

REFERENCE TITLE: school boards; sex offender registry

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SB 1280

Introduced by

Senators Hoffman: Bennett, Bolick, Borrelli, Carroll, Farnsworth, Gowan,
Kavanagh, Kern, Kerr, Mesnard, Petersen, Rogers, Shamp, Shope, Wadsack

AN ACT

AMENDING SECTIONS 15-302 AND 15-421, 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 15-302, Arizona Revised Statutes, is amended to
3 read:

4 15-302. Powers and duties

5 A. The county school superintendent shall:

6 1. Distribute all laws, reports, circulars, instructions and forms
7 that the county school superintendent may receive for the use of school
8 officers.

9 2. Record all official acts.

10 3. Appoint governing board members of school districts to fill all
11 vacancies, but the term of the appointment shall be until the next regular
12 election for governing board members, at which time a successor shall be
13 elected to serve the unexpired portion of the term. **A PERSON WHO IS**
14 **SUBJECT TO REGISTRATION AS A SEX OFFENDER IN THIS STATE OR IN ANY OTHER**
15 **JURISDICTION IS INELIGIBLE FOR APPOINTMENT UNDER THIS PARAGRAPH.** Within
16 thirty days after notification of a vacancy, the school district governing
17 board may submit up to three names to the county school superintendent for
18 consideration of an appointment to fill the vacancy. The county school
19 superintendent is not required to appoint a governing board member from
20 the list of names submitted by the governing board. The county school
21 superintendent, if the county school superintendent deems it in the best
22 interest of the community, may call a special election to fill the
23 vacancies. If an election is called, the newly elected member shall serve
24 for the remainder of the unexpired portion of the term.

25 4. Make reports, when directed by the superintendent of public
26 instruction, showing matters relating to schools in the county as may be
27 required on the forms furnished by the superintendent of public
28 instruction.

29 5. Have such powers and perform such duties as otherwise prescribed
30 by law.

31 6. On or before October 1 of each year, report to the
32 superintendent of public instruction the amount of monies received from
33 state school funds, special school district taxes and other sources, the
34 total expenditures for school purposes and the balance on hand to the
35 credit of each school district at the close of the school year.

36 7. Contract with the board of supervisors for the board of
37 supervisors to conduct all regular school district elections.

38 8. Be responsible, in cooperation with the school district
39 governing boards and the board of supervisors, for all special school
40 district elections.

41 9. Maintain teacher and administrator certification records of
42 effective dates and expiration dates of teachers' and administrators'
43 certificates in compliance with guidelines prescribed in the uniform
44 system of financial records for those school districts for which the
45 county school superintendent is the fiscal agent. The county school

1 superintendent shall not draw a warrant in payment of a teacher's,
2 substitute teacher's or administrator's salary unless the teacher,
3 substitute teacher or administrator is legally certified during the fiscal
4 year in which the term for payment is demanded.

5 10. Notify a school district three years before the expiration of a
6 revenue control limit override that the school district's budget must be
7 adjusted in the final two years of the override pursuant to section
8 15-481, subsections P and Q, if the voters do not approve another
9 override.

10 11. In collaboration with the department of education and other
11 state agencies, ~~provide assistance to~~ ASSIST school districts, charter
12 schools, county free library districts, municipal libraries, nonprofit and
13 public libraries, tribal libraries, private schools and tribal schools on
14 ~~the use of~~ USING student data, staff development, curriculum alignment and
15 technology to improve student performance.

16 12. Assist schools in meeting yearly adequate progress goals as
17 defined by criteria established by the state board of education and
18 implemented by the department of education.

19 B. At the request of school districts and charter schools, the
20 county school superintendent may provide discretionary programs in
21 addition to the programs prescribed in subsection A of this section.

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

25 D. Each county school superintendent may establish an advisory
26 committee to the office of the county school superintendent.

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

29 15-421. Governing boards; members; qualifications;
30 prohibitions; candidate statements; definitions

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

34 B. The governing body of a high school district shall be a
35 governing board composed of:

36 1. In a single district, the governing board members of the common
37 school district.

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

39 C. A person ~~who~~ is ELIGIBLE FOR ELECTION TO THE OFFICE OF GOVERNING
40 BOARD MEMBER IF ALL OF THE FOLLOWING APPLY:

41 1. THE PERSON IS a registered voter of this state ~~and who~~.

42 2. THE PERSON has been a resident of the school district for at
43 least one year immediately preceding the day of election ~~is eligible for~~
44 ~~election to the office of governing board member~~.

1 3. THE PERSON IS NOT SUBJECT TO REGISTRATION AS A SEX OFFENDER IN
2 THIS STATE OR IN ANY OTHER JURISDICTION.

3 D. An employee of a school district, including a person who
4 directly provides certified or classified services to the school district
5 as an employee of a third-party contractor, or the spouse of such an
6 employee may not hold membership on the governing board of a school
7 district by which the employee is employed.

8 E. Notwithstanding subsection D of this section and title 38,
9 chapter 3, article 8, a small school district may employ, including
10 employment through a third-party contractor that provides services to the
11 small school district, a substitute teacher who is related to a member of
12 the governing board as ~~the member's spouse or~~ immediate family and who has
13 had the same household of residence within the preceding four years. If a
14 small school district employs a substitute teacher pursuant to this
15 subsection, the member of the governing board who is related to the
16 substitute teacher shall be recused from voting on any matter relating to
17 substitute teachers.

18 F. A school district may employ, including employment through a
19 third-party contractor that provides services to the school district, a
20 person who served as a member of the school district's governing board
21 during the preceding two years only in a position in which the person will
22 provide services directly to students, including as a certificated
23 teacher, a substitute teacher and an employee or contractor who provides
24 transportation, instructional support or student support services. A
25 school district may increase the time period prescribed in this subsection
26 to be more than two years.

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

36 H. Notwithstanding section 15-511, each county school
37 superintendent shall publish on the superintendent's website the statement
38 of each certified candidate for membership on a school district governing
39 board located in the county. The county school superintendent shall list
40 each school district on the superintendent's website from which a link
41 shall be established to the candidate's name, which shall link to the
42 candidate's statement and photograph. The candidate shall submit the
43 statement to the person at the county school superintendent's office
44 assigned to manage candidate statements, after notice of certification
45 from the county school superintendent's office but not later than

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

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

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

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

1 resides in the school district may bring an action in superior court to
2 enforce this subsection.

3 K. Persons related as immediate family who have the same household
4 of residence within four years prior are ineligible to be simultaneous
5 candidates for nomination or election to the governing board of the same
6 school district if the governing board is composed of five members. For a
7 school district with a student count of at least two hundred fifty that is
8 located in a county with a population of more than five hundred thousand
9 persons, not more than two persons related by affinity, by consanguinity
10 or by law to the third degree shall be simultaneous candidates for
11 nomination or election to a governing board that is composed of five
12 members. A qualified elector who resides in the school district may bring
13 an action in superior court to enforce this subsection.

14 L. For the purposes of this section:

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

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

20 3. "Small school district" has the same meaning prescribed in
21 section 15-901.