

Senate Engrossed House Bill

schools; governing board members; employment

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## CHAPTER 108

# HOUSE BILL 2459

AN ACT

AMENDING SECTION 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 15-421, Arizona Revised Statutes, is amended to  
3 read:

4 15-421. Governing boards; members; qualifications;  
5 prohibitions; candidate statements; definitions

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

9 B. The governing body of a high school district shall be a  
10 governing board composed of:

11 1. In a single district, the governing board members of the common  
12 school district.

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

14 C. A person who is a registered voter of this state and WHO has  
15 been a resident of the school district for at least one year immediately  
16 preceding the day of election is eligible for election to the office of  
17 governing board member.

18 D. ~~NO~~ AN employee of a school district, including a person who  
19 directly provides certified or classified services to the school district  
20 as an employee of a third-party contractor, or the spouse of such an  
21 employee may NOT hold membership on ~~a~~ THE governing board of a school  
22 district by which the employee is employed.

23 E. A SCHOOL DISTRICT MAY EMPLOY, INCLUDING EMPLOYMENT THROUGH A  
24 THIRD-PARTY CONTRACTOR THAT PROVIDES SERVICES TO THE SCHOOL DISTRICT, A  
25 PERSON WHO SERVED AS A MEMBER OF THE SCHOOL DISTRICT'S GOVERNING BOARD  
26 DURING THE PRECEDING TWO YEARS ONLY IN A POSITION IN WHICH THE PERSON WILL  
27 PROVIDE SERVICES DIRECTLY TO STUDENTS, INCLUDING AS A CERTIFICATED  
28 TEACHER, A SUBSTITUTE TEACHER AND AN EMPLOYEE OR CONTRACTOR WHO PROVIDES  
29 TRANSPORTATION, INSTRUCTIONAL SUPPORT OR STUDENT SUPPORT SERVICES. A  
30 SCHOOL DISTRICT MAY INCREASE THE TIME PERIOD PRESCRIBED IN THIS SUBSECTION  
31 TO BE MORE THAN TWO YEARS.

32 ~~F.~~ F. A member of one governing board is ineligible to be a  
33 candidate for nomination or election to or serve simultaneously as a  
34 member of any other governing board, except that a member of a governing  
35 board may be a candidate for nomination or election for any other  
36 governing board if the member is serving in the last year of a term of  
37 office. A member of a governing board shall resign the member's seat on  
38 the governing board before becoming a candidate for nomination or election  
39 to the governing board of any other school district, unless the member of  
40 the governing board is serving in the last year of a term of office.

41 ~~F.~~ G. Notwithstanding section 15-511, each county school  
42 superintendent shall publish on the superintendent's website the statement  
43 of each certified candidate for membership on a school district governing  
44 board located in the county. The county school superintendent shall list  
45 each school district on the superintendent's website from which a link

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

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

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

36 ~~H.~~ I. A person related as immediate family who has the same  
37 household of residence within four years prior to a member of the  
38 governing board of the same school district is ineligible to be a  
39 candidate for nomination or election to that governing board if the  
40 governing board is composed of five members, except that a person related  
41 as immediate family who has the same household of residence within four  
42 years prior to a member of a governing board may be a candidate for  
43 nomination or election to the governing board of the same school district  
44 if the member is serving in the last year of a term of office. For a  
45 school district with a student count of at least two hundred fifty ~~and~~

1 that is located in a county with a population of more than five hundred  
2 thousand persons, not more than two persons related by affinity, by  
3 consanguinity or by law to the third degree shall be eligible to be a  
4 candidate for nomination or election to a governing board that is composed  
5 of five members. A qualified elector who resides in the school district  
6 may bring an action in superior court to enforce this subsection.

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

19 ~~J.~~ K. For the purposes of this section:

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

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

APPROVED BY THE GOVERNOR MAY 1, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2023.