

House Engrossed

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2711

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-107; RELATING TO SCHOOL MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-107, to read:

4 15-107. School districts: educational mismanagement:
5 intervention

6 A. THE DEPARTMENT SHALL INVESTIGATE A SCHOOL DISTRICT FOR SYSTEMIC
7 EDUCATIONAL MISMANAGEMENT IF BOTH OF THE FOLLOWING CONDITIONS EXIST:

8 1. FIFTY PER CENT OR MORE OF THE SCHOOLS IN THE SCHOOL DISTRICT ARE
9 DESIGNATED UNDERPERFORMING OR FAILING TO MEET ACADEMIC STANDARDS PURSUANT TO
10 SECTION 15-241.

11 2. AT LEAST ONE SCHOOL IN THE SCHOOL DISTRICT HAS BEEN DESIGNATED A
12 SCHOOL FAILING TO MEET ACADEMIC STANDARDS PURSUANT TO SECTION 15-241.

13 B. IF THE DEPARTMENT DETERMINES THAT THE CONDITIONS DESCRIBED IN
14 SECTION A OF THIS SECTION ARE MET, THE DEPARTMENT SHALL NOTIFY THE STATE
15 BOARD. IF THE STATE BOARD DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT
16 THE SCHOOL DISTRICT HAS SYSTEMIC EDUCATIONAL MISMANAGEMENT AS DESCRIBED IN
17 SUBSECTION A OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL IMMEDIATELY
18 RECOMMEND A PERSON TO SERVE AS THE SUPERINTENDENT OF THE SCHOOL DISTRICT TO
19 THE STATE BOARD OF EDUCATION. THE STATE BOARD SHALL APPROVE OR DENY THE
20 RECOMMENDATION. IF THE STATE BOARD APPROVES THE RECOMMENDATION, THE PERSON
21 SHALL BE IMMEDIATELY APPOINTED THE SUPERINTENDENT OF THE SCHOOL DISTRICT.
22 THE DEPARTMENT OF EDUCATION SHALL DEVELOP AND ADOPT A LIST OF PERSONS
23 QUALIFIED TO SERVE AS SUPERINTENDENTS FOR THE PURPOSES OF THIS SECTION.

24 C. ON APPOINTMENT, THE SUPERINTENDENT SHALL BEGIN A FULL REVIEW AND
25 INVESTIGATION OF THE SCHOOL DISTRICT'S EDUCATIONAL AFFAIRS AND SHALL SUBMIT
26 TO THE STATE BOARD OF EDUCATION A DETAILED REPORT LISTING THE FINDINGS OF
27 THAT INVESTIGATION. THE DETAILED REPORT SHALL INCLUDE AN EDUCATIONAL
28 IMPROVEMENT PLAN THAT DETAILS HOW THE SCHOOL DISTRICT WILL IMPROVE THE
29 EDUCATIONAL MANAGEMENT OF THE SCHOOL DISTRICT AND HOW THE SCHOOL DISTRICT
30 WILL RAISE THE LEVEL OF ACADEMIC ACHIEVEMENT SO THAT ALL OF THE SCHOOLS IN
31 THE SCHOOL DISTRICT ARE DESIGNATED AS PERFORMING SCHOOLS OR BETTER PURSUANT
32 TO SECTION 15-241. THE PLAN SHALL INCLUDE A PROPOSED TIMELINE FOR IMPROVING
33 ACADEMIC ACHIEVEMENT. THE SUPERINTENDENT SHALL SUBMIT THE REPORT WITHIN ONE
34 HUNDRED TWENTY DAYS AFTER THE PERSON'S APPOINTMENT. THE STATE BOARD OF
35 EDUCATION SHALL APPOINT THE SUPERINTENDENT FOR A TERM OF THREE YEARS. THE
36 EDUCATIONAL IMPROVEMENT PLAN APPROVED BY THE STATE BOARD OF EDUCATION MAY
37 AUTHORIZE THE SUPERINTENDENT TO DO ANY OF THE FOLLOWING:

38 1. OVERRIDE ANY DECISIONS OF THE SCHOOL DISTRICT'S GOVERNING BOARD
39 CONCERNING THE MANAGEMENT, OPERATION, CURRICULUM AND INSTRUCTION OF THE
40 SCHOOL DISTRICT, AND INITIATE AND MAKE DECISIONS CONCERNING THE MANAGEMENT
41 AND OPERATION OF THE SCHOOL DISTRICT.

42 2. HIRE PERSONNEL, TERMINATE PERSONNEL AND CANCEL EXISTING EMPLOYMENT
43 CONTRACTS, TO THE EXTENT PERMITTED BY LAW. THE SUPERINTENDENT MAY REFUSE TO
44 REEMPLOY ANY CERTIFICATED TEACHER WHO HAS NOT BEEN EMPLOYED BY THE SCHOOL

1 DISTRICT FOR MORE THAN THE MAJOR PORTION OF THREE CONSECUTIVE SCHOOL YEARS AS
2 PROVIDED IN SECTION 15-536.

3 D. THE SUPERINTENDENT SHALL PROMPTLY REPORT ANY VIOLATIONS OF LAW TO
4 THE STATE BOARD OF EDUCATION.

5 E. ON REVIEW AND APPROVAL OF THE STATE BOARD OF EDUCATION, THE
6 SUPERINTENDENT SHALL TAKE ALL NECESSARY STEPS TO IMPLEMENT THE EDUCATIONAL
7 IMPROVEMENT PLAN UTILIZING THOSE POWERS IDENTIFIED IN THE PLAN AS PRESCRIBED
8 IN SUBSECTION C OF THIS SECTION.

9 F. THE SALARY AND BENEFITS OF THE SUPERINTENDENT AND ANY OFFICERS OR
10 EMPLOYEES APPOINTED BY THE SUPERINTENDENT OR THE STATE BOARD OF EDUCATION
11 SHALL BE PAID BY THE SCHOOL DISTRICT. THE STATE BOARD OF EDUCATION SHALL
12 DETERMINE THE SALARY FOR THE SUPERINTENDENT AND ANY OFFICERS OR EMPLOYEES
13 APPOINTED BY THE SUPERINTENDENT BASED ON AMOUNTS RECOMMENDED BY THE STATE
14 BOARD.

15 G. THE SUPERINTENDENT SHALL SUBMIT A QUARTERLY PROGRESS REPORT TO THE
16 STATE BOARD OF EDUCATION BEGINNING NINETY DAYS AFTER THE REPORT REQUIRED
17 PURSUANT TO SUBSECTION C OF THIS SECTION.

18 H. THE STATE BOARD OF EDUCATION SHALL FORMALLY REVIEW THE
19 SUPERINTENDENT'S PROGRESS EVERY SIX MONTHS. IF, BASED ON THE QUARTERLY
20 PROGRESS REPORTS, THE STATE BOARD DETERMINES THAT THE SUPERINTENDENT'S
21 PROGRESS IS INSUFFICIENT, THE STATE BOARD MAY REMOVE THE CURRENT
22 SUPERINTENDENT AND APPOINT ANOTHER SUPERINTENDENT OR OFFICER FOR THE SCHOOL
23 DISTRICT. IF, BASED ON THE QUARTERLY PROGRESS REPORTS, THE STATE BOARD
24 DETERMINES THAT THE SCHOOL DISTRICT NO LONGER HAS SYSTEMIC EDUCATIONAL
25 MISMANAGEMENT AND HAS ACHIEVED ADEQUATE ACADEMIC PROGRESS, THE STATE BOARD
26 MAY REMOVE THE POWERS IDENTIFIED IN THE PLAN AS PRESCRIBED IN SUBSECTION C OF
27 THIS SECTION.

28 I. THE STATE BOARD OF EDUCATION MAY DISMISS THE SUPERINTENDENT FOR
29 CAUSE OR ON A MAJORITY VOTE OF NO CONFIDENCE IN THE SUPERINTENDENT OF THE
30 STATE BOARD.

31 J. THE ASSUMPTION OF CONTROL OF THE SCHOOL DISTRICT BY THE
32 SUPERINTENDENT SHALL IN NO WAY INTERFERE WITH THE ELECTION OF SCHOOL DISTRICT
33 GOVERNING BOARD MEMBERS.

34 K. FOR THE PURPOSES OF THIS SECTION, "SUPERINTENDENT" MEANS THE CHIEF
35 EXECUTIVE OFFICER OF THE SCHOOL DISTRICT.

36 Sec. 2. Emergency

37 This act is an emergency measure that is necessary to preserve the
38 public peace, health or safety and is operative immediately as provided by
39 law.