

REFERENCE TITLE: schools; achievement profiles; letter grades

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1286

Introduced by
Senators Huppenthal, Gray L; Representative Lesko; Senators Allen S,
Verschoor

AN ACT

AMENDING SECTIONS 15-241 AND 15-241.01, ARIZONA REVISED STATUTES; RELATING TO
THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School and school district accountability; failing
5 schools tutoring fund; classification label for
6 school districts and charter school operators

7 A. The department of education shall compile an annual achievement
8 profile for each public school AND SCHOOL DISTRICT.

9 B. Each school AND SCHOOL DISTRICT shall submit to the department any
10 data that is required and requested and that is necessary to compile the
11 achievement profile. A school OR SCHOOL DISTRICT that fails to submit the
12 information that is necessary is not eligible to receive monies from the
13 classroom site fund established by section 15-977.

14 C. The department shall establish a baseline achievement profile for
15 each school ~~by October 15, 2001~~ AND SCHOOL DISTRICT. The baseline
16 achievement profile shall be used to determine a standard measurement of
17 acceptable academic progress for each school AND SCHOOL DISTRICT and a school
18 AND SCHOOL DISTRICT classification pursuant to subsection H of this section.
19 Any disclosure of educational records compiled by the department of education
20 pursuant to this section shall comply with the family educational and privacy
21 rights act of 1974 (20 United States Code section 1232g).

22 D. The achievement profile for schools AND SCHOOL DISTRICTS that offer
23 instruction in kindergarten programs and grades one through eight, or any
24 combination of those programs or grades, shall include the following school
25 academic performance indicators:

26 1. The Arizona measure of academic progress. The department shall
27 compute the extent of academic progress made by the pupils in each school AND
28 SCHOOL DISTRICT during the course of each year.

29 2. The Arizona instrument to measure standards test. The department
30 shall compute the percentage of pupils who meet or exceed the standard on the
31 Arizona instrument to measure standards test, as prescribed by the state
32 board of education. The superintendent of public instruction and the
33 department may calculate academic gain on the Arizona instrument to measure
34 standards test according to each of the school classifications prescribed in
35 subsection G of this section on a statewide basis, for each school district
36 in this state and for each school by determining the average scale scores for
37 students in the current academic year as compared to the average scale scores
38 for the previous academic year for the same students.

39 3. The results of English language learners tests administered
40 pursuant to section 15-756, subsection B, section 15-756.05 and section
41 15-756.06.

42 E. The achievement profile for schools AND SCHOOL DISTRICTS that offer
43 instruction in grades nine through twelve, or any combination of those
44 grades, shall include the following school academic performance indicators:

1 1. The Arizona instrument to measure standards test. The department
2 shall compute the percentage of pupils pursuant to subsection G of this
3 section who meet or exceed the standard on the Arizona instrument to measure
4 standards test, as prescribed by the state board of education. The
5 superintendent of public instruction and the department may calculate
6 academic gain on the Arizona instrument to measure standards test according
7 to each of the school classifications prescribed in subsection G of this
8 section on a statewide basis, for each school district in this state and for
9 each school by determining the average scale scores for students in the
10 current academic year as compared to the average scale scores for the
11 previous academic year for the same students.

12 2. The annual dropout rate.

13 3. The annual graduation rate.

14 4. The results of English language learners tests administered
15 pursuant to section 15-756, subsection B, section 15-756.05 and section
16 15-756.06.

17 F. Schools AND SCHOOL DISTRICTS that offer instruction in all or a
18 combination of the grades specified in subsections D and E of this section
19 shall include a single achievement profile for that school AND SCHOOL
20 DISTRICT that includes the school academic performance indicators specified
21 in subsections D and E of this section.

22 G. Subject to final adoption by the state board of education, the
23 department shall determine the criteria for each school AND SCHOOL DISTRICT
24 classification using a research based methodology. The methodology shall
25 include the performance of pupils at all achievement levels, account for
26 pupil mobility, account for the distribution of pupil achievement at each
27 school AND SCHOOL DISTRICT and include longitudinal indicators of academic
28 performance. FIFTY PER CENT OF THE SCHOOL AND SCHOOL DISTRICT CLASSIFICATION
29 DETERMINATION SHALL CONSIST OF ACADEMIC PERFORMANCE MEASUREMENTS. FIFTY PER
30 CENT OF THE ACADEMIC PERFORMANCE MEASUREMENT SHALL CONSIST OF A MEASUREMENT
31 OF ACADEMIC GAIN FOR ALL PUPILS ENROLLED AT THE SCHOOL OR SCHOOL DISTRICT AND
32 FIFTY PER CENT OF THE ACADEMIC PERFORMANCE MEASUREMENTS SHALL CONSIST OF A
33 MEASUREMENT OF THE TWENTY-FIVE PER CENT OF PUPILS WITH THE LOWEST ACADEMIC
34 GAIN ENROLLED AT THE SCHOOL OR SCHOOL DISTRICT. For the purposes of this
35 subsection, "research based methodology" means the systematic and objective
36 application of statistical and quantitative research principles to determine
37 a standard measurement of acceptable academic progress for each school AND
38 SCHOOL DISTRICT.

39 H. The achievement profile shall be used to determine a school AND
40 SCHOOL DISTRICT classification that USES A LETTER GRADE SYSTEM AS FOLLOWS
41 ~~designates each school as one of the following:~~

42 ~~1. An excelling school.~~

43 ~~2. A highly performing school.~~

44 ~~3. A performing school.~~

45 ~~4. An underperforming school.~~

1 ~~5. A school failing to meet academic standards.~~
2 1. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF A SHALL
3 DEMONSTRATE AN EXCELLENT LEVEL OF PERFORMANCE.
4 2. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF B SHALL
5 DEMONSTRATE AN ABOVE AVERAGE LEVEL OF PERFORMANCE.
6 3. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF C SHALL
7 DEMONSTRATE AN AVERAGE LEVEL OF PERFORMANCE.
8 4. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF D SHALL
9 DEMONSTRATE A BELOW AVERAGE LEVEL OF PERFORMANCE.
10 5. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF F SHALL
11 DEMONSTRATE A FAILING LEVEL OF PERFORMANCE.
12 I. The classification for each school and the criteria used to
13 determine classification pursuant to subsection G of this section shall be
14 included on the school report card prescribed in section 15-746.
15 J. Subject to final adoption by the state board of education, the
16 department of education shall develop a parallel achievement profile for
17 accommodation schools, alternative schools as defined by the state board of
18 education and extremely small schools as defined by the state board of
19 education for the purposes of this section.
20 K. If a school is ~~designated as an underperforming school~~ ASSIGNED A
21 LETTER GRADE OF D, within ninety days after receiving notice of the
22 designation, the governing board shall develop an improvement plan for the
23 school, submit a copy of the plan to the superintendent of public instruction
24 and supervise the implementation of the plan. The plan shall include
25 necessary components as identified by the state board of education. Within
26 thirty days after submitting the improvement plan to the superintendent of
27 public instruction, the governing board shall hold a special public meeting
28 in each school that has been ~~designated as an underperforming school~~ ASSIGNED
29 A LETTER GRADE OF D and shall present the respective improvement plans that
30 have been developed for each school. The school district governing board,
31 within thirty days of receiving notice of the designation, shall provide
32 written notification of the classification to each residence within the
33 attendance area of the school. The notice shall explain the improvement plan
34 process and provide information regarding the public meeting required by this
35 subsection.
36 L. A school that has not submitted an improvement plan pursuant to
37 subsection K of this section is not eligible to receive monies from the
38 classroom site fund established by section 15-977 for every day that a plan
39 has not been received by the superintendent of public instruction within the
40 time specified in subsection K of this section plus an additional ninety
41 days. The state board of education shall require the superintendent of the
42 school district to testify before the board and explain the reasons that an
43 improvement plan for that school has not been submitted.
44 M. If a charter school is ~~designated as an underperforming school~~
45 ASSIGNED A LETTER GRADE OF D, within thirty days the school shall notify the

1 parents of the students attending the school of the classification. The
2 notice shall explain the improvement plan process and provide information
3 regarding the public meeting required by this subsection. Within ninety days
4 of receiving the classification, the charter holder shall present an
5 improvement plan to the charter sponsor at a public meeting and submit a copy
6 of the plan to the superintendent of public instruction. The improvement
7 plan shall include necessary components as identified by the state board of
8 education. For every day that an improvement plan is not received by the
9 superintendent of public instruction, the school is not eligible to receive
10 monies from the classroom site fund established by section 15-977 for every
11 day that a plan has not been received by the superintendent of public
12 instruction within the time specified in subsection K of this section plus an
13 additional ninety days. The charter holder shall appear before the
14 sponsoring board and explain why the improvement plan has not been submitted.

15 N. The department of education shall establish an appeals process, to
16 be approved by the state board of education, for a school to appeal data used
17 to determine the achievement profile of the school. The criteria established
18 shall be based on mitigating factors and may include a visit to the school
19 site by the department of education.

20 O. If a school ~~remains classified as an underperforming school~~ IS
21 ASSIGNED A LETTER GRADE OF D for a third consecutive year, the department of
22 education shall visit the school site to confirm the classification data and
23 to review the implementation of the school's improvement plan. The school
24 shall be ~~classified as failing to meet academic standards~~ ASSIGNED A LETTER
25 GRADE OF F unless an alternate ~~classification~~ LETTER GRADE is made ASSIGNED
26 after an appeal pursuant to subsection N of this section.

27 P. The school district governing board, within thirty days of
28 receiving notice of the school ~~failing to meet academic standards~~
29 ~~classification~~ BEING ASSIGNED A LETTER GRADE OF F, shall provide written
30 notification of the classification to each residence in the attendance area
31 of the school. The notice shall explain the improvement plan process and
32 provide information regarding the public meeting required by subsection S of
33 this section.

34 Q. The superintendent of public instruction, based on need, shall
35 assign a solutions team to ~~an underperforming school~~ A SCHOOL ASSIGNED A
36 LETTER GRADE OF D, a school ~~failing to meet academic standards~~ ASSIGNED A
37 LETTER GRADE OF F or any other school pursuant to a mutual agreement between
38 the department of education and the school comprised of master teachers,
39 fiscal analysts and curriculum assessment experts who are certified by the
40 state board of education as Arizona academic standards technicians. The
41 department of education may hire or contract with administrators, principals
42 and teachers who have demonstrated experience with the characteristics and
43 situations in ~~an underperforming school or a school failing to meet academic~~
44 ~~standards~~ A SCHOOL ASSIGNED A LETTER GRADE OF D OR F and may use these
45 personnel as part of the solutions team. The department of education shall

1 work with staff at the school to assist in curricula alignment and shall
2 instruct teachers on how to increase pupil academic progress, considering the
3 school's achievement profile. The solutions team shall consider the existing
4 improvement plan to assess the need for changes to curriculum, professional
5 development and resource allocation and shall present a statement of its
6 findings to the school administrator and district superintendent. Within
7 forty-five days after the presentation of the solutions team's statement of
8 findings, the school district governing board, in cooperation with each
9 school within the school district that is ~~designated an underperforming~~
10 ~~school~~ ASSIGNED A LETTER GRADE OF D and its assigned solutions team
11 representative, shall develop and submit to the department of education an
12 action plan that details the manner in which the school district will assist
13 the school as the school incorporates the findings of the solutions team into
14 the improvement plan. The department of education shall review the action
15 plan and shall either accept the action plan or return the action plan to the
16 school district for modification. If the school district does not submit an
17 approved action plan within forty-five days, the state board of education may
18 direct the superintendent of public instruction to withhold up to ten per
19 cent of state monies that the school district would otherwise be entitled to
20 receive each month until the plan is submitted to the department of
21 education, at which time those monies shall be returned to the school
22 district.

23 R. The parent or the guardian of the pupil may apply to the department
24 of education, in a manner determined by the department of education, for a
25 certificate of supplemental instruction from the failing schools tutoring
26 fund established by this section. Pupils attending a school ~~designated as an~~
27 ~~underperforming school or a school failing to meet academic standards~~
28 ASSIGNED A LETTER GRADE OF D OR F or a pupil who has failed to pass one or
29 more portions of the Arizona instrument to measure standards test in grades
30 eight through twelve in order to graduate from high school may select an
31 alternative tutoring program in academic standards from a provider that is
32 certified by the state board of education. To qualify, the provider must
33 state in writing a level of academic improvement for the pupil that includes
34 a timeline for improvement that is agreed to by the parent or guardian of the
35 pupil. The state board of education shall annually review academic
36 performance levels for providers certified pursuant to this subsection and
37 may remove a provider at a public hearing from an approved list of providers
38 if that provider fails to meet its stated level of academic improvement. The
39 state board of education shall determine the application guidelines and the
40 maximum value for each certificate of supplemental instruction. The state
41 board of education shall annually complete a market survey in order to
42 determine the maximum value for each certificate of supplemental instruction.
43 Nothing in this subsection shall be construed to require the state to provide
44 additional monies beyond the monies provided pursuant to section 42-5029,
45 subsection E, paragraph 7.

1 S. Within sixty days of receiving notification of ~~designation as~~ a
2 school ~~failing to meet academic standards~~ BEING ASSIGNED A LETTER GRADE OF F,
3 the school district governing board shall evaluate needed changes to the
4 existing improvement plan for the school, consider recommendations from the
5 solutions team, submit a copy of the plan to the superintendent of public
6 instruction and supervise the implementation of the plan. Within thirty days
7 after submitting the improvement plan to the superintendent of public
8 instruction, the governing board shall hold a public meeting in each school
9 that has been ~~designated as a school failing to meet academic standards~~
10 ASSIGNED A LETTER GRADE OF F and shall present the respective improvement
11 plans that have been developed for each school.

12 T. A school that has not submitted an improvement plan pursuant to
13 subsection S of this section is not eligible to receive monies from the
14 classroom site fund established by section 15-977 for every day that a plan
15 has not been received by the superintendent of public instruction within the
16 time specified in subsection S of this section plus an additional ninety
17 days. The state board of education shall require the superintendent of the
18 school district to testify before the board and explain the reasons that an
19 improvement plan for that school has not been submitted.

20 U. If a charter school is ~~designated as a school failing to meet~~
21 ~~academic standards~~ ASSIGNED A LETTER GRADE OF F, the department of education
22 shall immediately notify the charter school's sponsor. The charter school's
23 sponsor shall either take action to restore the charter school to acceptable
24 performance or revoke the charter school's charter. Within thirty days the
25 school shall notify the parents of the students attending the school of the
26 classification and of any pending public meetings to review the issue.

27 V. A school that has been ~~designated as a school failing to meet~~
28 ~~academic standards~~ ASSIGNED A LETTER GRADE OF F shall be evaluated by the
29 department of education to determine if the school failed to properly
30 implement its school improvement plan, align the curriculum with academic
31 standards, provide teacher training, prioritize the budget or implement other
32 proven strategies to improve academic performance. After visiting the school
33 site pursuant to subsection O of this section, the department of education
34 shall submit to the state board of education a recommendation to proceed
35 pursuant to subsections Q, R and S of this section or that the school be
36 subject to a public hearing to determine if the school failed to properly
37 implement its improvement plan and the reasons for the department's
38 recommendation.

39 W. If the department does recommend a public hearing, the state board
40 of education shall meet and may provide by a majority vote at the public
41 hearing for the continued operation of the school as allowed by this
42 subsection. The state board of education shall determine whether
43 governmental, nonprofit and private organizations may submit applications to
44 the state board to fully or partially manage the school. The state board's
45 determination shall include:

1 1. If and to what extent the local governing board may participate in
2 the operation of the school including personnel matters.
3 2. If and to what extent the state board of education shall
4 participate in the operation of the school.
5 3. Resource allocation pursuant to subsection Y of this section.
6 4. Provisions for the development and submittal of a school
7 improvement plan to be presented in a public meeting at the school.
8 5. A suggested time frame for the alternative operation of the school.
9 X. The state board shall periodically review the status of a school
10 that is operated by an organization other than the school district governing
11 board to determine whether the operation of the school should be returned to
12 the school district governing board. Before the state board makes a
13 determination, the state board or its designee shall meet with the school
14 district governing board or its designee to determine the time frame,
15 operational considerations and the appropriate continuation of existing
16 improvements that are necessary to assure a smooth transition of authority
17 from the other organization back to the school district governing board.
18 Y. If an alternative operation plan is provided pursuant to subsection
19 W of this section, the state board of education shall pay for the operation
20 of the school and shall adjust the school district's student count pursuant
21 to section 15-902, soft capital allocation pursuant to section 15-962,
22 capital outlay revenue limit pursuant to section 15-961, base support level
23 pursuant to section 15-943, monies distributed from the classroom site fund
24 established by section 15-977 and transportation support level pursuant to
25 section 15-945 to accurately reflect any reduction in district services that
26 are no longer provided to that school by the district. The state board of
27 education may modify the school district's revenue control limit, the
28 district support level and the general budget limit calculated pursuant to
29 section 15-947 by an amount that corresponds to this reduction in services.
30 The state board of education shall retain the portion of state aid that would
31 otherwise be due the school district for the school and shall distribute that
32 portion of state aid directly to the organization that contracts with the
33 state board of education to operate the school.
34 Z. If the state board of education determines that a charter school
35 failed to properly implement its improvement plan, the sponsor of the charter
36 school shall revoke the charter school's charter.
37 AA. If there are more than two schools in a district and more than
38 one-half, or in any case more than five, of the schools in the district are
39 ~~designated as schools failing to meet academic standards~~ ASSIGNED A LETTER
40 GRADE OF F for more than two consecutive years, in the next election of
41 members of the governing board the election ballot shall contain the
42 following statement immediately above the listing of governing board
43 candidates:

1 Within the last five years, (number of schools) schools in the
2 _____ school district have been designated as "schools
3 failing to meet academic standards" by the superintendent of
4 public instruction.

5 BB. At least twice each year the department of education shall publish
6 in a newspaper of general circulation in each county of this state a list of
7 schools that are ~~designated as schools failing to meet academic standards~~
8 ASSIGNED A LETTER GRADE OF F.

9 CC. The failing schools tutoring fund is established consisting of
10 monies collected pursuant to section 42-5029, subsection E as designated for
11 this purpose. The department of education shall administer the fund. The
12 department of education may use monies from the fund to purchase materials
13 designed to assist students to meet the Arizona academic standards and to
14 achieve a passing score on the Arizona instrument to measure standards test
15 in order to graduate from high school.

16 DD. The department of education may develop a classification label for
17 school districts and charter school operators. If the department of
18 education develops a classification label for school districts and charter
19 school operators, the classification label may be developed from the
20 following components:

- 21 1. Measures of academic progress.
- 22 2. Pupil assessment data.
- 23 3. The attendance rates and graduation rates of pupils who are
24 educated in that charter school operator's charter schools or in that school
25 district's schools.
- 26 4. The percentage of the parents of pupils enrolled in that charter
27 school operator's charter schools or in that school district's schools that
28 categorizes the quality of their child's education as excellent on a parental
29 rating of school quality.

30 Sec. 2. Section 15-241.01, Arizona Revised Statutes, is amended to
31 read:

32 15-241.01. School accountability; alternative operation plans

33 A. If a school district has six or more schools and at least one-half
34 of the schools in the district are ~~designated as underperforming or failing~~
35 ~~to meet the academic standards~~ ASSIGNED A LETTER GRADE OF D OR F pursuant to
36 this section and at least one school is ~~designated as failing to meet~~
37 ~~academic standards~~ ASSIGNED A LETTER GRADE OF F, the department of education
38 may submit to the state board of education a recommendation for a public
39 hearing to determine if the school district should be subject to an
40 alternative operation plan and the reasons for that recommendation. When
41 considering whether to recommend a public hearing pursuant to this
42 subsection, the department shall consider at least the following:

- 43 1. The likelihood that continued school-based interventions will be
44 successful.

1 2. The extent to which the school district administrators and the
2 school district governing board impacted the ~~underperforming and failing to~~
3 ~~meet academic standards designations of~~ ASSIGNMENT OF THE LETTER GRADES OF D
4 AND F TO the district's schools.

5 3. Whether those schools ~~designated as underperforming or failing to~~
6 ~~meet academic standards~~ ASSIGNED A LETTER GRADE OF D OR F have demonstrated
7 reasonable academic growth as determined by the measure of academic progress
8 established pursuant to this section.

9 B. If the department of education recommends a public hearing pursuant
10 to subsection A of this section, the state board of education shall meet and
11 may provide by a majority vote of the entire board for the development and
12 implementation of an alternative operation plan as allowed by this section.
13 When determining whether to place a school district under an alternative
14 operation plan, the state board shall consider at least the following:

15 1. The likelihood that continued school-based interventions will be
16 successful.

17 2. The extent to which the school district administrators and the
18 school district governing board impacted the ~~underperforming and failing to~~
19 ~~meet academic standards designations of~~ ASSIGNMENT OF THE LETTER GRADES D AND
20 F TO the district's schools.

21 3. Whether those schools ~~designated as underperforming or failing to~~
22 ~~meet academic standards~~ ASSIGNED A LETTER GRADE OF D OR F have demonstrated
23 reasonable academic growth as determined by the measure of academic progress
24 established pursuant to this section.

25 C. Before a hearing is held pursuant to subsection B of this section,
26 the department of education shall recommend to the state board of education
27 at least three governmental, nonprofit or private organizations or persons to
28 manage the school district's affairs. If the state board approves the
29 implementation of an alternative operation plan, it shall make an appointment
30 from the list provided by the department of education. On making this
31 appointment the state board shall immediately determine which powers
32 enumerated in subsection D of this section shall be temporarily granted to
33 the appointed organization or person. The authority granted pursuant to this
34 subsection shall be effective until the state board reviews the alternative
35 operation plan as described in subsection E of this section.

36 D. An organization or person appointed pursuant to subsection C of
37 this section shall begin a full review and investigation of the school
38 district's educational affairs and shall submit to the state board of
39 education a detailed report listing the findings of that investigation. This
40 report shall include an alternative operation plan that details how the
41 school district will raise the level of academic achievement so that all of
42 the schools in the school district are ~~designated as performing schools,~~
43 ~~highly performing schools or excelling schools~~ ASSIGNED GRADE LETTERS OF A, B
44 OR C pursuant to this section. The plan shall include a proposed timeline
45 for improving academic achievement. The alternative operation plan shall

1 also include a timeline and details concerning how the organization or person
2 will transition the administration of the school district back to the locally
3 elected governing board. The organization or person shall submit the report
4 within one hundred twenty days from the date the organization or person was
5 appointed by the state board. If approved by the state board, the
6 alternative operation plan may authorize the appointed organization or person
7 to do any of the following:

8 1. Override any decisions of the school district governing board or
9 the school district superintendent, or both, concerning the management and
10 operation of the school district, and initiate and make decisions concerning
11 the management and operation of the school district, including reopening the
12 school as a charter school.

13 2. Hire personnel, terminate personnel and cancel existing employment
14 contracts, including the district superintendent, to the extent permitted by
15 law. The appointed organization or person may refuse to reemploy any
16 certificated teacher who has not been employed by the school district for
17 more than the major portion of three consecutive school years as provided in
18 section 15-536.

19 3. Attend any meetings of the school district governing board and
20 administrative staff.

21 4. Supervise the activities of the school district's staff, including
22 reassigning the duties and responsibilities of personnel in a manner that, as
23 determined by the appointed organization or person, best suits the needs of
24 the school district.

25 5. To the extent permitted by law, cancel or renegotiate any contract,
26 other than contracts of certificated teachers who have been employed by the
27 school district in the capacity of a certificated teacher for more than one
28 year, to which the governing board or the school district is a party if the
29 cancellation or renegotiation of the contract will produce needed economies
30 in the operation of the district's schools.

31 E. The state board of education shall periodically review the status
32 of a school district that is operating under an alternative operation plan
33 pursuant to this section to determine whether the operations of the school
34 district should be returned to the school district governing board. Before
35 the state board makes a determination to terminate an alternative operation
36 plan, the state board or its designee shall meet with the school district
37 governing board or its designee to establish an appropriate time frame and
38 address any additional operational considerations that are necessary to
39 ensure a smooth transition of authority from the appointed organization or
40 person back to the school district governing board. When determining whether
41 to terminate an alternative operation plan, the state board shall consider
42 whether the district's schools have made significant academic gains as
43 determined by individual school achievement profiles established pursuant to
44 this section.

1 F. If at any time the state board determines that the progress of an
2 organization or person who is appointed pursuant to this subsection or
3 subsection C of this section is insufficient, the state board may remove that
4 organization or person and make an alternative appointment. All authority
5 granted pursuant to the approved alternative operation plan shall be
6 transferred to the newly appointed organization or person. The state board
7 may require the newly appointed organization or person to prepare a revised
8 alternative operation plan as described in subsection D of this section.

9 G. All expenses and costs of an organization or person appointed by
10 the state board pursuant to subsection C or F of this section shall be paid
11 by the school district. The state board of education shall review the
12 expenses and costs at least twice each calendar year to ensure that the fees
13 are reasonable and appropriate.

14 H. The operation of a school district by an organization or person
15 appointed pursuant to this section shall not interfere with the election of
16 school district governing board members.

17 I. The school district shall indemnify the organization or person
18 appointed pursuant to subsection C or F of this section if that organization
19 or person is made or threatened to be made a party to any litigation by
20 reason of the organization's or person's status under this section if the
21 organization or person acted in good faith and in a manner the organization
22 or person believed to be lawful and in the best interest of the school
23 district.

24 J. All information received and records or reports kept by the state
25 board of education during an investigation resulting from a complaint against
26 an organization or person appointed pursuant to subsection C or F of this
27 section are confidential and are not public records.

28 Sec. 3. Existing school achievement profiles: phase-out

29 Notwithstanding sections 15-241 and 15-241.01, Arizona Revised
30 Statutes, as amended by this act, for the remainder of the academic year in
31 which the effective date of this act occurs and the next academic year after
32 the effective date of this act, each school district and charter school shall
33 be designated both of the following:

34 1. An achievement profile that corresponds to the classification that
35 the school would have otherwise been designated under the laws that were in
36 effect immediately before the effective date of this act.

37 2. An achievement profile that corresponds to the grade letter
38 assigned to that school under the laws that are in effect on the effective
39 date of this act.