

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 157

HOUSE BILL 2719

AN ACT

AMENDING SECTION 15-460, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT BOUNDARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-460, Arizona Revised Statutes, is amended to
3 read:

4 15-460. Change of school district boundaries

5 A. On request of the governing board of a school district or on
6 receipt of a petition bearing the signatures of ten per cent or more of the
7 qualified electors residing in the school district to change the boundaries
8 of the school district in such a manner as to include adjacent unorganized
9 territory, setting forth the boundaries desired and the reasons for such
10 change, the county school superintendent shall submit the question of
11 including the unorganized territory within the existing school district to
12 the qualified electors of the new proposed school district. The election
13 shall be held as provided in section 15-459, except that a majority of the
14 qualified electors voting on the question in the unorganized territory and a
15 majority of the qualified electors voting on the question in the existing
16 school district must approve the change. If approved, the change is
17 effective from and after June 30 next following the election.

18 B. When ten per cent or more of the qualified electors residing in a
19 school district desire that the boundaries of the school district be
20 diminished, they may present a petition to the county school superintendent
21 setting forth the change of boundaries desired and the reasons for such
22 change. The county school superintendent shall prepare and transmit to the
23 governing board of the school district proposed to be diminished a report
24 providing specific information regarding the future availability of
25 educational programs in the area of the district to be detached and in the
26 area which will constitute the remaining district, availability of pupil
27 transportation services and the financial impact on taxpayers. The governing
28 board shall mail or distribute the report to all households located in the
29 school district. The county school superintendent shall submit the question
30 of diminishing the school district boundaries to the qualified electors of
31 the school district. The election shall be held as provided in section
32 15-459. A majority of the qualified electors voting on the question in the
33 territory to remain in the existing school district and a majority of the
34 qualified electors voting on the question in the territory to be excluded
35 must approve the change. If approved, the change is effective from and after
36 June 30 next following the election.

37 C. Notwithstanding subsections A and B of this section and this
38 chapter, the governing boards of two adjacent common, union or unified school
39 districts may authorize minor boundary adjustments to both school districts
40 and the governing boards of a unified school district and adjacent common and
41 union high school districts may authorize minor boundary adjustments to the
42 three school districts if all of the following are true:

43 1. The school districts authorizing the boundary adjustment have not
44 previously made more than one minor boundary adjustment pursuant to this
45 subsection.

1 2. A majority of the electors within the geographic boundaries of a
2 portion of a school district, as specified in the petition, ~~presents~~ PRESENT
3 a petition to the governing boards of the district or districts in which the
4 petitioners currently reside and the district to which the petitioners desire
5 to be annexed. If there are no electors within the geographic boundaries of
6 the territory to be annexed, a majority of the property owners in the
7 territory may submit the petition. The petition shall set forth the
8 boundaries of the portion of the district to be annexed.

9 3. A majority of the members of the governing boards of each district
10 ~~approves~~ APPROVE the minor boundary adjustment.

11 4. The boundary adjustment would result in the transfer of no more
12 than one and one-half per cent of the student count of the district from
13 which the pupils will transfer.

14 5. The boundary adjustment would not result in the transfer of any
15 school buildings, equipment or furnishings from one school district to
16 another school district.

17 6. No member of the governing board of the school district to be
18 diminished is a resident of the territory that is being transferred to the
19 adjacent school district.

20 7. The governing boards of the school districts have agreed on a means
21 to satisfy any liabilities.

22 D. If a majority of the members of the governing boards of school
23 districts to which petitions were presented pursuant to subsection C of this
24 section ~~approves~~ APPROVE the petitions, the petitions shall be transmitted
25 with the endorsements of the governing boards to the county school
26 superintendent. The county school superintendent, if no petition opposing
27 annexation signed by a majority of the school electors representing either
28 the resident district or the district to which annexation is proposed is
29 received within fifteen days after the transmittal of the petition requesting
30 annexation, shall make the records of boundaries conform to the petition for
31 annexation and notify the boards of supervisors and the county assessor of
32 the boundary change. The change is effective from and after June 30 next
33 following the notification of the boards of supervisors.

34 E. Notwithstanding subsection A of this section, if the qualified
35 electors residing in a school district have previously voted to accept
36 unorganized territory into the district's boundaries in two consecutive
37 elections called for this purpose, the school district governing board may
38 annex any election precinct within the unorganized territory that is
39 contiguous to the school district if both of the following conditions exist:

40 1. At least one hundred fifty pupils who reside in the election
41 precinct are enrolled in one or more school districts in the county.

42 2. The qualified electors of the precinct have previously voted in
43 favor of the annexation.

1 F. Notwithstanding subsection A of this section, the governing board
2 of a unified school district may authorize a change to the geographic
3 boundaries of the school district to include a noncontiguous unorganized
4 territory if all of the following criteria are met:

5 1. A majority of the qualified electors within the geographical
6 boundaries of an unorganized territory that is proposed to be included in the
7 unified school district present a petition to the school district governing
8 board. If there are no qualified electors within the geographic boundaries of
9 the unorganized territory to be annexed, a majority of the property owners in
10 the unorganized territory may submit a petition.

11 2. The unorganized territory to be included in the unified school
12 district contains less than one hundred fifty pupils at the time of
13 annexation.

14 3. The unorganized territory that is proposed to be included in the
15 unified school district is adjacent to an unorganized territory that is part
16 of an Indian reservation with a population of less than two thousand persons
17 but is not adjacent to the unified school district.

18 G. If the governing board of the unified school district approves the
19 petition pursuant to subsection F of this section, the petition shall be
20 transmitted with the endorsement of the governing board to the county school
21 superintendent. The county school superintendent, if no petition opposing
22 annexation signed by a majority of the qualified electors within the school
23 district is received within fifteen days after the transmittal of the
24 petition requesting annexation, shall make the boundaries conform to the
25 petition for annexation and notify the board of supervisors and the county
26 assessor of the boundary change. The change is effective from and after June
27 30 next following the notification of the board of supervisors.

28 H. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, IF A MAJORITY
29 OF THE QUALIFIED ELECTORS OR PROPERTY OWNERS WHO RESIDE IN A RESIDENTIAL
30 SUBDIVISION, A RECOGNIZED COMMUNITY OR ANOTHER TYPE OF GEOGRAPHIC LOCATION
31 WITHIN A SCHOOL DISTRICT PRESENT A PETITION TO THE GOVERNING BOARD OF AN
32 ADJACENT SCHOOL DISTRICT TO MODIFY THE ADJACENT SCHOOL DISTRICT'S BOUNDARIES
33 TO INCLUDE THE PROPERTY DESIGNATED IN THE PETITION, THE BOUNDARIES OF THE
34 ORIGINAL SCHOOL DISTRICT OF RESIDENCE SHALL BE CHANGED TO EXCLUDE THE
35 DESIGNATED PROPERTY AND THE BOUNDARIES OF THE ADJACENT SCHOOL DISTRICT SHALL
36 BE CHANGED TO INCLUDE THE DESIGNATED PROPERTY IF ALL OF THE FOLLOWING
37 CONDITIONS EXIST:

38 1. BOTH SCHOOL DISTRICTS ARE LOCATED IN A COUNTY WITH A POPULATION OF
39 MORE THAN ONE HUNDRED FIFTEEN THOUSAND PERSONS BUT LESS THAN ONE HUNDRED
40 TWENTY THOUSAND PERSONS.

41 2. AT LEAST NINETY PER CENT OF THE PUPILS WHO RESIDE ON THE PROPERTY
42 DESIGNATED IN THE PETITION EITHER CURRENTLY ARE TRANSPORTED AT LEAST FIFTY
43 MILES EACH WAY TO ATTEND SCHOOL OR CURRENTLY ATTEND SCHOOL IN THE ADJACENT
44 SCHOOL DISTRICT.

1 3. THE BOUNDARIES OF EITHER SCHOOL DISTRICT HAVE NOT BEEN PREVIOUSLY
2 CHANGED TO EXCLUDE OR INCLUDE THE PROPERTY DESIGNATED IN THE PETITION.

3 4. THE PROPOSED BOUNDARY CHANGE DOES NOT RESULT IN THE TRANSFER OF
4 MORE THAN ONE HUNDRED PUPILS FROM THE ORIGINAL SCHOOL DISTRICT OF RESIDENCE
5 TO THE ADJACENT SCHOOL DISTRICT.

6 5. THE BOUNDARY CHANGE DOES NOT RESULT IN THE TRANSFER OF ANY SCHOOL
7 FACILITIES OR SCHOOL EQUIPMENT BETWEEN THE AFFECTED SCHOOL DISTRICTS.

APPROVED BY THE GOVERNOR APRIL 26, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2010.

Passed the House March 15, 2010

Passed the Senate April 19, 2010

by the following vote: 52 Ayes,

by the following vote: 18 Ayes,

2 Nays, 5 Not Voting

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 10

at 4:40 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 26th day of

April

at 5:25 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27th day of April, 20 10

at 12:10 o'clock P. M.

[Signature]
Secretary of State

H.B. 2719