

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HOUSE BILL 2567

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 which he may receive for the use of school officers.  
8 2. Record all official acts.  
9 3. Appoint governing board members of school districts to fill all  
10 vacancies, but the term of the appointment shall be until the next regular  
11 election for governing board members, at which time a successor shall be  
12 elected to serve the unexpired portion of the term. The county school  
13 superintendent may, if he deems it in the best interest of the community,  
14 call a special election to fill the vacancies. If an election is called, the  
15 newly elected member shall serve for the remainder of the unexpired portion  
16 of the term.  
17 4. Make reports, when directed by the superintendent of public  
18 instruction, showing matters relating to schools in his county as may be  
19 required on the forms furnished by the superintendent of public instruction.  
20 5. Have such powers and perform such duties as otherwise prescribed by  
21 law.  
22 6. On or before October 1 of each year, make a report to the  
23 superintendent of public instruction showing the amount of monies received  
24 from state school funds, special school district taxes and other sources, the  
25 total expenditures for school purposes and the balance on hand to the credit  
26 of each school district at the close of the school year.  
27 7. Contract with the board of supervisors for the board of supervisors  
28 to conduct all regular school district elections.  
29 8. Be responsible, in cooperation with the governing boards and the  
30 board of supervisors, for all special school district elections.  
31 9. Maintain teacher and administrator certification records of  
32 effective dates and expiration dates of teachers' and administrators'  
33 certificates in compliance with guidelines prescribed in the uniform system  
34 of financial records for those school districts for which the county school  
35 superintendent is the fiscal agent. The county school superintendent shall  
36 not draw a warrant in payment of a teacher's, substitute teacher's or  
37 administrator's salary unless the teacher, substitute teacher or  
38 administrator is legally certified during the fiscal year in which the term  
39 for payment is demanded.  
40 10. Notify a school district three years before the expiration of a  
41 revenue control limit override that the school district's budget must be  
42 adjusted in the final two years of the override pursuant to section 15-481,  
43 subsections P and Q, if the voters do not approve another override.

1           11. In collaboration with the department of education and other state  
2 agencies, provide assistance to school districts and charter schools on the  
3 use of student data, staff development, curriculum alignment and technology  
4 to improve student performance.

5           12. Assist schools in meeting yearly adequate progress goals as defined  
6 by criteria established by the state board of education and implemented by  
7 the department of education.

8           B. At the request of school districts and charter schools, the county  
9 school superintendent may provide discretionary programs in addition to the  
10 programs prescribed in subsection A.

11           C. The county school superintendent may provide the services  
12 prescribed in subsections A and B in the county or jointly with two or more  
13 counties pursuant to title 11, chapter 7, article 3.

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

16           E. NOTWITHSTANDING ANY OTHER LAW, THE COUNTY SCHOOL SUPERINTENDENT OR  
17 THE COUNTY SCHOOL SUPERINTENDENT'S DESIGNEE MAY TEMPORARILY SERVE AS A MEMBER  
18 OF THE GOVERNING BOARD OF A SCHOOL DISTRICT WITH A STUDENT COUNT OF LESS THAN  
19 ONE HUNDRED IF THERE IS AN UNFILLED VACANCY ON THE GOVERNING BOARD UNTIL THE  
20 VACANCY IS PERMANENTLY FILLED IN THE MANNER PRESCRIBED BY LAW. THE COUNTY  
21 SCHOOL SUPERINTENDENT MAY DESIGNATE MORE THAN ONE PERSON TO TEMPORARILY SERVE  
22 ON THE GOVERNING BOARD IF THERE IS MORE THAN ONE UNFILLED VACANCY.

23           Sec. 2. Section 15-421, Arizona Revised Statutes, is amended to read:  
24 15-421. Governing board; members; qualifications; statement

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

28           B. The governing body of a high school district shall be a governing  
29 board composed of:

30           1. In a single district, the governing board members of the common  
31 school district.

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

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

37           D. No employee of a school district or the spouse of such employee may  
38 hold membership on a governing board of a school district by which such  
39 employee is employed.

40           E. A member of one governing board is ineligible to be a candidate for  
41 nomination or election to or serve simultaneously as a member of any other  
42 governing board, except that a member of a governing board may be a candidate  
43 for nomination or election for any other governing board if the member is  
44 serving in the last year of a term of office. A member of a governing board  
45 shall resign the member's seat on the governing board before becoming a

1 candidate for nomination or election to the governing board of any other  
2 school district, unless the member of the governing board is serving in the  
3 last year of a term of office.

4 F. Notwithstanding section 15-511, each county school superintendent  
5 shall publish on its website the statement of each certified candidate for  
6 membership on a school district governing board located in the county. The  
7 county school superintendent shall list each school district on its website  
8 from which a link shall be established to the candidate's name, which shall  
9 link to the candidate's statement and photograph. The candidate shall submit  
10 the statement to the person at the county school superintendent's office  
11 assigned to manage candidate statements, after notice of certification from  
12 the county school superintendent's office but not later than twenty-one days  
13 before the date that general election early ballots are allowed to be mailed.  
14 The person shall post each candidate's statement on the county school  
15 superintendent's website not later than fourteen days before the date that  
16 general election early ballots are allowed to be mailed. If a candidate does  
17 not submit a statement, the county school superintendent's website shall  
18 state "no response submitted" for the candidate. The candidate statements  
19 shall be posted on the website alphabetically by each school district and by  
20 candidate. The candidate statement shall be typewritten or electronically  
21 submitted. The county school superintendent shall post the statements  
22 verbatim as they are received unless a candidate requests in writing that  
23 typographical errors be corrected. The candidate statement shall contain the  
24 following items in the same size and format for each candidate:

- 25 1. A recent photograph of the candidate.
- 26 2. A statement not to exceed five hundred words.

27 G. PERSONS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR AFFINITY TO  
28 THE FIRST DEGREE SHALL NOT SERVE SIMULTANEOUSLY ON THE GOVERNING BOARD OF THE  
29 SAME SCHOOL DISTRICT IF THE GOVERNING BOARD IS COMPOSED OF THREE MEMBERS. A  
30 QUALIFIED ELECTOR WHO RESIDES IN THE SCHOOL DISTRICT MAY BRING AN ACTION IN  
31 SUPERIOR COURT TO ENFORCE THIS SUBSECTION. IF A COURT DETERMINES THAT A  
32 VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COURT SHALL ISSUE AN ORDER  
33 THAT BOTH:

34 1. ALLOWS THE PERSON WHO HAS SERVED ON THE GOVERNING BOARD FOR THE  
35 LONGEST CONSECUTIVE PERIOD OF TIME TO REMAIN ON THE GOVERNING BOARD.

36 2. IMMEDIATELY REMOVES FROM THE GOVERNING BOARD ALL OTHER PERSONS WHO  
37 ARE RELATED TO THAT PERSON BY CONSANGUINITY TO THE FIRST DEGREE OR AFFINITY  
38 TO THE FIRST DEGREE. VACANCIES IN OFFICE THAT OCCUR AS A RESULT OF THIS  
39 PARAGRAPH SHALL BE FILLED AS PROVIDED BY LAW.

40 H. A PERSON WHO IS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR  
41 AFFINITY TO THE FIRST DEGREE TO A MEMBER OF THE GOVERNING BOARD OF THE SAME  
42 SCHOOL DISTRICT IS INELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION TO  
43 THAT GOVERNING BOARD IF THE GOVERNING BOARD IS COMPOSED OF THREE MEMBERS,  
44 EXCEPT THAT A PERSON WHO IS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR  
45 AFFINITY TO THE FIRST DEGREE TO A MEMBER OF A GOVERNING BOARD MAY BE A

1 CANDIDATE FOR NOMINATION OR ELECTION TO THE GOVERNING BOARD OF THE SAME  
2 SCHOOL DISTRICT IF THE MEMBER IS SERVING IN THE LAST YEAR OF A TERM OF  
3 OFFICE. A QUALIFIED ELECTOR WHO RESIDES IN THE SCHOOL DISTRICT MAY BRING AN  
4 ACTION IN SUPERIOR COURT TO ENFORCE THIS SUBSECTION. IF A COURT DETERMINES  
5 THAT A VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COURT SHALL ISSUE AN  
6 ORDER THAT BOTH:

7 1. ALLOWS THE PERSON WHO IS A CURRENT MEMBER OF THE GOVERNING BOARD TO  
8 REMAIN ON THE GOVERNING BOARD.

9 2. DIRECTS THE COUNTY SCHOOL SUPERINTENDENT TO IMMEDIATELY REMOVE FROM  
10 THE BALLOT FOR ELECTION TO THE GOVERNING BOARD THE NAME OR NAMES OF ALL OTHER  
11 PERSONS WHO ARE RELATED TO THAT PERSON BY CONSANGUINITY TO THE FIRST DEGREE  
12 OR AFFINITY TO THE FIRST DEGREE.

13 I. PERSONS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR AFFINITY TO  
14 THE FIRST DEGREE ARE INELIGIBLE TO BE SIMULTANEOUS CANDIDATES FOR NOMINATION  
15 OR ELECTION TO THE GOVERNING BOARD OF THE SAME SCHOOL DISTRICT IF THE  
16 GOVERNING BOARD IS COMPOSED OF THREE MEMBERS. A QUALIFIED ELECTOR WHO  
17 RESIDES IN THE SCHOOL DISTRICT MAY BRING AN ACTION IN SUPERIOR COURT TO  
18 ENFORCE THIS SUBSECTION. IF A COURT DETERMINES THAT A VIOLATION OF THIS  
19 SUBSECTION HAS OCCURRED, THE COURT SHALL ISSUE AN ORDER THAT BOTH:

20 1. ALLOWS THE PERSON WHO FILED THE FIRST NOMINATING PETITION WITH A  
21 SUFFICIENT NUMBER OF SIGNATURES PURSUANT TO SECTION 15-422 TO REMAIN ON THE  
22 BALLOT FOR ELECTION TO THE GOVERNING BOARD.

23 2. DIRECTS THE COUNTY SCHOOL SUPERINTENDENT TO IMMEDIATELY REMOVE FROM  
24 THE BALLOT FOR ELECTION TO THE GOVERNING BOARD THE NAME OR NAMES OF ALL OTHER  
25 PERSONS WHO ARE RELATED TO THAT PERSON BY CONSANGUINITY TO THE FIRST DEGREE  
26 OR AFFINITY TO THE FIRST DEGREE.

27 Sec. 3. Current governing board members

28 Notwithstanding section 15-421, Arizona Revised Statutes, as amended by  
29 this act, any person who is a member of a school district governing board on  
30 the effective date of this act may continue to serve until the expiration of  
31 that person's current term of office.