

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 133

SENATE BILL 1067

AN ACT

AMENDING SECTIONS 15-445, 15-825.02 AND 15-991.01, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-445, Arizona Revised Statutes, is amended to
3 read:

4 15-445. Residents of unorganized territory; school district
5 elections

6 A. The county school superintendent, on receiving notification from
7 the state school superintendent pursuant to section 15-825.02, subsection B,
8 shall do all of the following before calling an election:

9 1. Establish the boundaries of the proposed ~~unified~~ school district,
10 taking into consideration communities of interest and excluding Indian
11 reservations and other federal lands where reasonable to do so. During the
12 period that the county school superintendent is considering the new school
13 district boundaries, the county school superintendent shall conduct at least
14 two public meetings at which public testimony is heard and questions are
15 answered.

16 2. Identify adjacent school districts that accept at least twenty-five
17 per cent of their open enrollment or certificate of educational convenience
18 students from the unorganized territory and that are willing to accept the
19 unorganized territory into the existing school district. IF THERE IS ONLY
20 ONE ADJACENT SCHOOL DISTRICT THAT MEETS THESE CRITERIA, THE BOUNDARIES OF
21 THAT SCHOOL DISTRICT SHALL BE REESTABLISHED TO INCLUDE THE UNORGANIZED
22 TERRITORY WITHOUT AN ELECTION.

23 3. IF THERE IS MORE THAN ONE ADJACENT SCHOOL DISTRICT THAT MEETS THE
24 CRITERIA PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION, prepare a pamphlet and
25 a ballot question that includes the proposed boundaries and identifies
26 existing adjacent school districts that are willing to accept the unorganized
27 territory into the existing school district. The pamphlet shall be mailed to
28 each household with one or more qualified electors. The pamphlet and ballot
29 shall require the voters within the boundaries proposed by the county school
30 superintendent to ~~select either establishing a new unified school district~~
31 ~~within the boundaries proposed or joining~~ JOIN an existing adjacent school
32 district. The pamphlet and ballot shall include the full cash value, the
33 assessed valuation and the estimated amount of the primary property taxes and
34 the estimated amount of the secondary property taxes under each of the ballot
35 options for each of the following:

36 (a) An owner occupied residence whose assessed valuation is the
37 average assessed valuation of property classified as class three, as
38 prescribed by section 42-12003 for the current year in the school district.

39 (b) An owner occupied residence whose assessed valuation is one-half
40 of the assessed valuation of the residence in subdivision (a).

41 (c) An owner occupied residence whose assessed valuation is twice the
42 assessed valuation of the residence in subdivision (a).

1 (d) A business whose assessed valuation is the average of the assessed
2 valuation of property classified as class one, as prescribed by section
3 42-12001, paragraphs 12 and 13 for the current year in the school district.

4 B. The county school superintendent shall schedule the election on the
5 next available general election date allowed by law.

6 ~~C. After a canvass of the vote and a determination by the county
7 school superintendent that a majority of the voters approves the
8 establishment of a new unified school district, the county school
9 superintendent shall notify the state board of education that the school
10 district is established and that the new unified school district will become
11 operational at the beginning of the next school year. The county school
12 superintendent shall appoint the initial governing board of the new unified
13 school district.~~

14 ~~D. If the newly established unified school district is not able to
15 provide a complete academic program to the students within the school
16 district, the newly established unified school district may transport the
17 students to an adjacent school district pursuant to section 15-824.~~

18 E. C. On a canvass of the vote and a determination by the county
19 school superintendent that a majority of the voters approves joining an
20 existing adjacent school district, the county school superintendent shall
21 notify the existing school district of the following:

22 1. That the boundaries of the school district shall be revised to
23 include the property identified in the boundaries established by the county
24 school superintendent.

25 2. That the school district shall provide the same educational
26 services that are currently provided to students who reside in current
27 boundaries of the school district to all students within the revised
28 boundaries at the beginning of the next school year.

29 ~~F. A school district that is formed pursuant to this section is not
30 eligible for the small school adjustment prescribed in section 15-949, the
31 small school district weight prescribed in section 15-943 or the small
32 isolated school district weight prescribed in section 15-943.~~

33 Sec. 2. Section 15-825.02, Arizona Revised Statutes, is amended to
34 read:

35 15-825.02. Certificates of educational convenience; cap;
36 unorganized territory

37 A. If the annual number of certificates of educational convenience or
38 students attending through open enrollment into an adjacent school district
39 from a single unorganized territory exceeds one hundred fifty, the
40 superintendent of public instruction shall notify the county school
41 superintendent and the county school superintendent shall notify the
42 residents of the unorganized territory that the residents are required to
43 ~~organize into their own school district or JOIN an adjoining unified school~~
44 ~~district.~~

1 B. The superintendent of public instruction shall notify the county
2 school superintendent that the conditions prescribed in subsection A have
3 occurred and the county school superintendent shall prepare a ballot question
4 to be voted on by the residents of the unorganized territory at the next
5 general election to determine whether to ~~form a new unified school district~~
6 ~~or~~ join an adjacent existing school district.

7 C. Students attending an adjacent existing school district through
8 open enrollment or through certificates of educational convenience that were
9 approved before notification by the superintendent of public instruction
10 pursuant to subsection B may continue enrollment in that existing school
11 district until the unorganized territory ~~becomes~~ or joins a school
12 district. Any students attending an adjacent existing school district
13 through open enrollment or through certificates of educational convenience
14 shall be allowed to continue enrollment in that existing school district even
15 if the unorganized territory ~~votes to form a new unified school district or~~
16 ~~joins with a different adjacent school district.~~ Any sibling of a student
17 who continues to attend an adjacent existing school district through open
18 enrollment or a certificate of educational convenience shall also be allowed
19 to attend the same adjacent existing school district.

20 ~~D. If the residents of the unorganized territory vote to form a new~~
21 ~~unified school district:~~

22 ~~1. Notwithstanding any other law, the newly formed unified school~~
23 ~~district is not entitled to receive any monies for elementary school~~
24 ~~facilities from the school facilities board until the district's student~~
25 ~~count in kindergarten programs and grades one through eight exceeds five~~
26 ~~hundred ninety nine.~~

27 ~~2. Notwithstanding any other law, the newly formed unified school~~
28 ~~district is not entitled to receive any monies for high school facilities~~
29 ~~from the school facilities board until the district's student count in grades~~
30 ~~nine through twelve exceeds five hundred ninety nine.~~

31 ~~3. Until the newly formed unified school district's student count in~~
32 ~~kindergarten programs and grades one through eight reaches six hundred, each~~
33 ~~pupil in kindergarten programs and grades one through eight who resides in~~
34 ~~the newly formed unified school district shall be enrolled in a school~~
35 ~~district that provides instruction in that pupil's grade and that has~~
36 ~~sufficient capacity to enroll nonresident pupils. The newly formed unified~~
37 ~~school district shall be responsible for transportation costs incurred~~
38 ~~pursuant to this paragraph.~~

39 ~~4. Until the newly formed unified school district's student count in~~
40 ~~grades nine through twelve reaches six hundred, each pupil in grades nine~~
41 ~~through twelve who resides in the newly formed unified school district shall~~
42 ~~be enrolled in a school district that provides instruction in that pupil's~~
43 ~~grade and that has sufficient capacity to enroll nonresident pupils. The~~
44 ~~newly formed unified school district shall be responsible for transportation~~
45 ~~costs incurred pursuant to this paragraph.~~

1 Sec. 3. Section 15-991.01, Arizona Revised Statutes, is amended to
2 read:

3 15-991.01. Tax levy for property not located in a school
4 district

5 A. The board of supervisors of each county, at the time of levying
6 other taxes, shall annually levy a tax on property not located in a school
7 district. The tax levy shall be at a rate equal to one-half the qualifying
8 tax rate prescribed in section 15-971, subsection B, paragraph 2, per one
9 hundred dollars of assessed valuation used for primary property taxes. The
10 tax shall be levied and collected in the same manner as general county taxes
11 on the property. The tax levy provided for in this section is not subject to
12 title 42, chapter 17, articles 2 and 3. The monies received pursuant to this
13 section shall be transmitted by the county treasurer to the state treasurer
14 to be deposited in the state general fund to aid in school financial
15 assistance.

16 B. The reduction in taxes prescribed in section 15-972 applies to
17 taxes levied pursuant to this section on residential property, except that
18 the state shall not make the payments prescribed in section 15-972,
19 subsection H for this reduction in taxes.

20 C. This section does not apply to territory that was previously
21 unorganized but that is currently part of a school district that is
22 ~~established or~~ joined pursuant to section 15-445.

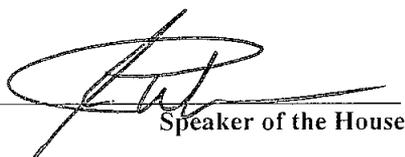
~~APPROVED BY THE GOVERNOR APRIL 24, 2007.~~

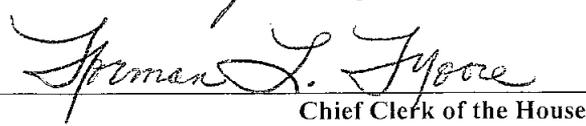
~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2007.~~

Passed the House April 17, 20 07,

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

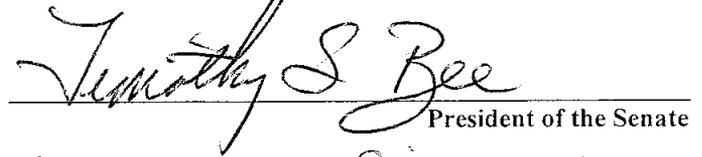

Speaker of the House

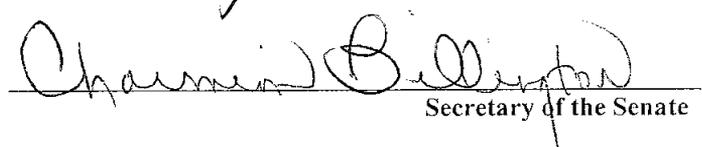

Chief Clerk of the House

Passed the Senate January 29, 20 07,

by the following vote: 18 Ayes,

10 Nays, 2 Not Voting


President of the Senate

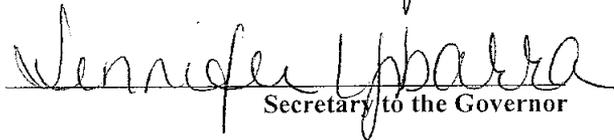

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18th day of April, 2007.

at 12:26 o'clock P. M.


Secretary to the Governor

Approved this 24 day of

April, 2007,

at 9:30 o'clock A. M.

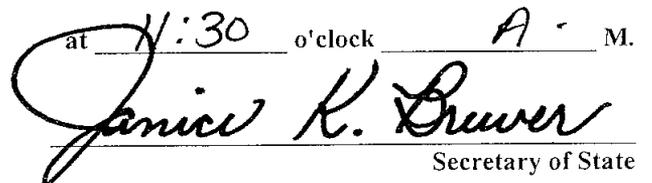

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of April, 2007,

at 11:30 o'clock A. M.


Secretary of State

S.B. 1067