

Senate Engrossed

school boards; sex offender registry

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

**CHAPTER 11**  
**SENATE BILL 1280**

AN ACT

AMENDING SECTIONS 15-302 AND 15-421, ARIZONA REVISED STATUTES; RELATING TO  
SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-302, Arizona Revised Statutes, is amended to  
3 read:

4 15-302. Powers and duties

5 A. The county school superintendent shall:

6 1. Distribute all laws, reports, circulars, instructions and forms  
7 that the county school superintendent may receive for the use of school  
8 officers.

9 2. Record all official acts.

10 3. Appoint governing board members of school districts to fill all  
11 vacancies, but the term of the appointment shall be until the next regular  
12 election for governing board members, at which time a successor shall be  
13 elected to serve the unexpired portion of the term. **A PERSON WHO IS**  
14 **SUBJECT TO REGISTRATION AS A SEX OFFENDER IN THIS STATE OR IN ANY OTHER**  
15 **JURISDICTION IS INELIGIBLE FOR APPOINTMENT UNDER THIS PARAGRAPH.** Within  
16 thirty days after notification of a vacancy, the school district governing  
17 board may submit up to three names to the county school superintendent for  
18 consideration of an appointment to fill the vacancy. The county school  
19 superintendent is not required to appoint a governing board member from  
20 the list of names submitted by the governing board. The county school  
21 superintendent, if the county school superintendent deems it in the best  
22 interest of the community, may call a special election to fill the  
23 vacancies. If an election is called, the newly elected member shall serve  
24 for the remainder of the unexpired portion of the term.

25 4. Make reports, when directed by the superintendent of public  
26 instruction, showing matters relating to schools in the county as may be  
27 required on the forms furnished by the superintendent of public  
28 instruction.

29 5. Have such powers and perform such duties as otherwise prescribed  
30 by law.

31 6. On or before October 1 of each year, report to the  
32 superintendent of public instruction the amount of monies received from  
33 state school funds, special school district taxes and other sources, the  
34 total expenditures for school purposes and the balance on hand to the  
35 credit of each school district at the close of the school year.

36 7. Contract with the board of supervisors for the board of  
37 supervisors to conduct all regular school district elections.

38 8. Be responsible, in cooperation with the school district  
39 governing boards and the board of supervisors, for all special school  
40 district elections.

41 9. Maintain teacher and administrator certification records of  
42 effective dates and expiration dates of teachers' and administrators'  
43 certificates in compliance with guidelines prescribed in the uniform  
44 system of financial records for those school districts for which the  
45 county school superintendent is the fiscal agent. The county school

1 superintendent shall not draw a warrant in payment of a teacher's,  
2 substitute teacher's or administrator's salary unless the teacher,  
3 substitute teacher or administrator is legally certified during the fiscal  
4 year in which the term for payment is demanded.

5 10. Notify a school district three years before the expiration of a  
6 revenue control limit override that the school district's budget must be  
7 adjusted in the final two years of the override pursuant to section  
8 15-481, subsections P and Q, if the voters do not approve another  
9 override.

10 11. In collaboration with the department of education and other  
11 state agencies, ~~provide assistance to~~ ASSIST school districts, charter  
12 schools, county free library districts, municipal libraries, nonprofit and  
13 public libraries, tribal libraries, private schools and tribal schools on  
14 ~~the use of~~ USING student data, staff development, curriculum alignment and  
15 technology to improve student performance.

16 12. Assist schools in meeting yearly adequate progress goals as  
17 defined by criteria established by the state board of education and  
18 implemented by the department of education.

19 B. At the request of school districts and charter schools, the  
20 county school superintendent may provide discretionary programs in  
21 addition to the programs prescribed in subsection A of this section.

22 C. The county school superintendent may provide the services  
23 prescribed in subsections A and B of this section in the county or jointly  
24 with two or more counties pursuant to title 11, chapter 7, article 3.

25 D. Each county school superintendent may establish an advisory  
26 committee to the office of the county school superintendent.

27 Sec. 2. Section 15-421, Arizona Revised Statutes, is amended to  
28 read:

29 15-421. Governing boards; members; qualifications;  
30 prohibitions; candidate statements; definitions

31 A. The governing body of a school district shall be a governing  
32 board. There shall be three governing board members, except as otherwise  
33 provided by this section and section 15-425, subsection A.

34 B. The governing body of a high school district shall be a  
35 governing board composed of:

36 1. In a single district, the governing board members of the common  
37 school district.

38 2. In a union high school district, five members.

39 C. A person ~~who~~ is ELIGIBLE FOR ELECTION TO THE OFFICE OF GOVERNING  
40 BOARD MEMBER IF ALL OF THE FOLLOWING APPLY:

41 1. THE PERSON IS a registered voter of this state ~~and who~~.

42 2. THE PERSON has been a resident of the school district for at  
43 least one year immediately preceding the day of election ~~is eligible for~~  
44 ~~election to the office of governing board member~~.

1           3. THE PERSON IS NOT SUBJECT TO REGISTRATION AS A SEX OFFENDER IN  
2 THIS STATE OR IN ANY OTHER JURISDICTION.

3           D. An employee of a school district, including a person who  
4 directly provides certified or classified services to the school district  
5 as an employee of a third-party contractor, or the spouse of such an  
6 employee may not hold membership on the governing board of a school  
7 district by which the employee is employed.

8           E. Notwithstanding subsection D of this section and title 38,  
9 chapter 3, article 8, a small school district may employ, including  
10 employment through a third-party contractor that provides services to the  
11 small school district, a substitute teacher who is related to a member of  
12 the governing board as ~~the member's spouse or~~ immediate family and who has  
13 had the same household of residence within the preceding four years. If a  
14 small school district employs a substitute teacher pursuant to this  
15 subsection, the member of the governing board who is related to the  
16 substitute teacher shall be recused from voting on any matter relating to  
17 substitute teachers.

18           F. A school district may employ, including employment through a  
19 third-party contractor that provides services to the school district, a  
20 person who served as a member of the school district's governing board  
21 during the preceding two years only in a position in which the person will  
22 provide services directly to students, including as a certificated  
23 teacher, a substitute teacher and an employee or contractor who provides  
24 transportation, instructional support or student support services. A  
25 school district may increase the time period prescribed in this subsection  
26 to be more than two years.

27           G. A member of one governing board is ineligible to be a candidate  
28 for nomination or election to or serve simultaneously as a member of any  
29 other governing board, except that a member of a governing board may be a  
30 candidate for nomination or election for any other governing board if the  
31 member is serving in the last year of a term of office. A member of a  
32 governing board shall resign the member's seat on the governing board  
33 before becoming a candidate for nomination or election to the governing  
34 board of any other school district, unless the member of the governing  
35 board is serving in the last year of a term of office.

36           H. Notwithstanding section 15-511, each county school  
37 superintendent shall publish on the superintendent's website the statement  
38 of each certified candidate for membership on a school district governing  
39 board located in the county. The county school superintendent shall list  
40 each school district on the superintendent's website from which a link  
41 shall be established to the candidate's name, which shall link to the  
42 candidate's statement and photograph. The candidate shall submit the  
43 statement to the person at the county school superintendent's office  
44 assigned to manage candidate statements, after notice of certification  
45 from the county school superintendent's office but not later than

1 twenty-one days before the date that general election early ballots are  
2 allowed to be mailed. The person shall post each candidate's statement on  
3 the county school superintendent's website not later than fourteen days  
4 before the date that general election early ballots are allowed to be  
5 mailed. If a candidate does not submit a statement, the county school  
6 superintendent's website shall state "no response submitted" for the  
7 candidate. The candidate statements shall be posted on the website  
8 alphabetically by each school district and by candidate. The candidate  
9 statement shall be typewritten or electronically submitted. The county  
10 school superintendent shall post the statements verbatim as they are  
11 received unless a candidate requests in writing that typographical errors  
12 be corrected. The candidate statement shall contain the following items  
13 in the same size and format for each candidate:

- 14 1. A recent photograph of the candidate.
- 15 2. A statement not to exceed five hundred words.
- 16 3. A disclosure of any relationships by affinity, by consanguinity  
17 or by law to the third degree that exist between the candidate and any  
18 current governing board members or other candidates for election to the  
19 same governing board.

20 I. Persons related as immediate family who have the same household  
21 of residence within four years prior shall not serve simultaneously on the  
22 governing board of the same school district if the governing board is  
23 composed of five members. For a school district with a student count of  
24 at least two hundred fifty that is located in a county with a population  
25 of more than five hundred thousand persons, not more than two persons  
26 related by affinity, by consanguinity or by law to the third degree shall  
27 serve simultaneously on the governing board of the same school district if  
28 the governing board is composed of five members. A qualified elector who  
29 resides in the school district may bring an action in superior court to  
30 enforce this subsection.

31 J. A person related as immediate family who has the same household  
32 of residence within four years prior to a member of the governing board of  
33 the same school district is ineligible to be a candidate for nomination or  
34 election to that governing board if the governing board is composed of  
35 five members, except that a person related as immediate family who has the  
36 same household of residence within four years prior to a member of a  
37 governing board may be a candidate for nomination or election to the  
38 governing board of the same school district if the member is serving in  
39 the last year of a term of office. For a school district with a student  
40 count of at least two hundred fifty that is located in a county with a  
41 population of more than five hundred thousand persons, not more than two  
42 persons related by affinity, by consanguinity or by law to the third  
43 degree shall be eligible to be a candidate for nomination or election to a  
44 governing board that is composed of five members. A qualified elector who

1 resides in the school district may bring an action in superior court to  
2 enforce this subsection.

3 K. Persons related as immediate family who have the same household  
4 of residence within four years prior are ineligible to be simultaneous  
5 candidates for nomination or election to the governing board of the same  
6 school district if the governing board is composed of five members. For a  
7 school district with a student count of at least two hundred fifty that is  
8 located in a county with a population of more than five hundred thousand  
9 persons, not more than two persons related by affinity, by consanguinity  
10 or by law to the third degree shall be simultaneous candidates for  
11 nomination or election to a governing board that is composed of five  
12 members. A qualified elector who resides in the school district may bring  
13 an action in superior court to enforce this subsection.

14 L. For the purposes of this section:

15 1. "Household of residence" means the place of abode during  
16 applicable time periods or the residence address used by an individual for  
17 voter registration or property tax purposes.

18 2. "Immediate family" means individuals who are married to each  
19 other and any children of those individuals.

20 3. "Small school district" has the same meaning prescribed in  
21 section 15-901.

APPROVED BY THE GOVERNOR MARCH 25, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 25, 2024.