House Engrossed Senate Bill

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 191

SENATE BILL 1068

AN ACT

AMENDING SECTIONS 15-912 AND 15-912.01, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT REDISTRICTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-912, Arizona Revised Statutes, is amended to read:

15-912. Consolidation assistance

A. A resulting school district after merger of school districts may budget for consolidation assistance as provided in subsection B of this section if the school districts which merge include any of the following:

1. A common school district and at least one other common school district or at least one unified school district.

2. A high school district and at least one other high school district or at least one unified school district.

3. A unified school district and at least one other unified school district or at least one high school district or at least one common school district.

B. The eligible school district may increase the revenue control limit and the district support level for the first ~~three years~~ YEAR of operation by an amount determined as follows:

1. ~~In the first year for which a budget is computed~~ THROUGH DECEMBER 31, 2006, ~~ten~~ FIVE per cent of the revenue control limit.

~~2. In the second year for which a budget is computed, seven per cent of the revenue control limit.~~

~~3. In the third year for which a budget is computed, four per cent of the revenue control limit.~~

2. BEGINNING JANUARY 1, 2007, THE AMOUNT OF ANY TRANSITIONAL COSTS THAT ARE DIRECTLY ASSOCIATED WITH ROUTINE FORMALITIES THAT ARE NECESSARY AS A RESULT OF CONSOLIDATION SUCH AS CHANGING OF SIGNS, LETTERHEAD, STATIONARY AND SIMILAR ISSUES.

C. A school district which budgets for consolidation assistance pursuant to this section may not budget for unification assistance pursuant to section 15-912.01 during the ~~three~~ ONE year period for which the consolidation assistance is in effect ~~plus an additional two years immediately thereafter~~.

Sec. 2. Section 15-912.01, Arizona Revised Statutes, is amended to read:

15-912.01. Unification assistance

A. New unified school districts formed after a subdivision and unification as provided in section 15-458, subsection G or section 15-459, subsection B, paragraph 5 or new unified school districts formed from a common school district and a high school district pursuant to section 15-448~~,~~ may budget for unification assistance as provided in subsection B of this section.

B. The eligible school district may increase the revenue control limit and the district support level for the first ~~three years~~ YEAR of operation by an amount determined as follows:

1. ~~In the first year for which a budget is computed~~ THROUGH DECEMBER 31, 2006, ~~ten~~ FIVE per cent of the revenue control limit.

~~2. In the second year for which a budget is computed, seven per cent of the revenue control limit.~~

~~3. In the third year for which a budget is computed, four per cent of the revenue control limit.~~

2. BEGINNING JANUARY 1, 2007, THE AMOUNT OF ANY TRANSITIONAL COSTS THAT ARE DIRECTLY ASSOCIATED WITH ROUTINE FORMALITIES THAT ARE NECESSARY AS A RESULT OF UNIFICATION SUCH AS CHANGING OF SIGNS, LETTERHEAD, STATIONARY AND SIMILAR ISSUES.

C. A school district which budgets for unification assistance pursuant to this section may not budget for consolidation assistance pursuant to section 15-912 during the ~~three~~ ONE year period for which the unification assistance is in effect ~~plus an additional two years immediately thereafter~~.

Sec. 3. School district redistricting commission; membership; duties

A. The school district redistricting commission is established consisting of the following members:

1. Four members who are not members of the legislature and who are appointed by the president of the senate, no more than three of whom shall be members of the same political party.

2. Four members who are not members of the legislature and who are appointed by the speaker of the house of representatives, no more than three of whom shall be members of the same political party.

3. Four members who are appointed by the governor, at least one of these members shall be a certified teacher in this state, at least one of these members shall be an administrator of a school in this state and at least one of these members shall be a member of a school district governing board in this state.

4. The superintendent of public instruction or the superintendent's designee.

B. The commission shall elect a chairperson and a cochairperson from the voting members. A quorum shall consist of a majority of the voting members.

C. The department of education shall provide staff for the commission, and the joint legislative budget committee, the governor's office of strategic planning and budgeting, the school facilities board, any county school superintendent in this state and any county assessor in this state shall provide staff support, assistance and resources to the commission at the request of the commission.

D. Commission members are not eligible to receive compensation, but members are eligible for reimbursement of expenses under title 38, chapter 4, article 2, Arizona Revised Statutes. Monies shall be paid from appropriations made to the department of education.

E. The commission shall review all current common school districts that are not part of a unified school district and consider combining these common school districts into a new unified district or combining common school districts with a union high school district to create unified districts that offer instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through twelve. The commission's recommendations may include enlarging or diminishing the size of affected school districts but shall also include unorganized territories within recommended unified districts where practicable. The commission may also determine that, based on the factors considered by the commission in subsection F of this section, an existing common school district should remain a common school district and not be included in a new unified school district recommendation.

F. The commission shall submit a preliminary report on the proposed school district unification plan to the governing boards of the affected school districts by April 30, 2007. The governing boards of the affected school districts shall review the preliminary report and may submit comments to the commission by July 30, 2007, which may include specific recommendations to modify the proposed unification plan or recommendations of one or more alternative unification plans. The commission shall consider the recommendations of the governing boards of the affected school districts and then design and submit to the governor on or before December 31, 2007 a proposed school district unification plan that includes the following components:

1. Basing the unification plan on relevant academic and scientific research regarding school size, school district size, fiscal implications and legal issues that may include the following:

(a) Use by any of the affected districts of section 15-910 or 15-910.01, Arizona Revised Statutes.

(b) Estimated adjustment of both the primary and secondary tax rates of the affected districts.

(c) Application of a career ladder program if not all of the affected districts currently participate.

(d) Application of overrides authorized under title 15, chapter 4, article 4, Arizona Revised Statutes.

(e) Estimated potential savings and efficiencies to be achieved through the recommended unification.

(f) Application of teacher experience indexes and existing salary schedules of affected districts.

(g) Potential impact on facilities needs due to unification.

2. Considering geographic boundaries and travel time of pupils. The commission may recommend enlarging or diminishing the size of affected school districts.

3. Developing a plan for unorganized territories that requires the inclusion of areas where at least one per cent of the population attends a public school within the boundaries of a unified school district.

4. The provision of regional or statewide services for administration, instructional and noninstructional support services to rural or isolated schools and rural and isolated school districts, or any other school district that wishes to participate in the service plans.

5. Ensuring a smooth and efficient transition from the current number of school districts in this state to the number of school districts proposed in the school district unification plan, including an examination of the following:

(a) Increasing the membership of school district governing boards to nine members, especially in large school districts and school districts located in urban areas.

(b) Mechanisms to allow the elected members of existing school district governing boards to serve out the remainder of their terms.

(c) Assimilation by the unified school districts proposed in the school district unification plan of the legal liabilities and other financial and contractual obligations of the school districts being combined into a unified school district.

6. The development of a statewide uniform school district naming convention under which each school district would be assigned a legal designation by county and school district number.

7. The review of existing statewide or regional educational service agencies and the establishment where necessary of new statewide or regional educational service agencies to provide for the noninstructional support of school districts in the state.

8. The restructuring of the state's school districts as follows:

(a) All school districts in this state shall be unified districts that serve students in at least all grades from kindergarten through grade twelve, unless the commission determines otherwise.

(b) School districts shall be classified as rural unified school districts if their student count is less than five hundred.

(c) School districts shall be classified as independent unified school districts if their student count is more than six thousand.

(d) The consideration of the elimination of statutory budget exemptions for school districts with a student count of less than one hundred twenty-five.

9. Ensuring that the unification plan preserves local control while at the same time maximizing an efficient and cost-effective delivery of educational services.

10. Providing specific mechanisms for the payment of legal liabilities, contractual obligations, capital debt and overrides previously accumulated by school districts before the implementation of the unification plan and the acquisition of legal liabilities, contractual obligations, capital debt and

1 overrides by school districts after the implementation of the unification
2 plan.
3 11. Identifying costs attributable to a unification plan subject to the
4 approval of the joint legislative budget committee.
5 G. The commission shall hold public hearings and hear testimony
6 regarding the unification of every affected school district. Hearings shall
7 be held throughout the state and shall include rural school districts. The
8 commission shall provide notice to the public at least three weeks in advance
9 of any hearing in the local district offices and in the local newspapers.
10 H. The commission shall include in the final report on the proposed
11 unification recommendations an estimate of the impact to the state general
12 fund if the proposed recommendations are approved by the voters in the
13 affected school districts and the estimated cost of the elections required by
14 the unification recommendations for reimbursement to the school districts.
15 I. The governor shall sign the report submitted by the commission and
16 shall file the report with the secretary of state.
17 J. The legislature shall not appropriate any monies for use by the
18 school district redistricting commission pursuant to this section.
19 Sec. 4. Unification approval; elections
20 A. Each county school superintendent in a county with a school
21 district that is affected by the proposed school district unification plan
22 submitted by the commission shall call an election of all qualified voters
23 within the boundaries of the proposed unified school district to be held at
24 the next general election to adopt the boundaries as proposed by the
25 commission. The county school superintendent shall prepare a publicity
26 pamphlet that shall be submitted to all registered voters in the affected
27 school districts no later than thirty-five days before the election. The
28 publicity pamphlet shall contain a complete description of the unification
29 plan and the factors considered by the commission pursuant to section 3,
30 subsection F of this act and shall include any arguments in favor of the plan
31 and any arguments in opposition to the plan submitted by members of the
32 governing boards of the affected school districts or from any elector who
33 wishes to submit such an argument. A copy of the publicity pamphlet shall be
34 submitted by the county school superintendent to the governor, the president
35 of the senate and the speaker of the house of representatives. The cost of
36 the election shall be paid by each affected school district in proportion to
37 each district's registered voters to the total registered voters within the
38 proposed unified district's boundary.
39 B. If the election pursuant to subsection A of this section is to
40 create a unified district under the current boundaries of a common or high
41 school district, the election ballot shall contain the following language:

Do you support the unification of the __(insert name of school district affected)__, a political subdivision of the state of Arizona, to become a unified school district to provide instruction in preschool programs for pupils with disabilities and in kindergarten and grades one through twelve? Yes ( ) No ( )

A yes vote shall have the effect of approving the unification of the _____ school district.

A no vote shall have the effect of denying the unification of the _____ school district.

C. If the election pursuant to subsection A of this section is to create a unified district that does not follow current boundaries of a common or high school district or if the unification is for more than one district affected, the election ballot shall contain the following language:

Do you support the unification of the __(insert names of school districts affected)__, as political subdivisions of the state of Arizona, to become a unified school district to provide instruction in preschool programs for pupils with disabilities and in kindergarten and grades one through twelve? Yes ( ) No ( )

A yes vote shall have the effect of approving the unification of the (insert names of school districts affected) into the (name of proposed unified school district).

A no vote shall have the effect of denying the unification of the (insert names of school districts affected) into the (name of proposed unified school district).

D. A majority of the qualified electors in each affected school district is required to approve the proposed unification plan. If the unification plan is approved, the unified school district will become operational at the beginning of the next fiscal year. If any of the affected districts fail to approve the proposed unification plan, the plan is void. The commission may revise the original unification plan and resubmit the plan to the qualified electors of each affected school district. If a majority of the qualified electors in any one of the affected school districts fails to approve the unification plan, the school district shall not become part of a unified school district.

Sec. 5. Delayed repeal

Section 3 of this act, relating to the school district redistricting commission, and section 4 of this act, relating to unification approval, are repealed from and after December 31, 2008.

APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.

Passed the House April 12, 2005,

by the following vote: 46 Ayes,

13 Nays, 1 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate March 23, 2005,

by the following vote: 18 Ayes,

9 Nays, 3 Not Voting

President of the Senate

Charmaine Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1068

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 2005,

by the following vote: 19 Ayes,

9 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Christine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 3:41 o'clock P. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 25 day of

April, 2005,

at 9:25 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P. M.

Janice K. Brewer
Secretary of State

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