

REFERENCE TITLE: school board members; term limits

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SCR 1010

Introduced by
Senator Kaiser

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO SCHOOL DISTRICT GOVERNING BOARD ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to school district governing board
5 elections, is enacted to become valid as a law if approved by the voters
6 and on proclamation of the Governor:

7 AN ACT

8 AMENDING SECTIONS 15-302, 15-424, 15-427 AND 15-431, ARIZONA
9 REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARD
10 ELECTIONS.

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

12 Section 1. Section 15-302, Arizona Revised Statutes, is
13 amended to read:

14 15-302. Powers and duties

15 A. The county school superintendent shall:

16 1. Distribute all laws, reports, circulars,
17 instructions and forms that the county school superintendent
18 may receive for the use of school officers.

19 2. Record all official acts.

20 3. Appoint governing board members of school districts
21 to fill all vacancies, ~~but the term of the appointment shall~~
22 ~~be~~ until the next regular election for governing board
23 members, at which time a successor shall be elected to serve
24 the unexpired portion of the term. Within thirty days after
25 notification of a vacancy, the school district governing board
26 may submit up to three names to the county school
27 superintendent for consideration of an appointment to fill the
28 vacancy. NOTWITHSTANDING SECTIONS 15-424, 15-427 AND 15-431,
29 IF A SCHOOL DISTRICT GOVERNING BOARD OFFICE IS DEEMED VACANT
30 PURSUANT TO SECTION 15-424, SUBSECTION E BECAUSE NO INDIVIDUAL
31 FILED A NOMINATING PETITION OR NOMINATING PAPER FOR AN
32 ELECTION TO FILL THAT OFFICE, THE SCHOOL DISTRICT GOVERNING
33 BOARD MAY INCLUDE IN THE LIST OF NAMES SUBMITTED TO THE COUNTY
34 SCHOOL SUPERINTENDENT PURSUANT TO THIS SUBSECTION THE NAME OF
35 AN INDIVIDUAL WHO IS INELIGIBLE TO HOLD MEMBERSHIP ON THE
36 BOARD BECAUSE THAT INDIVIDUAL HAS SERVED AT LEAST THREE
37 CONSECUTIVE TERMS, INCLUDING PARTIAL TERMS, OR TWELVE YEARS IN
38 OFFICE AND THE COUNTY SCHOOL SUPERINTENDENT MAY APPOINT THAT
39 INDIVIDUAL TO FILL THE VACANCY. The county school
40 superintendent is not required to appoint a governing board
41 member from the list of names submitted by the governing
42 board. The county school superintendent, if the county school
43 superintendent deems it in the best interest of the community,
44 may call a special election to fill the vacancies. If an

1 election is called, the newly elected member shall serve for
2 the remainder of the unexpired portion of the term.

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

7 5. Have such powers and perform such duties as
8 otherwise prescribed by law.

9 6. On or before October 1 of each year, report to the
10 superintendent of public instruction the amount of monies
11 received from state school funds, special school district
12 taxes and other sources, the total expenditures for school
13 purposes and the balance on hand to the credit of each school
14 district at the close of the school year.

15 7. Contract with the board of supervisors for the board
16 of supervisors to conduct all regular school district
17 elections.

18 8. Be responsible, in cooperation with the school
19 district governing boards and the board of supervisors, for
20 all special school district elections.

21 9. Maintain teacher and administrator certification
22 records of effective dates and expiration dates of teachers'
23 and administrators' certificates in compliance with guidelines
24 prescribed in the uniform system of financial records for
25 those school districts for which the county school
26 superintendent is the fiscal agent. The county school
27 superintendent shall not draw a warrant in payment of a
28 teacher's, substitute teacher's or administrator's salary
29 unless the teacher, substitute teacher or administrator is
30 legally certified during the fiscal year in which the term for
31 payment is demanded.

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

37 11. In collaboration with the department of education
38 and other state agencies, ~~provide assistance to~~ ASSIST school
39 districts, charter schools, county free library districts,
40 municipal libraries, nonprofit and public libraries, tribal
41 libraries, private schools and tribal schools on ~~the use of~~
42 USING student data, staff development, curriculum alignment
43 and technology to improve student performance.

1 12. Assist schools in meeting yearly adequate progress
2 goals as defined by criteria established by the state board of
3 education and implemented by the department of education.

4 B. At the request of school districts and charter
5 schools, the county school superintendent may provide
6 discretionary programs in addition to the programs prescribed
7 in subsection A of this section.

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

12 D. Each county school superintendent may establish an
13 advisory committee to the office of the county school
14 superintendent.

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

17 15-424. Election of governing board members; terms;
18 term limits; reduction of membership;
19 statement of contributions and expenditures

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

23 B. Except as provided in subsection C of this section
24 and sections 15-429 and 15-430, the term of office for each
25 member shall be four years from January 1 ~~next~~ following the
26 member's election. **A MEMBER OF THE SCHOOL DISTRICT GOVERNING**
27 **BOARD MAY NOT SERVE MORE THAN THREE CONSECUTIVE TERMS OF**
28 **OFFICE, INCLUDING PARTIAL TERMS.**

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

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

41 2. If two of the previous three offices are to be
42 filled, the candidates receiving the highest, the second
43 highest and the third highest number of votes shall be elected
44 to four-year terms. The candidate receiving the fourth

highest number of votes shall be elected to a two-year term. Thereafter all such offices shall have four-year terms.

D. A member who is serving on a governing board for a district that reduces the number of its governing board members to three pursuant to section 15-425.01 shall continue to serve as a member of the governing board until expiration of the member's current term of office. A district that reduces the number of its governing board members to three pursuant to section 15-425.01 shall reduce the number of its members as follows:

1. If two of the previous five offices are expiring at the first general election held after the general election in which a district reduces the number of its governing board members to three pursuant to section 15-425.01:

(a) At the first general election held after the general election in which a district reduces the number of its governing board members to three pursuant to section 15-425.01, the candidate receiving the highest number of votes shall be elected to a four-year term.

(b) At the second general election held after the general election in which a district reduces the number of its governing board members to three pursuant to section 15-425.01, the candidates receiving the highest and second highest number of votes shall be elected to four-year terms.

2. If three of the previous five offices are expiring at the first general election held after the general election in which a district reduces the number of its governing board members to three pursuant to section 15-425.01, the candidate receiving the highest number of votes shall be elected to a four-year term at the election.

E. If only one person files a nominating petition or nomination paper for a write-in candidate for an election to fill a district office, the board of supervisors, not earlier than one hundred five days before the election, may cancel the election for the position and appoint the person who filed the nominating petition or nomination paper to fill the position. If no person files a nominating petition or nomination paper for an election to fill a district office, the board of supervisors, not earlier than one hundred five days before the election, may cancel the election for that office and that office is deemed vacant and shall be filled as provided in section 15-302. A person who is appointed pursuant to this subsection is fully vested with the powers and duties of the office as if elected to that office.

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

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

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

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

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

~~15-427. Governing board members; union high school districts; qualifications; terms; term limits~~

A. The members of the governing board of a union high school district shall be qualified school electors of the district. Members shall be elected from the union high school district at large except as provided in section 15-431.

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

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

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

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

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

3. A MEMBER OF THE GOVERNING BOARD OF A UNION HIGH SCHOOL DISTRICT MAY NOT SERVE MORE THAN THREE CONSECUTIVE TERMS OF OFFICE, INCLUDING PARTIAL TERMS.

Sec. 4. Section 15-431, Arizona Revised Statutes, is amended to read:

15-431. Alternative election system; governing board members

A. If, for the prior school year, a school district had an average daily membership of at least one thousand and the total minority enrollment in the district, as reported to the department of education, was at least twenty-five ~~per cent~~ PERCENT of the total enrollment of the district, the governing board may vote to implement an alternative election system ~~for the election of~~ TO ELECT governing board members. The alternative election system implemented by the board may include a vote by the board to divide the school district into as many ~~single member~~ SINGLE-MEMBER districts as there are governing board members or a vote by the board to implement any other election method that is consistent with section 2 of the voting rights act of 1965 (~~42~~ 52 United States Code section ~~1973~~ 10301), as amended. A school district that has implemented an alternative election system ~~for the election of~~ TO ELECT governing board members as provided by this subsection may continue to elect governing board members using the alternative election system even if the average daily membership of the school district or percentage of minority ~~pupils~~ STUDENTS enrolled in the district falls below the levels prescribed in this subsection. If the average daily membership of the school district or percentage of minority ~~pupils~~ STUDENTS enrolled in the district falls below the levels prescribed in this subsection, the governing board may vote to elect governing board members using the at large election method as prescribed in section 15-429.

B. If the governing board of a school district has implemented a ~~single member~~ SINGLE-MEMBER district election system as provided in subsection A of this section, the system shall be implemented as follows:

1. The governing board shall define the boundaries of the ~~single member~~ SINGLE-MEMBER district so that the ~~single member~~ SINGLE-MEMBER districts are as nearly equal in population as is practicable, except that if the school district lies in part in each of two or more counties, at least one ~~single member~~ SINGLE-MEMBER district may be entirely within each of the counties comprising the school district if this district design is consistent with the obligation to

equalize the population among ~~single member~~ SINGLE-MEMBER districts.

2. The boundaries of the ~~single member~~ SINGLE-MEMBER district shall follow election precinct boundary lines, as far as practicable, in order to avoid further segmentation of the precincts.

3. A number shall be assigned to each of the new ~~single member~~ SINGLE-MEMBER districts in ascending order according to the percentage of the district's minority population in each ~~single member~~ SINGLE-MEMBER district.

4. As the terms of the governing board members who were elected at large expire, the members shall be replaced by members who are elected from the ~~single member~~ SINGLE-MEMBER districts in ascending order of ~~single member~~ SINGLE-MEMBER district number.

5. EXCEPT AS PROVIDED IN PARAGRAPH 6 OF THIS SUBSECTION, a person who is a registered voter of this state and who is a resident of the ~~single member~~ SINGLE-MEMBER district is eligible for election to the office of school board member from the ~~single member~~ SINGLE-MEMBER district.

6. A SCHOOL BOARD MEMBER FROM A SINGLE-MEMBER DISTRICT MAY NOT SERVE MORE THAN TWELVE CONSECUTIVE YEARS IN OFFICE.

~~6.~~ 7. Nominating petitions shall be signed by the number of qualified electors of the ~~single member~~ SINGLE-MEMBER district as provided in section 16-322.

C. If the governing board has voted to implement any other alternative election system ~~for the election of~~ TO ELECT governing board members, as provided in subsection A of this section, the implementation of the system shall be as approved by the United States justice department.

Sec. 5. Applicability; delayed repeal

A. Notwithstanding sections 15-424, 15-427 and 15-431, Arizona Revised Statutes, as amended by this act, individuals who are serving as members of a school district governing board on the effective date of this act are eligible to serve additional terms as follows:

1. Individuals who have served less than one full term as a member of a school district governing board may serve the remainder of the current term and two additional consecutive terms.

2. Individuals who have served more than one full term but less than two consecutive terms as a member of a school district governing board may serve the remainder of the current term and one additional consecutive term.

1 3. Individuals who have served more than two
2 consecutive terms as a member of a school district governing
3 board may serve the remainder of the current term.

4 B. This section is repealed from and after December 31,
5 2039.

6 2. The Secretary of State shall submit this proposition to the
7 voters at the next general election as provided by article IV, part 1,
8 section 1, Constitution of Arizona.