMBERS WITH ANY BACKGROUND. THE
11 MEMBERSHIP OF THE SCHOOL DISTRICT GOVERNING BOARD SHALL BE AS FOLLOWS:

12 1. OF ALL THE CANDIDATES WHO ARE PARENTS, GUARDIANS OR GRANDPARENTS
13 OF A CHILD CURRENTLY ATTENDING A SCHOOL IN THE SCHOOL DISTRICT:

14 (a) FOR A FIVE-MEMBER SCHOOL DISTRICT GOVERNING BOARD, THE THREE
15 CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES ARE ELECTED TO THE SCHOOL
16 DISTRICT GOVERNING BOARD.

17 (b) FOR A THREE-MEMBER SCHOOL DISTRICT GOVERNING BOARD, THE TWO
18 CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES ARE ELECTED TO THE SCHOOL
19 DISTRICT GOVERNING BOARD.

20 2. OF ALL THE REMAINING CANDIDATES, INCLUDING THOSE CANDIDATES WHO
21 ARE PARENTS, GUARDIANS OR GRANDPARENTS OF A CHILD CURRENTLY ATTENDING A
22 SCHOOL IN THE SCHOOL DISTRICT BUT WHO ARE NOT ELECTED UNDER PARAGRAPH 1 OF
23 THIS SUBSECTION:

24 (a) FOR A FIVE-MEMBER SCHOOL DISTRICT GOVERNING BOARD, THE TWO
25 CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES ARE ELECTED TO THE SCHOOL
26 DISTRICT GOVERNING BOARD.

27 (b) FOR A THREE-MEMBER SCHOOL DISTRICT GOVERNING BOARD, THE
28 CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES IS ELECTED TO THE SCHOOL
29 DISTRICT GOVERNING BOARD.

30 ~~J.~~ K. For the purposes of this section:

31 1. "Household of residence" means the place of abode during
32 applicable time periods or the residence address used by an individual for
33 voter registration or property tax purposes.

34 2. "Immediate family" means individuals who are married to each
35 other and any children of those individuals.

36 Sec. 2. Section 15-424, Arizona Revised Statutes, is amended to
37 read:

38 15-424. Election of governing board members; terms; statement
39 of contributions and expenditures

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

43 B. Except as provided in ~~subsection C of this section and~~ sections
44 15-429 and 15-430, the term of office for each member ~~shall be~~ IS four
45 years from January 1 next following the member's election. A PERSON IS
46 NOT ELIGIBLE TO SERVE MORE THAN TWO CONSECUTIVE TERMS ON A SCHOOL DISTRICT

1 GOVERNING BOARD, EXCEPT THAT IF THERE IS AN INSUFFICIENT NUMBER OF
2 CANDIDATES TO FILL THE GOVERNING BOARD VACANCIES, THE COUNTY SCHOOL
3 SUPERINTENDENT MAY APPOINT A GOVERNING BOARD MEMBER WHO HAS SERVED TWO
4 CONSECUTIVE TERMS TO SERVE ON THE GOVERNING BOARD UNTIL THE NEXT ELECTION.
5 AFTER SERVING THE MAXIMUM NUMBER OF TERMS ON A SCHOOL DISTRICT GOVERNING
6 BOARD, INCLUDING ANY PART OF A TERM SERVED, A PERSON MAY NOT SERVE AGAIN
7 ON THE SCHOOL DISTRICT GOVERNING BOARD UNTIL THE PERSON HAS BEEN OUT OF
8 OFFICE FOR AT LEAST ONE FULL TERM.

9 C. At the first general election held for a newly formed district,
10 three members shall be elected. ~~The candidate receiving the highest~~
11 ~~number of votes shall be elected to a four year term, and the candidates~~
12 ~~having the second and third highest number of votes shall be elected to~~
13 ~~two year terms. A district increasing its governing board to five members~~
14 ~~shall elect at the next general election members in the following manner:~~

15 1. ~~If one of the previous three offices is to be filled, the three~~
16 ~~candidates receiving the highest, the second highest and the third highest~~
17 ~~number of votes shall be elected to four year terms.~~

18 2. ~~If two of the previous three offices are to be filled, the~~
19 ~~candidates receiving the highest, the second highest and the third highest~~
20 ~~number of votes shall be elected to four year terms. The candidate~~
21 ~~receiving the fourth highest number of votes shall be elected to a two~~
22 ~~year term. Thereafter all such offices shall have four year terms.~~

23 D. If only one person files a nominating petition or nomination
24 paper for a write-in candidate for an election to fill a district office,
25 the board of supervisors, ~~no~~ NOT earlier than seventy-five days before the
26 election, may cancel the election for the position and appoint the person
27 who filed the nominating petition or nomination paper to fill the
28 position. If no person files a nominating petition or nomination paper
29 for an election to fill a district office, the board of supervisors, ~~no~~
30 NOT earlier than seventy-five days before the election, may cancel the
31 election for that office and that office is deemed vacant and shall be
32 filled as provided in section 15-302. A person who is appointed pursuant
33 to this subsection is fully vested with the powers and duties of the
34 office as if elected to that office.

35 E. If two or more candidates receive an equal number of votes for
36 the same office, and a higher number than any other candidate for that
37 office, whether ~~upon~~ ON the tally by the school election board or canvass
38 of returns by the board of supervisors, or ~~upon~~ ON recount by a court, the
39 officer or board whose duty it is to declare the result shall determine by
40 lot and in the presence of the candidates which candidate shall be
41 declared elected.

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

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

3 H. All candidates for the office of school district governing board
4 member shall file with the county school superintendent a statement of
5 contributions and expenditures as provided in section 16-926.

6 Sec. 3. Section 15-425, Arizona Revised Statutes, is amended to
7 read;

8 15-425. Election to determine whether membership of governing
9 board shall increase to five members; form of
10 ballot; reconsideration procedure if negative vote;
11 appointment or election of new members

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

23 B. Public notices of a special election called to determine whether
24 there shall be five governing board members shall be posted in not less
25 than three public places in the district at least ten days prior to the
26 election. The election shall be held as prescribed by the county school
27 superintendent and electors shall possess the qualifications as prescribed
28 for the election of governing board members.

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

31 D. If the majority of the electors voting on the question votes in
32 the affirmative, the school district shall elect five governing board
33 members, as provided in section 15-424. If the majority of the electors
34 voting on the question of increasing the number of governing board members
35 votes in the negative, the question shall not again be placed upon the
36 ballot of an election in the district until the lapse of one year from the
37 date of such election.

38 E. Notwithstanding section 15-424 and subsection D of this section,
39 if the voters approve an increase in the size of the governing board at
40 least one year before the next general election, the county school
41 superintendent may appoint the two new members or call a special election
42 pursuant to section 15-302.

43 F. The term of the two new members appointed by the county school
44 superintendent or elected through a special election expires January 1
45 following the next general election. At the first general election
46 following the increase in the size of the governing board, the candidates

1 elected and their terms shall be ~~determined pursuant to section 15-424,~~
2 ~~subsection c~~ FOUR YEARS.

3 Sec. 4. Section 15-427, Arizona Revised Statutes, is amended to
4 read:

5 15-427. Governing board of a union high school district;
6 terms

7 A. The members of the governing board of a union high school
8 district shall be qualified school electors of the district. Members
9 shall be elected from the union high school district at large except as
10 provided in ~~section~~ SECTIONS 15-421 AND 15-431.

11 B. The term of office of the members of the union high school
12 district governing board ~~shall be IS~~ four years. ~~, except:~~

13 ~~1. Upon formation of a union high school district, the governing~~
14 ~~board shall be appointed by the county school superintendent and shall~~
15 ~~hold office until January 1 following the next general election.~~

16 ~~2. At the first general election after formation of the district,~~
17 ~~members shall be elected in the following manner:~~

18 ~~(a) The three candidates receiving the highest, the second highest~~
19 ~~and the third highest number of votes shall be elected to four year terms.~~

20 ~~(b) The two candidates receiving the fourth and fifth highest~~
21 ~~number of votes shall be elected for two year terms. Thereafter all such~~
22 ~~offices shall have four year terms.~~

23 Sec. 5. Section 15-429, Arizona Revised Statutes, is amended to
24 read:

25 15-429. Election of governing board members of a joint common
26 school district

27 A. A joint common school district shall be governed by a board of
28 five members, one of whom shall reside in and be elected from each of the
29 counties comprising the district and the remaining number shall reside in
30 the district and be elected at large, EXCEPT AS PRESCRIBED IN SECTION
31 15-421, unless the district has implemented an alternative election system
32 as provided in section 15-431. Within ten days after the creation of the
33 joint common school district, the county school superintendent of the
34 jurisdictional county, after notifying the county school superintendent of
35 any other county whose territory, or a portion thereof, is in the new
36 district, shall call a special election, which shall be held within twenty
37 days after the issuance of such call, to elect a governing board for the
38 joint common school district. The polling places for the election shall
39 be located in each county of the district. The election shall be
40 conducted as provided by law for other school districts, except that the
41 members first elected shall serve until January 1 following the next
42 general election. At the general election held next following the special
43 election, and thereafter, the members shall be elected as prescribed for
44 five member boards in sections 15-424 and 15-427.

1 B. The county school superintendent shall call the first meeting of
2 the newly formed governing board within ten days after its election. Each
3 member shall be given five days' written notice in advance of the meeting.
4 The meeting shall be held at a location convenient to all members.
5 Business shall be conducted as provided by law for the conduct of school
6 districts.

7 Sec. 6. Section 15-448, Arizona Revised Statutes, as amended by
8 Laws 2014, chapter 211, section 2, is amended to read:

9 15-448. Formation of unified school district; board
10 membership; budget

11 A. One or more common school districts and a high school district
12 with coterminous or overlapping boundaries may establish a unified school
13 district pursuant to this section. Unification of a common school
14 district and a high school district is not authorized by this section if
15 any of the high school facilities owned by the new unified school district
16 would not be located within its boundaries.

17 B. Formation of a unified school district shall be by resolutions
18 approved by the governing boards of the unifying school districts and
19 certification of approval by such governing boards to the county school
20 superintendent of the county or counties in which such individual school
21 districts are located. A common school district and high school district
22 that unify pursuant to this section shall not exclude from the same
23 unification a common school district that has overlapping boundaries with
24 the high school district and that wishes to unify. Except as provided in
25 subsection D of this section, the formation of a unified school district
26 ~~shall become~~ BECOMES effective on July 1 of the next fiscal year following
27 the certification of the county school superintendent. An election ~~shall~~
28 IS not ~~be~~ required to form a unified school district pursuant to this
29 section. At least ninety days before the governing boards vote on the
30 resolutions prescribed in this subsection, the governing boards shall mail
31 a pamphlet to each household with one or more qualified electors that
32 ~~shall list~~ LISTS the full cash value, the assessed valuation and the
33 estimated amount of the primary property taxes and the estimated amount of
34 the secondary property taxes under the proposed unification for each of
35 the following:

36 1. An ~~owner-occupied~~ OWNER-OCCUPIED residence whose assessed
37 valuation is the average assessed valuation of property classified as
38 class three, as prescribed by section 42-12003 for the current year in the
39 school district.

40 2. An ~~owner-occupied~~ OWNER-OCCUPIED residence whose assessed
41 valuation is one-half of the assessed valuation of the residence in
42 paragraph 1 of this subsection.

43 3. An ~~owner-occupied~~ OWNER-OCCUPIED residence whose assessed
44 valuation is twice the assessed valuation of the residence in paragraph 1
45 of this subsection.

1 4. A business whose assessed valuation is the average of the
2 assessed valuation of property classified as class one, as prescribed by
3 section 42-12001, paragraphs 12 and 13 for the current year in the school
4 district.

5 C. The boundaries of the unified school district shall be the
6 boundaries of the former common school district or districts that unify.
7 The boundaries of the common school district or districts that are not
8 unifying remain unchanged. The county school superintendent, immediately
9 on receipt of the approved resolutions prescribed by subsection B of this
10 section, shall file with the board of supervisors, the county assessor and
11 the superintendent of public instruction a transcript of the boundaries of
12 the unified school district. The boundaries shown in the transcript shall
13 become the legal boundaries of the school districts on July 1 of the next
14 fiscal year.

15 D. On formation of the unified school district, the governing board
16 consists of the members of the former school district governing boards and
17 the members shall hold office until January 1 following the first general
18 election after formation of the district. For the purpose of all actions
19 that are necessary ~~for the operation of~~ TO OPERATE the unified district
20 for the next year, the unified school district governing board is
21 constituted and may conduct meetings after the adoption of the unification
22 resolutions prescribed by subsection B of this section.

23 E. Beginning on January 1 following the first general election
24 after formation of the unified school district, the governing board shall
25 have five members. ~~At the first general election after the formation of~~
26 ~~the district, members shall be elected in the following manner:~~

27 ~~1. The three candidates receiving the highest, the second highest~~
28 ~~and the third highest number of votes shall be elected to four year terms.~~

29 ~~2. The two candidates receiving the fourth and fifth highest number~~
30 ~~of votes shall be elected to two year terms. Thereafter all offices shall~~
31 ~~have four year terms.~~

32 F. The new unified school district may appoint a resident of the
33 remaining common school district to serve as a nonvoting member of the
34 governing board to represent the interests of the high school pupils who
35 reside in the remaining common school district and who attend school in
36 the unified school district.

37 G. For the first year of operation, the unified school district
38 governing board shall prepare a consolidated budget based on the student
39 counts from the school districts comprising the unified school district,
40 except that for purposes of determining budget amounts and equalization
41 assistance, the student count for the former high school district shall
42 not include the prior year average daily membership attributable to high
43 school pupils from a common school district that was part of the former
44 high school district but is not part of the unified school district. The
45 unified school district shall charge the remaining common school district
46 tuition for these pupils as provided in subsection J of this section. The

1 unified school district may budget for unification assistance pursuant to
2 section 15-912.01.

3 H. The governing board of the unified school district shall prepare
4 policies, curricula and budgets for the district. These policies shall
5 require that:

6 1. The base compensation of each certificated teacher for the first
7 year of operation of the new unified school district shall not be lower
8 than the certificated teacher's base compensation for the prior year in
9 the previously existing school districts.

10 2. The certificated teacher's years of employment in the previously
11 existing school districts shall be included in determining the teacher's
12 certificated years of employment in the new unified school district.

13 I. On formation of a unified school district, any existing override
14 authorization of the former high school district and the former common
15 school district or districts shall continue until expiration based on the
16 revenue control limit of the school district or districts that had
17 override authorization ~~prior to~~ BEFORE unification. The unified school
18 district may request new override authorization for the budget year as
19 provided in section 15-481 based on the combined revenue control limit of
20 the new district after unification. If the unified school district's
21 request for override authorization is approved, it will replace any
22 existing override for the budget year.

23 J. The unified school district shall admit high school pupils who
24 reside in a common school district that was located within the boundaries
25 of the former high school district. Tuition shall be paid to the unified
26 school district by the common school district in which such pupils
27 reside. Such tuition amount shall be calculated in accordance with
28 section 15-824, subject to the following modifications:

29 1. If the former high school district had outstanding bonded
30 indebtedness at the time of unification, the combined tuition for the
31 group of high school pupils who reside in each common school district
32 shall include a debt service amount for the former high school district's
33 outstanding bonded indebtedness that is determined as follows:

34 (a) Divide the total net assessed valuation of the common school
35 district in which the group of pupils resides by the total net assessed
36 valuation of the former high school district. For the purposes of this
37 subdivision, "net assessed valuation" means net assessed valuation for the
38 tax year ~~prior to~~ BEFORE the year when the unified school district
39 governing board is constituted pursuant to subsection D of this section
40 and includes the values used to determine voluntary contributions
41 collected pursuant to title 9, chapter 4, article 3 and title 48, chapter
42 1, article 8.

43 (b) Multiply the quotient obtained in subdivision (a) of this
44 paragraph by the unified school district's annual debt service
45 expenditure.

1 2. The debt service portion of such tuition payments calculated
2 pursuant to paragraph 1 of this subsection shall be used exclusively for
3 debt service of the outstanding bonded indebtedness of the former high
4 school district. When such indebtedness is fully extinguished, the debt
5 service portion of a pupil's tuition shall be determined in accordance
6 with paragraph 3 of this subsection.

7 3. If the former high school district had no outstanding bonded
8 indebtedness at the time of unification, the tuition calculation shall
9 include the actual school district expenditures for the portion of any
10 debt service of the unified school district that pertains to any
11 construction or renovation of high school facilities divided by the school
12 district's student count for the high school portion of the school
13 district.

14 4. The unified school district shall not include in the tuition
15 calculation any debt service that pertains to any construction or
16 renovation of school facilities for preschool through grade eight.

17 5. Notwithstanding section 15-951, subsection F, the revenue
18 control limit of the common school district shall include the full amount
19 of the debt service portion of the tuition calculated pursuant to this
20 subsection.

21 K. All assets and liabilities of the unifying school districts
22 shall be transferred and assumed by the new unified school district. Any
23 existing bonded indebtedness of a common school district or a high school
24 district unifying pursuant to this section shall be assumed by the new
25 unified school district and shall be regarded as an indebtedness of the
26 new unified school district for the purpose of determining the debt
27 incurring authority of the district. Taxes for the payment of such bonded
28 indebtedness shall be levied on all taxable property in the new unified
29 school district, but nothing in this subsection shall be construed to
30 relieve from liability to taxation for the payment of all taxable property
31 of the former high school district if necessary to prevent a default in
32 the payment of any bonded indebtedness of the former high school district.
33 The residents of a common school district that does not unify shall not
34 vote in bond or override elections of the unified school district and
35 shall not be assessed taxes as a result of a bond or override election of
36 the unified school district.

37 L. If the remaining common school district had authorization for an
38 override as provided in section 15-481 or 15-482, the override
39 authorization continues for the remaining common school district or
40 districts in the same manner as before the formation of the unified school
41 district.

42 M. The bonding authorization and bonding limitations continue for
43 the remaining common school district or districts in the same manner as
44 before the formation of the unified school district.

1 N. ~~Nothing in~~ This section ~~shall be construed to~~ DOES NOT relieve a
2 school district formed pursuant to section 15-457 or 15-458 of its
3 liability for any outstanding bonded indebtedness.

4 O. For school districts that become unified after July 1, 2004 and
5 where all of the common schools were eligible for the small school
6 district weight pursuant to section 15-943, paragraph 1, subdivision (a)
7 when computing their base support level and base revenue control limit
8 before unification, the unified school district may continue to use the
9 small school district weight as follows:

10 1. Annually determine the common school student count and the
11 weighted student count pursuant to section 15-943, paragraph 1,
12 subdivision (a) for each common school district before unification.

13 2. Calculate the sum of the common school districts' student counts
14 and weighted student counts determined in paragraph 1 of this subsection.

15 3. Divide the sum of the weighted student counts by the sum of the
16 student counts determined in paragraph 2 of this subsection.

17 4. The amount determined in paragraph 3 of this subsection shall be
18 the weight for the common schools in the unified school district.

19 P. A unified school district may calculate its revenue control
20 limit and district support level by using subsection O of this section as
21 follows:

22 1. Determine the number of individual school districts that existed
23 before unification into a single school district.

24 2. Multiply the amount determined in paragraph 1 of this subsection
25 by six hundred.

26 3. Multiply the amount determined in paragraph 2 of this subsection
27 by 0.80.

28 4. If the amount determined in paragraph 3 of this subsection
29 exceeds the student count of the unified school district, the unified
30 school district is eligible to use subsection O of this section.

31 Q. Subsections O and P of this section shall remain in effect until
32 the aggregate student count of the common school districts before
33 unification exceeds the aggregate number of students of the common school
34 districts before unification authorized to utilize section 15-943,
35 paragraph 1, subdivision (a).

36 Sec. 7. Section 15-448, Arizona Revised Statutes, as amended by
37 Laws 2020, chapter 14, section 2, is amended to read:

38 15-448. Formation of unified school district; board
39 membership; budget

40 A. One or more common school districts and a high school district
41 with coterminous or overlapping boundaries may establish a unified school
42 district pursuant to this section. Unification of a common school
43 district and a high school district is not authorized by this section if
44 any of the high school facilities owned by the new unified school district
45 would not be located within its boundaries.

1 B. Formation of a unified school district shall be by resolutions
 2 approved by the governing boards of the unifying school districts and
 3 certification of approval by such governing boards to the county school
 4 superintendent of the county or counties in which such individual school
 5 districts are located. A common school district and high school district
 6 that unify pursuant to this section shall not exclude from the same
 7 unification a common school district that has overlapping boundaries with
 8 the high school district and that wishes to unify. Except as provided in
 9 subsection D of this section, the formation of a unified school district
 10 becomes effective on July 1 of the next fiscal year following the
 11 certification of the county school superintendent. An election is not
 12 required to form a unified school district pursuant to this
 13 section. Notice of the proposed vote of the governing boards on the
 14 resolutions prescribed in this subsection shall be posted in at least
 15 three public places in each of the school districts proposed to be unified
 16 at least ninety days before the proposed vote. At least ninety days
 17 before the governing boards vote on the resolutions prescribed in this
 18 subsection, the governing boards shall mail a pamphlet to each household
 19 with one or more qualified electors that lists the full cash value, the
 20 assessed valuation and the estimated amount of the primary property taxes
 21 and the estimated amount of the secondary property taxes under the
 22 proposed unification for each of the following:

23 1. An owner-occupied residence whose assessed valuation is the
 24 average assessed valuation of property classified as class three, as
 25 prescribed by section 42-12003 for the current year in the school
 26 district.

27 2. An owner-occupied residence whose assessed valuation is one-half
 28 of the assessed valuation of the residence in paragraph 1 of this
 29 subsection.

30 3. An owner-occupied residence whose assessed valuation is twice
 31 the assessed valuation of the residence in paragraph 1 of this subsection.

32 4. A business whose assessed valuation is the average of the
 33 assessed valuation of property classified as class one, as prescribed by
 34 section 42-12001, paragraphs 12 and 13 for the current year in the school
 35 district.

36 C. The boundaries of the unified school district shall be the
 37 boundaries of the former common school district or districts that unify.
 38 The boundaries of the common school district or districts that are not
 39 unifying remain unchanged. The county school superintendent, immediately
 40 on receipt of the approved resolutions prescribed by subsection B of this
 41 section, shall file with the board of supervisors, the county assessor and
 42 the superintendent of public instruction a transcript of the boundaries of
 43 the unified school district. The boundaries shown in the transcript shall
 44 become the legal boundaries of the school districts on July 1 of the next
 45 fiscal year.

1 D. On formation of the unified school district, the governing board
2 consists of the members of the former school district governing boards and
3 the members shall hold office until January 1 following the first general
4 election after formation of the district. For the purpose of all actions
5 that are necessary to operate the unified district for the next year, the
6 unified school district governing board is constituted and may conduct
7 meetings after the adoption of the unification resolutions prescribed by
8 subsection B of this section.

9 E. Beginning on January 1 following the first general election
10 after formation of the unified school district, the governing board shall
11 have five members. ~~At the first general election after the formation of~~
12 ~~the district, members shall be elected in the following manner:~~

13 ~~1. The three candidates receiving the highest, the second highest~~
14 ~~and the third highest number of votes shall be elected to four-year terms.~~

15 ~~2. The two candidates receiving the fourth and fifth highest number~~
16 ~~of votes shall be elected to two-year terms. Thereafter all offices shall~~
17 ~~have four-year terms.~~

18 F. The new unified school district may appoint a resident of the
19 remaining common school district to serve as a nonvoting member of the
20 governing board to represent the interests of the high school pupils who
21 reside in the remaining common school district and who attend school in
22 the unified school district.

23 G. For the first year of operation, the unified school district
24 governing board shall prepare a consolidated budget based on the student
25 counts from the school districts comprising the unified school district,
26 except that for purposes of determining budget amounts and equalization
27 assistance, the student count for the former high school district shall
28 not include the prior year average daily membership attributable to high
29 school pupils from a common school district that was part of the former
30 high school district but is not part of the unified school district. The
31 unified school district shall charge the remaining common school district
32 tuition for these pupils as provided in subsection J of this section. The
33 unified school district may budget for unification assistance pursuant to
34 section 15-912.01.

35 H. The governing board of the unified school district shall prepare
36 policies, curricula and budgets for the district. These policies shall
37 require that:

38 1. The base compensation of each certificated teacher for the first
39 year of operation of the new unified school district shall not be lower
40 than the certificated teacher's base compensation for the prior year in
41 the previously existing school districts.

42 2. The certificated teacher's years of employment in the previously
43 existing school districts shall be included in determining the teacher's
44 certificated years of employment in the new unified school district.

1 I. On formation of a unified school district, any existing override
2 authorization of the former high school district and the former common
3 school district or districts shall continue until expiration based on the
4 revenue control limit of the school district or districts that had
5 override authorization before unification. The unified school district
6 may request new override authorization for the budget year as provided in
7 section 15-481 based on the combined revenue control limit of the new
8 district after unification. If the unified school district's request for
9 override authorization is approved, it will replace any existing override
10 for the budget year.

11 J. The unified school district shall admit high school pupils who
12 reside in a common school district that was located within the boundaries
13 of the former high school district. Tuition shall be paid to the unified
14 school district by the common school district in which such pupils reside.
15 Such tuition amount shall be calculated in accordance with section 15-824,
16 subject to the following modifications:

17 1. If the former high school district had outstanding bonded
18 indebtedness at the time of unification, the combined tuition for the
19 group of high school pupils who reside in each common school district
20 shall include a debt service amount for the former high school district's
21 outstanding bonded indebtedness that is determined as follows:

22 (a) Divide the total net assessed valuation of the common school
23 district in which the group of pupils resides by the total net assessed
24 valuation of the former high school district. For the purposes of this
25 subdivision, "net assessed valuation" means net assessed valuation for the
26 tax year before the year when the unified school district governing board
27 is constituted pursuant to subsection D of this section and includes the
28 values used to determine voluntary contributions collected pursuant to
29 title 9, chapter 4, article 3 and title 48, chapter 1, article 8.

30 (b) Multiply the quotient obtained in subdivision (a) of this
31 paragraph by the unified school district's annual debt service
32 expenditure.

33 2. The debt service portion of such tuition payments calculated
34 pursuant to paragraph 1 of this subsection shall be used exclusively for
35 debt service of the outstanding bonded indebtedness of the former high
36 school district. When such indebtedness is fully extinguished, the debt
37 service portion of a pupil's tuition shall be determined in accordance
38 with paragraph 3 of this subsection.

39 3. If the former high school district had no outstanding bonded
40 indebtedness at the time of unification, the tuition calculation shall
41 include the actual school district expenditures for the portion of any
42 debt service of the unified school district that pertains to any
43 construction or renovation of high school facilities divided by the school
44 district's student count for the high school portion of the school
45 district.

1 4. The unified school district shall not include in the tuition
2 calculation any debt service that pertains to any construction or
3 renovation of school facilities for preschool through grade eight.

4 5. Notwithstanding section 15-951, subsection F, the revenue
5 control limit of the common school district shall include the full amount
6 of the debt service portion of the tuition calculated pursuant to this
7 subsection.

8 K. All assets and liabilities of the unifying school districts
9 shall be transferred and assumed by the new unified school district. Any
10 existing bonded indebtedness of a common school district or a high school
11 district unifying pursuant to this section shall be assumed by the new
12 unified school district and shall be regarded as an indebtedness of the
13 new unified school district for the purpose of determining the debt
14 incurring authority of the district. Taxes for the payment of such bonded
15 indebtedness shall be levied on all taxable property in the new unified
16 school district, but nothing in this subsection shall be construed to
17 relieve from liability to taxation for the payment of all taxable property
18 of the former high school district if necessary to prevent a default in
19 the payment of any bonded indebtedness of the former high school district.
20 The residents of a common school district that does not unify shall not
21 vote in bond or override elections of the unified school district and
22 shall not be assessed taxes as a result of a bond or override election of
23 the unified school district.

24 L. If the remaining common school district had authorization for an
25 override as provided in section 15-481 or 15-482, the override
26 authorization continues for the remaining common school district or
27 districts in the same manner as before the formation of the unified school
28 district.

29 M. The bonding authorization and bonding limitations continue for
30 the remaining common school district or districts in the same manner as
31 before the formation of the unified school district.

32 N. This section does not relieve a school district formed pursuant
33 to section 15-457 or 15-458 of its liability for any outstanding bonded
34 indebtedness.

35 O. For school districts that become unified after July 1, 2004 and
36 where all of the common schools were eligible for the small school
37 district weight pursuant to section 15-943, paragraph 1, subdivision (a)
38 when computing their base support level and base revenue control limit
39 before unification, the unified school district may continue to use the
40 small school district weight as follows:

41 1. Annually determine the common school student count and the
42 weighted student count pursuant to section 15-943, paragraph 1,
43 subdivision (a) for each common school district before unification.

44 2. Calculate the sum of the common school districts' student counts
45 and weighted student counts determined in paragraph 1 of this subsection.

1 3. Divide the sum of the weighted student counts by the sum of the
2 student counts determined in paragraph 2 of this subsection.

3 4. The amount determined in paragraph 3 of this subsection shall be
4 the weight for the common schools in the unified school district.

5 P. A unified school district may calculate its revenue control
6 limit and district support level by using subsection 0 of this section as
7 follows:

8 1. Determine the number of individual school districts that existed
9 before unification into a single school district.

10 2. Multiply the amount determined in paragraph 1 of this subsection
11 by six hundred.

12 3. Multiply the amount determined in paragraph 2 of this subsection
13 by 0.80.

14 4. If the amount determined in paragraph 3 of this subsection
15 exceeds the student count of the unified school district, the unified
16 school district is eligible to use subsection 0 of this section.

17 Q. Subsections 0 and P of this section shall remain in effect until
18 the aggregate student count of the common school districts before
19 unification exceeds the aggregate number of students of the common school
20 districts before unification authorized to utilize section 15-943,
21 paragraph 1, subdivision (a).

22 Sec. 8. Section 15-451, Arizona Revised Statutes, is amended to
23 read:

24 15-451. Appointment of governing board for joint unified
25 school districts

26 A. If the election results in the formation of the joint unified
27 school district, the governing board shall contain the same governing
28 board members of the former school district governing boards. The members
29 shall have authority to adopt a budget and perform such other functions
30 necessary for the school district to become operative at the beginning of
31 the next fiscal year and shall serve until January 1 following the next
32 general election. At the general election held next following the
33 formation and thereafter, members shall be elected ~~as prescribed in~~
34 ~~section 15-448, subsection E, except that all governing board members of a~~
35 ~~newly formed unified school district shall be elected to four year terms~~
36 ~~at the first general election~~ TO FOUR-YEAR TERMS.

37 B. If any members of the governing boards of the original school
38 districts are residents of the new joint unified school district, those
39 members shall continue to serve on the governing boards of the original
40 school districts until the joint unified school district becomes operative
41 and upon the joint unified school district becoming operative shall be
42 replaced by members who are appointed by the appropriate county school
43 superintendent. The appointed members shall serve until January 1
44 following the next general election. At the general election next
45 following the formation, new members shall be elected ~~as prescribed in~~
46 ~~section 15-448, subsection E, except that all governing board members of a~~

1 ~~newly formed unified school district shall be elected to four year terms~~
2 ~~at the first general election~~ TO FOUR-YEAR TERMS.

3 Sec. 9. Section 16-317, Arizona Revised Statutes, is amended to
4 read:

5 16-317. Secure online signature collection; municipal,
6 county, school board and precinct committeeman
7 offices; recall

8 A. Notwithstanding any other statute in this title, the secretary
9 of state shall provide a system for qualified electors to sign a
10 nomination petition for candidates for city or town office, county office,
11 SCHOOL DISTRICT GOVERNING BOARD OFFICE and the office of precinct
12 committeeman by way of a secure internet portal. The system shall allow
13 only those qualified electors who are eligible to sign a petition for a
14 particular candidate to sign the petition, shall provide a method for the
15 qualified elector's identity to be properly verified and shall provide for
16 the secretary of state to transmit those filings or a facsimile of those
17 filings to the officer in charge of elections for the appropriate
18 office. A candidate may choose to collect up to the minimum number of
19 required nomination petition signatures by use of the online signature
20 collection system prescribed by this section.

21 B. Subsection A of this section applies only to candidates for city
22 or town elected office, county office, SCHOOL DISTRICT GOVERNING BOARD
23 OFFICE and the office of precinct committeeman.

24 C. NOTWITHSTANDING ANY OTHER LAW, THE ONLINE SIGNATURE COLLECTION
25 SYSTEM PRESCRIBED BY THIS SECTION MAY ALSO BE USED FOR THE RECALL OF A
26 SCHOOL DISTRICT GOVERNING BOARD MEMBER AS PRESCRIBED BY TITLE 19,
27 CHAPTER 2.

28 Sec. 10. Existing board members

29 Notwithstanding sections 15-421, 15-424, 15-427 and 15-429, Arizona
30 Revised Statutes, as amended by this act, section 15-448, Arizona Revised
31 Statutes, as amended by Laws 2014, chapter 211, section 2 and this act,
32 section 15-448, Arizona Revised Statutes, as amended by Laws 2020, chapter
33 14, section 2 and this act, and section 15-451, Arizona Revised Statutes,
34 as amended by this act:

35 1. All persons serving as members of a school district governing
36 board on the effective date of this act shall continue to serve until the
37 expiration of their normal terms.

38 2. At the first general election held after the effective date of
39 this act in which school district governing board members are elected, new
40 members shall be elected to two-year terms. Thereafter all members shall
41 serve four-year terms.

42 Sec. 11. Effective date

43 Section 15-448, Arizona Revised Statutes, as amended by Laws 2020,
44 chapter 14, section 2 and this act, is effective from and after December
45 31, 2022.