

REFERENCE TITLE: school board associations; open meetings

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2739

Introduced by
Representatives Udall: Osborne

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.02; AMENDING SECTION 15-421, ARIZONA REVISED
STATUTES; RELATING TO SCHOOL BOARD ASSOCIATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.02, to read:

4 15-120.02. Association of school boards; open meetings;
5 closed portions of meetings; posting; notice
6 requirements; minutes and recordings

7 A. NOTWITHSTANDING ANY OTHER LAW, ALL MEETINGS OF AN ASSOCIATION OF
8 SCHOOL BOARDS AND THE BOARD OF DIRECTORS OF AN ASSOCIATION OF SCHOOL
9 BOARDS ARE OPEN TO THE PUBLIC, AND ANY PERSON MAY ATTEND AND LISTEN DURING
10 THE DELIBERATIONS AND PROCEEDINGS. PERSONS ATTENDING MAY AUDIOTAPE OR
11 VIDEOTAPE THOSE PORTIONS OF THE MEETINGS OF THE ASSOCIATION OR BOARD THAT
12 ARE OPEN. THE ASSOCIATION OR BOARD MAY NOT REQUIRE ADVANCE NOTICE OF THE
13 AUDIOTAPING OR VIDEOTAPING AND MAY ADOPT REASONABLE RULES GOVERNING THE
14 AUDIOTAPING AND VIDEOTAPING OF OPEN PORTIONS OF THE MEETINGS OF THE
15 ASSOCIATION OR BOARD, BUT THE RULES MAY NOT PRECLUDE SUCH AUDIOTAPING OR
16 VIDEOTAPING BY THOSE ATTENDING UNLESS THE ASSOCIATION OR BOARD AUDIOTAPES
17 OR VIDEOTAPES THE MEETING AND MAKES THE UNEDITED AUDIOTAPES OR VIDEOTAPES
18 AVAILABLE TO MEMBERS OF THE PUBLIC ON REQUEST WITHOUT RESTRICTIONS ON ITS
19 USE.

20 B. ANY PORTION OF A MEETING OF AN ASSOCIATION OF SCHOOL BOARDS OR
21 THE BOARD OF DIRECTORS OF AN ASSOCIATION OF SCHOOL BOARDS MAY BE CLOSED
22 ONLY IF THAT CLOSED PORTION OF THE MEETING IS LIMITED TO CONSIDERATION OF
23 ONE OR MORE OF THE FOLLOWING:

24 1. LEGAL ADVICE FROM AN ATTORNEY FOR THE BOARD OR THE ASSOCIATION.
25 ON FINAL RESOLUTION OF ANY MATTER FOR WHICH THE BOARD OR ASSOCIATION
26 RECEIVED LEGAL ADVICE OR THAT CONCERNED PENDING OR CONTEMPLATED
27 LITIGATION, THE BOARD OR ASSOCIATION MAY DISCLOSE INFORMATION ABOUT THAT
28 MATTER IN AN OPEN MEETING EXCEPT FOR MATTERS THAT ARE REQUIRED TO REMAIN
29 CONFIDENTIAL BY THE TERMS OF A SETTLEMENT AGREEMENT OR JUDGMENT.

30 2. PENDING OR CONTEMPLATED LITIGATION.

31 3. PERSONAL, HEALTH OR FINANCIAL INFORMATION ABOUT AN INDIVIDUAL
32 MEMBER OF THE BOARD, AN INDIVIDUAL EMPLOYEE OF THE ASSOCIATION OR AN
33 INDIVIDUAL EMPLOYEE OF A CONTRACTOR FOR THE ASSOCIATION, INCLUDING RECORDS
34 OF THE ASSOCIATION DIRECTLY RELATED TO THE PERSONAL, HEALTH OR FINANCIAL
35 INFORMATION ABOUT AN INDIVIDUAL MEMBER OF THE BOARD, AN INDIVIDUAL
36 EMPLOYEE OF THE ASSOCIATION OR AN INDIVIDUAL EMPLOYEE OF A CONTRACTOR FOR
37 THE ASSOCIATION.

38 4. MATTERS RELATING TO THE JOB PERFORMANCE OF, COMPENSATION OF,
39 HEALTH RECORDS OF OR SPECIFIC COMPLAINTS AGAINST AN INDIVIDUAL EMPLOYEE OF
40 THE ASSOCIATION OR AN INDIVIDUAL EMPLOYEE OF A CONTRACTOR OF THE
41 ASSOCIATION WHO WORKS UNDER THE DIRECTION OF THE ASSOCIATION.

42 5. DISCUSSION OF A MEMBER'S APPEAL OF ANY VIOLATION CITED OR
43 PENALTY IMPOSED BY THE ASSOCIATION EXCEPT ON REQUEST OF THE AFFECTED
44 MEMBER THAT THE MEETING BE HELD IN AN OPEN SESSION.

1 C. THE ASSOCIATION OR BOARD SHALL BOTH:
2 1. CONSPICUOUSLY POST A STATEMENT ON ITS WEBSITE STATING WHERE ALL
3 PUBLIC NOTICES OF MEETINGS WILL BE POSTED, INCLUDING THE PHYSICAL AND
4 ELECTRONIC LOCATIONS, AND SHALL GIVE ADDITIONAL PUBLIC NOTICE AS IS
5 REASONABLE AND PRACTICABLE AS TO ALL MEETINGS.
6 2. POST ALL PUBLIC MEETING NOTICES ON ITS WEBSITE AND GIVE
7 ADDITIONAL PUBLIC NOTICE AS IS REASONABLE AND PRACTICABLE AS TO ALL
8 MEETINGS. A TECHNOLOGICAL PROBLEM OR FAILURE THAT EITHER PREVENTS THE
9 POSTING OF PUBLIC NOTICES ON A WEBSITE OR THAT TEMPORARILY OR PERMANENTLY
10 PREVENTS THE USE OF ALL OR PART OF THE WEBSITE DOES NOT PRECLUDE THE
11 HOLDING OF THE MEETING FOR WHICH THE NOTICE WAS POSTED IF THE BOARD OR
12 ASSOCIATION COMPLIES WITH ALL OTHER PUBLIC NOTICE REQUIREMENTS REQUIRED BY
13 THIS SECTION.
14 D. NOTICE PROVIDED UNDER SUBSECTION C OF THIS SECTION SHALL STATE
15 THE DATE, TIME AND PLACE OF THE MEETING. A NOTICE OF ANY ANNUAL, REGULAR
16 OR SPECIAL MEETING OF THE BOARD OR ASSOCIATION MUST ALSO STATE THE PURPOSE
17 FOR WHICH THE MEETING IS CALLED.
18 E. NOTICE UNDER SUBSECTION C OF THIS SECTION IS NOT REQUIRED IF
19 EMERGENCY CIRCUMSTANCES REQUIRE ACTION BY THE BOARD OR ASSOCIATION BEFORE
20 NOTICE CAN BE GIVEN. THE FAILURE OF ANY MEMBER TO RECEIVE ACTUAL NOTICE
21 OF A MEETING OF THE BOARD OF DIRECTORS DOES NOT AFFECT THE VALIDITY OF ANY
22 ACTION TAKEN AT THAT MEETING.
23 F. BEFORE ENTERING INTO ANY CLOSED PORTION OF A MEETING OF THE
24 BOARD OR ASSOCIATION, THE BOARD OR ASSOCIATION SHALL IDENTIFY THE
25 PARAGRAPH UNDER SUBSECTION B OF THIS SECTION THAT AUTHORIZES THE BOARD TO
26 CLOSE THE MEETING.
27 G. AN ASSOCIATION OR BOARD SHALL PROVIDE FOR THE TAKING OF WRITTEN
28 MINUTES OR A RECORDING OF ALL MEETINGS, INCLUDING PORTIONS OF MEETINGS.
29 FOR MEETINGS OTHER THAN CLOSED PORTIONS OF MEETINGS, THE MINUTES OR
30 RECORDING SHALL INCLUDE:
31 1. THE DATE, TIME AND PLACE OF THE MEETING.
32 2. THE MEMBERS OF THE BOARD OR ASSOCIATION RECORDED AS EITHER
33 PRESENT OR ABSENT.
34 3. A GENERAL DESCRIPTION OF THE MATTERS CONSIDERED.
35 4. AN ACCURATE DESCRIPTION OF ALL LEGAL ACTIONS PROPOSED, DISCUSSED
36 OR TAKEN, INCLUDING A RECORD OF HOW EACH MEMBER VOTED.
37 5. THE NAMES OF THE PERSONS WHO PROPOSE EACH MOTION AND THE NAMES
38 OF THE PERSONS, AS GIVEN, WHO MAKE STATEMENTS OR PRESENT MATERIAL TO THE
39 BOARD OR ASSOCIATION AND A REFERENCE TO THE LEGAL ACTION ABOUT WHICH THEY
40 MADE STATEMENTS OR PRESENTED MATERIAL.
41 H. MINUTES OF A CLOSED PORTION OF THE MEETING SHALL INCLUDE ITEMS
42 SET FORTH IN SUBSECTION G, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION AND OTHER
43 MATTERS AS MAY BE DEEMED APPROPRIATE BY THE BOARD OR ASSOCIATION.
44 I. THE MINUTES OR A RECORDING OF A MEETING SHALL BE AVAILABLE FOR
45 PUBLIC INSPECTION WITHIN THREE WORKING DAYS AFTER THE MEETING.

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

3 15-421. Governing board; members; qualifications; statement;
4 definitions

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

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

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

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

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

17 D. ~~NO~~ AN employee of a school district, including a person who
18 directly provides certified or classified services to the school district
19 as an employee of a third-party contractor, or the spouse of such an
20 employee may NOT hold membership on ~~a~~ THE governing board of a school
21 district by which the employee is employed. AN EMPLOYEE OF AN ASSOCIATION
22 OF SCHOOL DISTRICTS MAY NOT HOLD MEMBERSHIP ON THE GOVERNING BOARD OF A
23 SCHOOL DISTRICT.

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

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

1 before the date that general election early ballots are allowed to be
2 mailed. If a candidate does not submit a statement, the county school
3 superintendent's website shall state "no response submitted" for the
4 candidate. The candidate statements shall be posted on the website
5 alphabetically by each school district and by candidate. The candidate
6 statement shall be typewritten or electronically submitted. The county
7 school superintendent shall post the statements verbatim as they are
8 received unless a candidate requests in writing that typographical errors
9 be corrected. The candidate statement shall contain the following items
10 in the same size and format for each candidate:

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

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

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

44 I. Persons related as immediate family who have the same household
45 of residence within four years prior are ineligible to be simultaneous

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

10 J. For the purposes of this section:

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

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