

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1254**

Thorpe Floor Amendment

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1. Limits consolidations to union high school districts made up of two or fewer K-8 districts.
  2. Removes provisions related to the retention of governing board members.
  3. Directs K-8 districts that are not include in the consolidation to become a K-8 district not within a high school district, requires the unified district to admit students from the K-8 district that was located within the previous union high school district and instructs the K-8 district to pay tuition for the high school students.
  4. Adds a retroactive effective date of December 31, 2017 and repeals provisions of the bill on January 1, 2021.

Amendment explanation prepared by Aaron Wonders

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5/2/2018

THORPE FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1254  
(Reference to APPROPRIATIONS Committee amendment)

1 Page 2, line 14, after the first "DISTRICT" insert "MADE UP OF TWO OR FEWER  
2 COMMON SCHOOL DISTRICTS"

3 Page 7, line 30, strike "~~and~~ SCHOOL DISTRICT OR A"

4 Line 31, strike "NEW" insert "and"; strike ", OR BOTH,"

5 Page 8, line 5, strike "CONSOLIDATED SCHOOL DISTRICT OR"; strike ", OR BOTH,"

6 Line 7, strike "~~and~~ PLAN OR" insert "and"

7 Line 8, strike ", BOTH"

8 Between lines 8 and 9, insert:

9 "S. IF A UNION HIGH SCHOOL DISTRICT IS CONSOLIDATED WITH A COMMON  
10 SCHOOL DISTRICT AS PROVIDED IN SUBSECTION B, PARAGRAPH 7 OF THIS SECTION TO  
11 FORM A UNIFIED SCHOOL DISTRICT, ANY COMMON SCHOOL DISTRICT THAT IS NOT  
12 INCLUDED IN THE CONSOLIDATION SHALL BECOME A COMMON SCHOOL DISTRICT THAT IS  
13 NOT WITHIN A HIGH SCHOOL DISTRICT AND IS SUBJECT TO SECTION 15-951. THE  
14 UNIFIED SCHOOL DISTRICT SHALL ADMIT HIGH SCHOOL PUPILS WHO RESIDE IN A  
15 COMMON SCHOOL DISTRICT THAT WAS LOCATED WITHIN THE BOUNDARIES OF THE FORMER  
16 UNION HIGH SCHOOL DISTRICT. THE COMMON SCHOOL DISTRICT SHALL PAY TUITION  
17 FOR HIGH SCHOOL PUPILS AS SPECIFIED IN SECTION 15-824 AND SUBJECT TO  
18 SECTION 15-448, SUBSECTION J.

19 Sec. 2. Section 15-549, Arizona Revised Statutes, as amended by  
20 section 1 of this act, is amended to read:

21 15-459. Consolidation of districts; petition; election; notice;  
22 report; ballots; canvass of votes; governing board

23 A. On the request of the governing boards of two or more school  
24 districts in the same county or in adjacent counties or on receipt of  
25 petitions bearing the signatures of ten percent or more of the number of  
26 qualified electors who voted in whichever of the last two general elections  
27 resulted in the higher number of ballots cast and who reside in each of two  
28 or more school districts in the same county or in adjacent counties to

1 consolidate the school districts or parts of the districts, the county  
2 school superintendent of each of the counties affected, within ten days,  
3 shall call an election to determine the question on consolidation.

4 B. Consolidations allowed pursuant to subsection A of this section  
5 include:

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

8 2. If all the common school districts within the boundaries of an  
9 existing union high school district desire to consolidate into one common  
10 school district.

11 3. If two or more adjacent school districts of like character, either  
12 common, high or unified school districts, desire to consolidate into one  
13 common, high or unified school district.

14 4. If a common school district that is not a part of a union high  
15 school district desires to consolidate with an adjacent unified school  
16 district.

17 5. If two or more common school districts desire to consolidate into  
18 one school district and unify the consolidated district with a union high  
19 school district to form one unified school district.

20 6. To change the boundaries of a school district that has received a  
21 letter grade of A or B pursuant to section 15-241 to include another school  
22 district within twenty miles.

23 ~~7. If a common school district that is part of a union high school~~  
24 ~~district made up of two or fewer common school districts desires to~~  
25 ~~consolidate with that union high school district.~~

26 C. Notice of the election to determine consolidation of school  
27 districts shall be posted in not less than three public places in each of  
28 the school districts proposed to be consolidated at least twenty-five days  
29 before the election.

30 D. The county school superintendent shall prepare and the governing  
31 board shall distribute a report on the proposed boundary changes in a  
32 manner similar to that prescribed in section 15-481, subsection B. The  
33 report shall contain the following information:

1           1. The date of the election.

2           2. The polling places and times they are open.

3           3. The full cash value, the assessed valuation and the estimated  
4 amount of the primary property taxes and the estimated amount of the  
5 secondary property taxes under the proposed boundary changes for each of  
6 the following:

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

10          (b) An owner-occupied residence whose assessed valuation is one-half  
11 of the assessed valuation of the residence in subdivision (a) of this  
12 paragraph.

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

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

19          4. A consolidation plan to include:

20           (a) The proposed boundary changes.

21           (b) The impact of the proposed boundary changes, including where  
22 pupils will attend school, changes in pupil transportation services,  
23 changes in availability of special education services, changes in pupil-  
24 teacher ratio and operational costs.

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

29           (d) Any other information the county school superintendent deems  
30 appropriate to include.

31          E. Ballots shall be prepared by the county school superintendent,  
32 shall be delivered to the inspector at least forty-eight hours before the  
33 opening of the polls as prescribed in section 16-509 and shall contain the

1 information prescribed in subsection D, paragraph 3 of this section and the  
2 following statement: "Consolidation includes the assumption of liability  
3 by the resulting school district for all indebtedness of existing school  
4 districts or those parts of school districts proposed for consolidation. Do  
5 you support consolidation under the specified provisions of the  
6 consolidation plan? Yes ( ) No ( )." If the election is to simultaneously  
7 consolidate and unify two or more common school districts, the ballot shall  
8 contain: "Do you support the consolidation of the (insert names of common  
9 school districts) and the subsequent unification of the consolidated  
10 districts with the (insert name of union high school district) to form one  
11 unified school district under the consolidation and unification plan? Yes  
12 ( ) No ( )."

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

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

29 H. If a school district provides only financing for pupils who are  
30 instructed by another school district in the same county or in an adjacent  
31 county, the school district or any part of the school district may be  
32 consolidated with the school district providing the instructional program  
33 as follows:

1           1. The governing board of the financing school district approves the  
2           consolidation or ten percent of the qualified electors residing in the  
3           school district, or that part of the school district proposed for  
4           consolidation, petitions the county school superintendent to call an  
5           election to approve the proposed consolidation.

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

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

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

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

3           L. Consolidation pursuant to this section is not allowed if the  
4 resulting school district would have a student count for the current year  
5 of more than ten percent of the total student count of all school districts  
6 in this state.

7           M. The governing board is constituted, may conduct meetings and shall  
8 prepare policies, curricula and budgets for the new school district after  
9 the canvass pursuant to subsection G of this section demonstrates that a  
10 majority of the votes cast in each school district approved the  
11 consolidation. These policies shall require that:

12           1. The base salary and benefits of each employee for the first year  
13 of operation of the new school district shall not be lower than the  
14 employee's base salary and benefits for the prior year in the previously  
15 existing school district.

16           2. The employee's years of employment in the previously existing  
17 school district shall be included in determining the employee's years of  
18 employment in the new school district. An employee who was entitled to  
19 continuing employment contract status in the previously existing school  
20 district is entitled to continuing employment contract status in the new  
21 school district.

22           3. Notwithstanding paragraphs 1 and 2 of this subsection and pursuant  
23 to section 15-544, nothing in this section shall be construed to restrict  
24 the ability of the governing board to implement a reduction in force or to  
25 scale back salaries of certified teachers, administrators or  
26 noncertificated employees for reasons of economy or to improve the  
27 efficient conduct of schools within the district following a school  
28 district consolidation.

29           N. If all of the districts to be consolidated have authorization for  
30 an override as provided in section 15-481 that would have continued after  
31 the consolidation, the override authorization continues for the new  
32 district and expires at the time that the earliest override would have  
33 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 unified school district  
31    is authorized, the terms of the governing board members of the common and  
32    union high school districts do not expire on the effective date of the  
33    unification. The governing board members of the previously existing school



1 districts shall serve as provided in section 15-430, except that the power  
2 of the governing board members of the previously existing school districts  
3 acting as the governing board of the unified school district is limited to  
4 the maintenance and operation of the previously existing school districts  
5 and compliance with the consolidation and unification plan.

6 ~~S. If a union high school district is consolidated with a common~~  
7 ~~school district as provided in subsection B, paragraph 7 of this section to~~  
8 ~~form a unified school district, any common school district that is not~~  
9 ~~included in the consolidation shall become a common school district that is~~  
10 ~~not within a high school district and is subject to section 15-951. The~~  
11 ~~unified school district shall admit high school pupils who reside in a~~  
12 ~~common school district that was located within the boundaries of the former~~  
13 ~~union high school district. The common school district shall pay tuition~~  
14 ~~for high school pupils as specified in section 15-824 and subject to~~  
15 ~~section 15-448, subsection J.~~

16 Sec. 3. Effective date

17 Section 15-459, Arizona Revised Statutes, as amended by section 2 of  
18 this act, is effective from and after December 31, 2020.

19 Sec. 4. Retroactivity

20 Section 15-459, Arizona Revised Statutes, as amended by section 1 of  
21 this act, applies retroactively to from and after December 31, 2017."

22 Amend title to conform

BOB THORPE

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