

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1254

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-459, Arizona Revised Statutes, is amended to
3 read:

4 15-459. Consolidation of districts; petition; election;
5 notice; report; ballots; canvass of votes; governing
6 board

7 A. On the request of the governing boards of two or more school
8 districts in the same county or in adjacent counties or on receipt of
9 petitions bearing the signatures of ten percent or more of the number of
10 qualified electors who voted in whichever of the last two general elections
11 resulted in the higher number of ballots cast and who reside in each of two
12 or more school districts in the same county or in adjacent counties to
13 consolidate the school districts or parts of the districts, the county
14 school superintendent of each of the counties affected, within ten days,
15 shall call an election to determine the question on consolidation.

16 B. Consolidations allowed pursuant to subsection A of this section
17 include:

18 1. To change the boundaries of a school district to include any part
19 of an adjacent school district.

20 2. If all the common school districts within the boundaries of an
21 existing union high school district desire to consolidate into one common
22 school district.

1 3. If two or more adjacent school districts of like character,
2 either common, high or unified school districts, desire to consolidate into
3 one common, high or unified school district.
4 4. If a common school district that is not a part of a union high
5 school district desires to consolidate with an adjacent unified school
6 district.
7 5. If two or more common school districts desire to consolidate into
8 one school district and unify the consolidated district with a union high
9 school district to form one unified school district.
10 6. To change the boundaries of a school district that has received a
11 letter grade of A or B pursuant to section 15-241 to include another school
12 district within twenty miles ~~of each other~~.
13 7. IF A COMMON SCHOOL DISTRICT THAT IS PART OF A UNION HIGH SCHOOL
14 DISTRICT DESIRES TO CONSOLIDATE WITH THAT UNION HIGH SCHOOL DISTRICT.
15 C. Notice of the election to determine consolidation of school
16 districts shall be posted in not less than three public places in each of
17 the school districts proposed to be consolidated at least twenty-five days
18 before the election.
19 D. The county school superintendent shall prepare and the governing
20 board shall distribute a report on the proposed boundary changes in a
21 manner similar to that prescribed in section 15-481, subsection B. The
22 report shall contain the following information:
23 1. The date of the election.
24 2. The polling places and times they are open.
25 3. The full cash value, the assessed valuation and the estimated
26 amount of the primary property taxes and the estimated amount of the
27 secondary property taxes under the proposed boundary changes for each of
28 the following:
29 (a) An owner-occupied residence whose assessed valuation is the
30 average assessed valuation of property classified as class three, as
31 prescribed by section 42-12003 for the current year in the school district.

1 (b) An owner-occupied residence whose assessed valuation is one-half
2 of the assessed valuation of the residence in subdivision (a) of this
3 paragraph.

4 (c) An owner-occupied residence whose assessed valuation is twice
5 the assessed valuation of the residence in subdivision (a) of this
6 paragraph.

7 (d) A business whose assessed valuation is the average of the
8 assessed valuation of property classified as class one, as prescribed by
9 section 42-12001, paragraphs 12 and 13 for the current year in the school
10 district.

11 4. A consolidation plan to include:

12 (a) The proposed boundary changes.

13 (b) The impact of the proposed boundary changes, including where
14 pupils will attend school, changes in pupil transportation services,
15 changes in availability of special education services, changes in
16 pupil-teacher ratio and operational costs.

17 (c) If subsection P of this section applies to one or more of the
18 existing school districts, a detailed description of desegregation funding
19 and expenses for the resulting school district as set forth in subsection P
20 of this section.

21 (d) Any other information the county school superintendent deems
22 appropriate to include.

23 E. Ballots shall be prepared by the county school superintendent,
24 shall be delivered to the inspector at least forty-eight hours before the
25 opening of the polls as prescribed in section 16-509 and shall contain the
26 information prescribed in subsection D, paragraph 3 of this section and the
27 following statement: "Consolidation includes the assumption of liability
28 by the resulting school district for all indebtedness of existing school
29 districts or those parts of school districts proposed for consolidation.
30 Do you support consolidation under the specified provisions of the
31 consolidation plan? Yes () No ()." If the election is to
32 simultaneously consolidate and unify two or more common school districts,

1 the ballot shall contain: "Do you support the consolidation of the (insert
2 names of common school districts) and the subsequent unification of the
3 consolidated districts with the (insert name of union high school district)
4 to form one unified school district under the consolidation and unification
5 plan? Yes () No ()."

6 F. The county school superintendent shall hold the election during
7 the fiscal year preceding the fiscal year consolidation is proposed to be
8 effective on a date prescribed by section 16-204. The election shall be
9 held in the manner and electors shall possess qualifications as prescribed
10 for the election of governing board members. The results of the election
11 shall be reported to the county school superintendent.

12 G. The county school superintendent and the chairman of the board of
13 supervisors, on the seventh day after the election, shall canvass the vote.
14 If a majority of the votes cast in each district approved the
15 consolidation, the districts are consolidated and become one district from
16 and after June 30 next following the election. If parts of two or more
17 school districts are proposed to be consolidated, a majority of the voters
18 in the part of a school district or districts not affected by the proposed
19 consolidation and a majority of the voters in the part of the school
20 district or districts proposed for consolidation must approve the
21 consolidation.

22 H. If a school district provides only financing for pupils who are
23 instructed by another school district in the same county or in an adjacent
24 county, the school district or any part of the school district may be
25 consolidated with the school district providing the instructional program
26 as follows:

27 1. The governing board of the financing school district approves the
28 consolidation or ten percent of the qualified electors residing in the
29 school district, or that part of the school district proposed for
30 consolidation, petitions the county school superintendent to call an
31 election to approve the proposed consolidation.

1 ~~2. The governing board of the school district providing instruction~~
2 ~~approves the consolidation.~~

3 ~~3.~~ 2. At an election called by the county school superintendent of
4 each of the counties affected, a majority of the persons voting in the
5 school district, or that part of the school district providing financing,
6 approve the proposed consolidation and a majority of the persons voting in
7 the district providing instruction approve the proposed consolidation.

8 I. Elections held as provided in subsection H of this section shall
9 be conducted in the same manner as elections prescribed in subsections C
10 through G of this section and shall be held concurrently as prescribed in
11 section 15-458.

12 J. If the consolidated district includes territory located in two or
13 more counties, the county of jurisdiction is the county in which the
14 largest number of qualified electors of the consolidated school district
15 resides, except that if all of the existing school buildings are in one
16 county, that county is the county of jurisdiction. The county school
17 superintendent of the jurisdictional county shall perform all duties for
18 and with respect to the consolidated school district as required to be
19 performed by county school superintendents. The board of supervisors of
20 the jurisdictional county shall perform all duties for and with respect to
21 the consolidated school district as required to be performed by boards of
22 supervisors, except that school district taxes to be levied on property in
23 the portion of the consolidated school district lying in another county
24 shall be levied by the board of supervisors of the other county or counties
25 and on receipt shall be transferred to the county of jurisdiction. All
26 school buildings located within the consolidated school district, together
27 with all equipment and furnishings, become the property of the consolidated
28 school district. Any assumed indebtedness is an indebtedness of the
29 consolidated school district for the purpose of determining the debt
30 incurring authority of the consolidated school district.

31 K. Sections 15-457, 15-975 and 15-997 apply to school districts that
32 are consolidated as provided in subsection H of this section.

1 L. Consolidation pursuant to this section is not allowed if the
2 resulting school district would have a student count for the current year
3 of more than ten percent of the total student count of all school districts
4 in this state.
5 M. The governing board is constituted, may conduct meetings and
6 shall prepare policies, curricula and budgets for the new school district
7 after the canvass pursuant to subsection 6 of this section demonstrates
8 that a majority of the votes cast in each school district approved the
9 consolidation. These policies shall require that:
10 1. The base salary and benefits of each employee for the first year
11 of operation of the new school district shall not be lower than the
12 employee's base salary and benefits for the prior year in the previously
13 existing school district.
14 2. The employee's years of employment in the previously existing
15 school district shall be included in determining the employee's years of
16 employment in the new school district. An employee who was entitled to
17 continuing employment status in the previously existing school
18 district is entitled to continuing employment status in the new
19 school district.
20 3. Notwithstanding paragraphs 1 and 2 of this subsection and
21 pursuant to section 15-544, nothing in this section shall be construed to
22 restrict the ability of the governing board to implement a reduction in
23 force or to scale back salaries of certified teachers, administrators or
24 noncertificated employees for reasons of economy or to improve the
25 efficient conduct of schools within the district following a school
26 district consolidation.
27 N. If all of the districts to be consolidated have authorization for
28 an override as provided in section 15-481 that would have continued after
29 the consolidation, the override authorization continues for the new
30 district and expires at the time that the earliest override would have
31 expired.

1 O. If one or more, but not all, of the districts to be consolidated
2 have authorization for an override as provided in section 15-481 that would
3 have continued after the consolidation, the override authorization shall
4 only apply to the schools included under the terms of the prior override
5 authorization. Consolidation of school districts does not consolidate or
6 pool the liability to be taxed for the override, and only property that was
7 located within the boundaries of the district that approved the override
8 prior to consolidation is to pay taxes to support the override. This
9 subsection also applies if all of the districts to be consolidated have
10 authorization for overrides, but the authorizations are pursuant to
11 different subsections of section 15-481 or the override amounts are not the
12 same percentage of the revenue control limit.

13 P. Notwithstanding section 15-457, consolidation of school districts
14 does not consolidate or pool the liability of the former school districts
15 into the resulting school district. Outstanding indebtedness incurred by a
16 school district before consolidation shall be repaid without interruption
17 according to existing debt schedules as determined by the county board of
18 supervisors. If a school district consolidates after July 1, 2004, the new
19 school district may pay tuition to the district of attendance when a pupil
20 is precluded by distance or lack of transportation from attending school in
21 the district of a pupil's residence.

22 Q. If one or more of the previously existing school districts were
23 authorized to budget for expenses of complying with or continuing to
24 implement activities that were required or permitted by court order of
25 desegregation or administrative agreement with the United States department
26 of education office for civil rights directed toward remediating alleged or
27 proven racial discrimination pursuant to section 15-910, this authorization
28 does not expire on the effective date of consolidation but only applies to
29 schools included in the court order or administrative agreement.

30 R. If the formation of a new consolidated ~~and~~ SCHOOL DISTRICT OR A
31 NEW unified school district, OR BOTH, is authorized, the terms of the
32 governing board members of the common and union high school districts do

1 not expire on the effective date of the unification. The governing board
 2 members of the previously existing school districts shall serve as provided
 3 in section 15-430, except that the power of the governing board members of
 4 the previously existing school districts acting as the governing board of
 5 the CONSOLIDATED SCHOOL DISTRICT OR united school district, OR BOTH, is
 6 limited to the maintenance and operation of the previously existing school
 7 districts and compliance with the consolidation **and PLAN OR** unification
 8 plan, OR BOTH."
 9 Amend title to conform

DAVID LIVINGSTON

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