

REFERENCE TITLE: schools; failing; underperforming; turnaround specialists

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2033**

Introduced by  
Representative Fillmore

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-241.01, Arizona Revised Statutes, is amended to read:

15-241.01. School accountability: alternative operation plans; turnaround specialists

A. If a school district has ~~six or more schools and at least one-half of the schools~~ **AT LEAST ONE SCHOOL** in the district ~~are~~ **THAT IS** assigned a letter grade of D or F pursuant to this section ~~and at least one school is assigned a letter grade of F~~, the department of education ~~may~~ **SHALL** submit to the state board of education a recommendation for a public hearing to determine ~~if~~ **WHETHER** the school district should be subject to an alternative operation plan **THAT INCLUDES THE APPOINTMENT OF A TURNAROUND SPECIALIST** and the reasons for that recommendation. When considering whether to recommend a public hearing pursuant to this subsection, the department shall consider at least the following:

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

2. The extent to which the school district administrators and the school district governing board impacted the assignment of the letter grades of D and F to the district's schools.

3. Whether ~~those~~ **THE SCHOOL OR** schools assigned a letter grade of D or F have demonstrated reasonable academic growth as determined by the measure of academic progress established pursuant to this section.

B. If the department of education recommends a public hearing pursuant to subsection A of this section, the state board of education shall meet and ~~may provide by a majority vote of the entire board for the development and implementation of~~ **SHALL DEVELOP AND IMPLEMENT** an alternative operation plan ~~as allowed by this section~~ **THAT INCLUDES THE APPOINTMENT OF A TURNAROUND SPECIALIST**. When determining whether to place a school district under an alternative operation plan, the state board shall consider at least the following:

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

2. The extent to which the school district administrators and the school district governing board impacted the assignment of the letter grades D and F to the district's schools.

3. Whether ~~those~~ **THE SCHOOL OR** schools assigned a letter grade of D or F have demonstrated reasonable academic growth as determined by the measure of academic progress established pursuant to this section.

C. Before a **PUBLIC** hearing is held pursuant to subsection B of this section, the department of education shall recommend to the state board of education at least three governmental, nonprofit or private organizations or persons to manage the school district's affairs **AND SERVE AS A TURNAROUND SPECIALIST**. If the state board approves the implementation of an alternative operation plan, it shall ~~make an appointment~~ **APPOINT A**

1 TURNAROUND SPECIALIST from the list provided by the department of  
 2 education. On making this appointment the state board shall immediately  
 3 determine which powers enumerated in subsection D of this section ~~shall~~  
 4 WILL be temporarily granted to the ~~appointed organization or person~~  
 5 TURNAROUND SPECIALIST. The authority granted pursuant to this subsection  
 6 ~~shall be~~ IS effective until the state board reviews the alternative  
 7 operation plan as described in subsection E of this section.

8 D. An organization or person appointed AS A TURNAROUND SPECIALIST  
 9 pursuant to subsection C of this section shall begin a full review and  
 10 investigation of the school district's educational affairs and shall  
 11 submit to the state board of education a detailed report listing the  
 12 findings of that investigation. This report shall include an alternative  
 13 operation plan that details how the school district will raise the level  
 14 of academic achievement so that all of the schools in the school district  
 15 are assigned ~~grade letters~~ LETTER GRADES of A, B or C pursuant to this  
 16 section. The plan shall include a proposed timeline for improving  
 17 academic achievement. The alternative operation plan shall also include a  
 18 timeline and details concerning how the ~~organization or person~~ TURNAROUND  
 19 SPECIALIST will transition the administration of the school district back  
 20 to the locally elected governing board. The ~~organization or person~~  
 21 TURNAROUND SPECIALIST shall submit the report within one hundred twenty  
 22 days ~~from~~ AFTER the date the ~~organization or person~~ TURNAROUND SPECIALIST  
 23 was appointed by the state board. If approved by the state board, the  
 24 alternative operation plan may authorize the ~~appointed organization or~~  
 25 ~~person~~ TURNAROUND SPECIALIST to do any of the following:

26 1. Override any decisions of the school district governing board or  
 27 the school district superintendent, or both, concerning the management and  
 28 operation of the school district, and initiate and make decisions  
 29 concerning the management and operation of the school district, including  
 30 reopening the school as a charter school.

31 2. Hire personnel, terminate personnel and cancel existing  
 32 employment contracts, including the district superintendent, to the extent  
 33 permitted by law. The ~~appointed organization or person~~ TURNAROUND  
 34 SPECIALIST may refuse to reemploy any certificated teacher who has not  
 35 been employed by the school district for more than the major portion of  
 36 three consecutive school years ~~as provided in section 15-536~~.

37 3. Attend any meetings of the school district governing board and  
 38 administrative staff.

39 4. Supervise the activities of the school district's staff,  
 40 including reassigning the duties and responsibilities of personnel in a  
 41 manner that, as determined by ~~the appointed organization or person~~  
 42 TURNAROUND SPECIALIST, best suits the needs of the school district.

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

7           E. The state board of education shall periodically review the  
8 status of a school district that is operating under an alternative  
9 operation plan pursuant to this section to determine whether the  
10 operations of the school district should be returned to the school  
11 district governing board. Before the state board makes a determination to  
12 terminate an alternative operation plan, the state board or its designee  
13 shall meet with the school district governing board or its designee to  
14 establish an appropriate time frame and address any additional operational  
15 considerations that are necessary to ensure a smooth transition of  
16 authority from the ~~appointed~~ organization or person **APPOINTED AS A**  
17 **TURNAROUND SPECIALIST** back to the school district governing board. When  
18 determining whether to terminate an alternative operation plan, the state  
19 board shall consider whether the district's schools have made significant  
20 academic gains as determined by individual school achievement profiles  
21 established pursuant to this section.

22           F. If at any time the state board **OF EDUCATION** determines that the  
23 progress of an organization or person who is appointed **AS A TURNAROUND**  
24 **SPECIALIST** pursuant to this subsection or subsection C of this section is  
25 insufficient, the state board may remove that ~~organization or person~~  
26 **TURNAROUND SPECIALIST** and make an alternative appointment. All authority  
27 granted pursuant to the approved alternative operation plan shall be  
28 transferred to the newly appointed ~~organization or person~~ **TURNAROUND**  
29 **SPECIALIST**. The state board may require the newly appointed ~~organization~~  
30 ~~or person~~ **TURNAROUND SPECIALIST** to prepare a revised alternative operation  
31 plan as described in subsection D of this section.

32           G. All expenses and costs of an organization or person appointed **AS**  
33 **A TURNAROUND SPECIALIST** by the state board **OF EDUCATION** pursuant to  
34 subsection C or F of this section shall be paid by the school district.  
35 The state board ~~of education~~ shall review the expenses and costs at least  
36 twice each calendar year to ensure that the fees are reasonable and  
37 appropriate.

38           H. The operation of a school district by an organization or person  
39 appointed **AS A TURNAROUND SPECIALIST** pursuant to this section shall not  
40 interfere with the election of school district governing board members.

41           I. The school district shall indemnify the organization or person  
42 appointed **AS A TURNAROUND SPECIALIST** pursuant to subsection C or F of this  
43 section if that ~~organization or person~~ **TURNAROUND SPECIALIST** is made or  
44 threatened to be made a party to any litigation by reason of the  
45 organization's or person's status under this section **AND** if the

1 ~~organization or person~~ TURNAROUND SPECIALIST acted in good faith and in a  
2 manner the ~~organization or person~~ TURNAROUND SPECIALIST believed to be  
3 lawful and in the best interest of the school district.

4 J. All information received and records or reports kept by the  
5 state board of education during an investigation resulting from a  
6 complaint against an organization or person appointed AS A TURNAROUND  
7 SPECIALIST pursuant to subsection C or F of this section are confidential  
8 and are not public records.