



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
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April 29, 2008

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2711; School Districts; Educational Mismanagement; Intervention

Dear Speaker Weiers:

I have signed into law House Bill 2711, which allows the State Board of Education to take over a school district if half of the schools in the school district are "underperforming" and at least one school is "failing," based on the AZ LEARNS academic achievement profiles. In the process, the State Board of Education may immediately terminate the current superintendent of the school district and replace him with the State Board of Education's own appointee, who would be statutorily empowered to override the elected school board on issues involving the management and operations of the school district.

It is clear to everyone involved with House Bill 2711 that this bill will immediately affect the Roosevelt School District, located in South Phoenix. While Roosevelt qualifies as a candidate for a takeover under House Bill 2711, the district's own efforts on academic improvement have already resulted in three years of consecutively higher math and reading AIMS test scores for Roosevelt's third, fifth and eighth graders. The State Board of Education should take notice of these good trends and exercise its powers under House Bill 2711 with measure and discretion.

I encourage the State Board of Education to work closely with the Roosevelt School District Governing Board and its superintendent to continue the good trends in the district and raise the academic standards of the individual schools that have particular challenges.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal line extending to the right.

Janet Napolitano
Governor

JN:LK/jm

cc: The Honorable Timothy S. Bee
The Honorable Cloves C. Campbell, Jr.

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

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

CHAPTER 139

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; definitions

6 A. THE DEPARTMENT OF EDUCATION SHALL INVESTIGATE A SCHOOL DISTRICT
7 WITH SIX OR MORE SCHOOLS FOR SYSTEMIC EDUCATIONAL MISMANAGEMENT IF BOTH OF
8 THE FOLLOWING CONDITIONS EXIST:

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

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

14 B. IF THE DEPARTMENT OF EDUCATION DETERMINES THAT THE CONDITIONS
15 DESCRIBED IN SUBSECTION A OF THIS SECTION ARE MET, THE DEPARTMENT OF
16 EDUCATION SHALL NOTIFY THE STATE BOARD OF EDUCATION. IF THE STATE BOARD OF
17 EDUCATION DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT THE SCHOOL
18 DISTRICT HAS SYSTEMIC EDUCATIONAL MISMANAGEMENT AS DEFINED IN SUBSECTION M OF
19 THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL IMMEDIATELY RECOMMEND TO THE
20 STATE BOARD OF EDUCATION AT LEAST THREE PERSONS TO SERVE AS THE
21 SUPERINTENDENT OF THE SCHOOL DISTRICT. THE STATE BOARD OF EDUCATION SHALL
22 DETERMINE WHETHER TO APPOINT A SUPERINTENDENT PURSUANT TO THIS SECTION AND
23 APPROVE OR DENY THE RECOMMENDATION. THE STATE BOARD OF EDUCATION SHALL
24 CONSIDER, WHILE DETERMINING THE APPOINTMENT OF A SUPERINTENDENT UNDER THIS
25 SECTION, THAT THE SCHOOL DISTRICT IS ALREADY OR MAY LIKELY BE PLACED INTO
26 FINANCIAL RECEIVERSHIP PURSUANT TO SECTION 15-103. IF THE STATE BOARD OF
27 EDUCATION APPROVES THE RECOMMENDATION, THE PERSON SHALL BE IMMEDIATELY
28 APPOINTED THE SUPERINTENDENT OF THE SCHOOL DISTRICT. THE DEPARTMENT OF
29 EDUCATION SHALL DEVELOP AND ADOPT A LIST OF PERSONS QUALIFIED TO SERVE AS
30 SUPERINTENDENTS FOR THE PURPOSES OF THIS SECTION.

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

1 1. OVERRIDE ANY DECISIONS OF THE SCHOOL DISTRICT'S GOVERNING BOARD
2 CONCERNING THE MANAGEMENT, OPERATION, CURRICULUM AND INSTRUCTION OF THE
3 SCHOOL DISTRICT, AND INITIATE AND MAKE DECISIONS CONCERNING THE MANAGEMENT
4 AND OPERATION OF THE SCHOOL DISTRICT.

5 2. HIRE PERSONNEL, TERMINATE PERSONNEL AND CANCEL EXISTING EMPLOYMENT
6 CONTRACTS, TO THE EXTENT ALLOWED BY LAW. THE SUPERINTENDENT MAY REFUSE TO
7 REEMPLOY ANY CERTIFICATED TEACHER WHO HAS NOT BEEN EMPLOYED BY THE SCHOOL
8 DISTRICT FOR MORE THAN THE MAJOR PORTION OF THREE CONSECUTIVE SCHOOL YEARS AS
9 PROVIDED IN SECTION 15-536. TO THE EXTENT ALLOWED BY LAW, THE STATE BOARD OF
10 EDUCATION APPOINTMENT OF A SUPERINTENDENT PURSUANT TO THIS SECTION SHALL
11 CAUSE THE CONTRACT OF THE CURRENT SUPERINTENDENT TO BE DEEMED VOID AND NO
12 SEVERANCE OR BUYOUT PACKAGE TO THE SCHOOL DISTRICTS CURRENT SUPERINTENDENT IS
13 PERMITTED.

14 D. THE SUPERINTENDENT SHALL PROMPTLY REPORT ANY VIOLATIONS OF LAW TO
15 THE STATE BOARD OF EDUCATION AND APPROPRIATE LAW ENFORCEMENT AUTHORITIES.

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

20 F. THE SALARY AND BENEFITS OF THE SUPERINTENDENT AND ANY OFFICERS OR
21 EMPLOYEES APPOINTED BY THE SUPERINTENDENT OR THE STATE BOARD OF EDUCATION
22 SHALL BE PAID BY THE SCHOOL DISTRICT. THE STATE BOARD OF EDUCATION SHALL
23 DETERMINE THE SALARY FOR THE SUPERINTENDENT.

24 G. THE SUPERINTENDENT APPOINTED BY THE STATE BOARD OF EDUCATION
25 PURSUANT TO THIS SECTION SHALL APPOINT A COMMUNITY ADVISORY COMMITTEE. THE
26 COMMITTEE SHALL CONSIST OF AT LEAST FIFTEEN MEMBERS. AT LEAST A MAJORITY OF
27 THE MEMBERS OF THE COMMITTEE SHALL RESIDE WITHIN THE BOUNDARIES OF THE SCHOOL
28 DISTRICT FOUND TO HAVE SYSTEMIC EDUCATIONAL MISMANAGEMENT. THE COMMITTEE
29 SHALL INCLUDE ONE MEMBER WITH EXPERIENCE IN EDUCATIONAL ADMINISTRATION AND
30 MANAGEMENT, ONE MEMBER WITH EXPERIENCE IN BUSINESS MANAGEMENT AND ONE MEMBER
31 WITH EXPERIENCE IN CONFLICT RESOLUTION. THE SUPERINTENDENT APPOINTED
32 PURSUANT TO THIS SECTION, A GOVERNING BOARD MEMBER OF THE SCHOOL DISTRICT, AN
33 EMPLOYEE OF THE SCHOOL DISTRICT OR THE SPOUSE OF AN EMPLOYEE OF THE SCHOOL
34 DISTRICT SHALL NOT BE APPOINTED TO THE COMMITTEE. THE ADVISORY COMMITTEE
35 SHALL BE ALLOWED TO ATTEND ALL MEETINGS OF THE GOVERNING BOARD AND SHALL HAVE
36 ACCESS TO ALL PUBLIC RECORDS OF THE GOVERNING BOARD.

37 H. THE SUPERINTENDENT SHALL SUBMIT A QUARTERLY PROGRESS REPORT TO THE
38 STATE BOARD OF EDUCATION BEGINNING NINETY DAYS AFTER THE REPORT REQUIRED
39 PURSUANT TO SUBSECTION C OF THIS SECTION. THE QUARTERLY PROGRESS REPORT
40 SHALL INCLUDE FEEDBACK FROM THE COMMUNITY ADVISORY COMMITTEE ON THE
41 IMPLEMENTATION OF THE PLAN, IF PROVIDED.

42 I. THE STATE BOARD OF EDUCATION SHALL REVIEW THE STATUS OF A SCHOOL
43 DISTRICT FOR WHICH A SUPERINTENDENT HAS BEEN APPOINTED PURSUANT TO THIS
44 SECTION EVERY SIX MONTHS TO DETERMINE WHETHER THE OPERATION OF THE SCHOOL
45 DISTRICT SHOULD BE RETURNED TO THE SCHOOL DISTRICT GOVERNING BOARD. THE

1 STATE BOARD OF EDUCATION SHALL CONSIDER THE SUPERINTENDENT'S QUARTERLY
2 PROGRESS REPORTS AND INPUT FROM THE COMMUNITY ADVISORY COMMITTEE. IF THE
3 STATE BOARD OF EDUCATION DETERMINES THAT THE SUPERINTENDENT'S PROGRESS IS
4 INSUFFICIENT, THE STATE BOARD OF EDUCATION MAY REMOVE THE CURRENT
5 SUPERINTENDENT AND APPOINT ANOTHER SUPERINTENDENT OR OFFICER FOR THE SCHOOL
6 DISTRICT. IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE SCHOOL
7 DISTRICT NO LONGER HAS SYSTEMIC EDUCATIONAL MISMANAGEMENT AND HAS ACHIEVED
8 ADEQUATE ACADEMIC PROGRESS, THE STATE BOARD OF EDUCATION OR ITS DESIGNEE
9 SHALL MEET WITH THE SUPERINTENDENT AND THE SCHOOL DISTRICT GOVERNING BOARD OR
10 ITS DESIGNEE TO DETERMINE THE TIME FRAME, OPERATIONAL CONSIDERATIONS AND THE
11 APPROPRIATE CONTINUATION OF EXISTING IMPROVEMENTS THAT ARE NECESSARY TO
12 ENSURE A SMOOTH TRANSITION OF AUTHORITY FROM THE SUPERINTENDENT BACK TO THE
13 SCHOOL DISTRICT GOVERNING BOARD, EXCEPT THAT THE APPOINTED SUPERINTENDENT
14 SHALL NOT BE REMOVED IN THE SUPERINTENDENT'S FIRST THREE YEAR TERM UNLESS THE
15 STATE BOARD OF EDUCATION DISMISSES THE SUPERINTENDENT FOR CAUSE OR A VOTE OF
16 NO CONFIDENCE.

17 J. THE STATE BOARD OF EDUCATION MAY DISMISS THE SUPERINTENDENT FOR
18 CAUSE OR ON A MAJORITY VOTE OF NO CONFIDENCE IN THE SUPERINTENDENT.

19 K. THE ASSUMPTION OF CONTROL OF THE SCHOOL DISTRICT BY THE
20 SUPERINTENDENT SHALL IN NO WAY INTERFERE WITH THE ELECTION OF SCHOOL DISTRICT
21 GOVERNING BOARD MEMBERS.

22 L. ALL INFORMATION RECEIVED AND RECORDS OR REPORTS KEPT BY THE STATE
23 BOARD OF EDUCATION DURING AN INVESTIGATION RESULTING FROM A COMPLAINT AGAINST
24 A SUPERINTENDENT APPOINTED PURSUANT TO THIS SECTION ARE CONFIDENTIAL AND NOT
25 PUBLIC RECORDS.

26 M. FOR THE PURPOSES OF THIS SECTION:

27 1. "SUPERINTENDENT" MEANS THE CHIEF EXECUTIVE OFFICER OF THE SCHOOL
28 DISTRICT.

29 2. "SYSTEMIC EDUCATIONAL MISMANAGEMENT" MEANS THAT THE SCHOOL DISTRICT
30 FAILED TO ENSURE THAT A SCHOOL OR SCHOOLS IN THE SCHOOL DISTRICT PROPERLY
31 IMPLEMENTED THEIR SCHOOL IMPROVEMENT PLAN OR PLANS AS REQUIRED IN SECTION
32 15-241.

33 Sec. 2. Emergency

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

APPROVED BY THE GOVERNOR APRIL 29, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2008.

Passed the House March 12, 20 08

Passed the Senate April 23, 20 08

by the following vote: 52 Ayes,

by the following vote: 24 Ayes,

7 Nays, 1 Not Voting
With Emergency

3 Nays, 3 Not Voting
With Emergency

Speaker of the House

President of the Senate

Norman L. Joyce
Chief Clerk of the House

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2711

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 24, 2008,

by the following vote: 44 Ayes,

6 Nays, 10 Not Voting
with Emergency

[Signature]
Speaker of the House
[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of April, 2008.

at 1:00 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 29 day of

April, 2008,

at 1:50 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2711

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of April, 2008

at 4:00 o'clock P. M.

[Signature]
Secretary of State