

ARIZONA STATE SENATE

47TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON K-12 EDUCATION

DATE: March 22, 2006

TIME: 1:30 p.m.

ROOM: SHR1

CHAIRMAN: Senator Hellon

VICE CHAIRMAN: Senator Gould

ANALYST: Dawn Nazary

INTERN: Ishra Solieman

**ASSISTANT
ANALYST:** Bill Boyd

**COMMITTEE
SECRETARY:** Shelley Ponce

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Aguirre	X			HB 2118	DPA
Senator Chevront	X			HB 2357	FAILED
Senator L. Gray	X			HB 2555	FAILED
Senator Huppenthal	X			HB 2592	DPA
Senator Johnson	X			HB 2700	DP
Senator Mitchell	X				
Senator Gould, Vice Chairman	X				
Senator Hellon, Chairman	X				

GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Christine Farley	MEMBER, STATE BOARD FOR CHARTER SCHOOLS	CONFIRMATION
Vicki Balentine	MEMBER, STATE BOARD OF EDUCATION	CONFIRMATION

Chairman Hellon called the meeting to order at 1:37 p.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Hellon moved the minutes of March 22, 2006 be approved. Without objection, the minutes were approved as distributed.

EXECUTIVE NOMINATIONS

Christine Farley – Member, State Board for Charter Schools – RECOMMEND CONFIRMATION

Christine Farley gave an overview of her resume and answered questions posed by the members.

Senator Gould moved the Committee on K-12 Education recommend to the full Senate the CONFIRMATION of Christine Farley as a Member of the State Board for Charter Schools. The motion CARRIED by a roll call vote of 8-0-0 (Attachment 1).

Vicki Balentine – Member, State Board of Education – RECOMMEND CONFIRMATION

Senator Hellon gave a brief overview of Ms. Balentine's resume.

Senator Gould moved the Committee on K-12 Education recommend to the full Senate the CONFIRMATION of Vicki Balentine as a Member of the State Board of Education. The motion CARRIED by a roll call vote of 8-0-0 (Attachment 2).

CONSIDERATION OF BILLS

HB 2700 – JTEDs; omnibus – DO PASS

Bill Boyd, Education Committees Assistant Analyst, explained HB 2700.

Representative Anderson, bill sponsor, further explained HB 2700.

Sandra Junck Carpenter, Joint Technological Education Districts (JTED) Consortium, testified in support of HB 2700.

Chester Crandell, Superintendent, Northern Arizona Vocation Institute of Technology (NAVIT), testified in support of HB 2700.

Kevin McCarthy, President, Arizona Tax Research Association, testified in opposition to HB 2700.

Senator Gould moved HB 2700 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 3).

In explanation of her vote, Senator Gray stated, "I would also like to see the amendment on the adjacent ways and the excess utilities amount taken out of here. Also, for a student attending just two and one half hours, that they would get a 75% count, I think the 75% is a little high on that and

would like to see that reduced and if those concerns are met then I would probably be a yes vote on the floor also, but I need to see those amendments and I will vote “aye” for now.

In explanation of his vote, Senator Huppenthal stated “Madam Chairman, I would like to see some more analysis of the maximum potential impact and I think there should be a point at which we do another review as this thing expands, in other words, we are taking the cap off. I think rather than taking the cap off we should expand the cap and to the extent that the adjacent ways and the excess utilities are or are not used by current, I have seen what seemed to me to be obvious abuses of those things, so I think I love the idea of vocational education, I just think we need a little bit of trimming up on the bill and we will have a good bill, for now I am voting “aye”, but I look forward to seeing the amendments that we might have in Appropriations.”

In explanation of her vote, Senator Johnson stated, “I agree with what Senator Gray and Senator Huppenthal have said. I am really concerned about the economic impact this can have and for now I am going to vote “no.” I will be in Appropriations and if things get cleaned up and taken care of there then maybe I can see things differently, but for now I vote “no.”

HB 2118 – charter schools; fingerprinting; penalties – DO PASS AMENDED

Ishra Solieman, Education Committees Intern, explained HB 2118 and the following amendments:
3 page Hellon amendment dated 03/21/06 at 11:17 a.m. (Attachment A)
2 page Huppenthal amendment dated 03/21/06 at 4:15 p.m. (Attachment B).

Senator Huppenthal announced that he would not offer his amendment.

Representative Anderson, bill sponsor, further explained HB 2118.

Michele Diamond, Director of Government Affairs, Arizona State Board for Charter Schools, testified in support of HB 2118.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association, registered as neutral and answered questions posed by the Committee.

Tom Dorn, Arizona Charter Schools Association, testified in support of HB 2118.

Senator Gould read the names of individuals who registered their position on the bill (Attachment C).

Senator Gould moved HB 2118 be returned with a DO PASS recommendation.

Senator Gould moved the 3 page Hellon amendment dated 03/21/06 at 11:17 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved HB 2118 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 4).

HB 2357 – school district receiverships; mismanagement - FAILED

Dawn Nazary, Education Committees Analyst, explained HB 2357.

Representative Anderson, bill sponsor, further explained HB 2357.

Michael Smith, Association of Arizona School Administrators, testified in opposition to HB 2357.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association, testified in opposition to HB 2357.

Tom Horne, Superintendent of Public Instruction, Arizona Department of Education, distributed a handout "Roosevelt Elementary District" (Attachment D) and testified in support of HB 2357.

Senator Gould read the names of individuals who registered their position on the bill (Attachment C).

Senator Gould moved HB 2357 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-4-0 (Attachment 5).

In explanation of his vote, Senator Chevront stated, "You know, I think both sides have legitimate concerns. I do not have a problem with receivership. I think if ultimately the children are being hurt, there should be a mechanism to allow them to have a better situation where they can learn. This bill is just so broad though, it really concerns me. I know that he wants to tighten it. Academic performance, we had a bill last week that dealt with that. I would like to see that tighten up, but I think this bill in its present form, I am just too uncomfortable and I vote "no."

In explanation of her vote, Senator Hellon stated "I do not want to leave kids behind either, I think that one of the things we do as a committee is really take into consideration where we can be helpful to students and parents and schools in general, there is no doubt about that, but I sat here last year and I remember distinctly, I do not know exactly what my words were but certainly my intent when I was discussing this was that we were dealing with a specific financial problem and we really went round and round and finally agreed upon a receivership bill that would deal with that specific problem and certainly beagain I do not remember my exact words, but certainly my intent was that it would.....we would leave it at that. That was the deal at that point and I remember that very clearly, that that was my intent at that point and I think this is too centered to broadness, widely and I vote "no."

HB 2555 – schools; financial mismanagement provisions (now: accommodation schools; board of supervisors) – FAILED

Ishra Solieman, Education Committees Intern, explained HB 2555 and the following amendments:
14 line Hellon amendment dated 03/21/06 at 1:52 p.m. (Attachment E)
2 page Johnson amendment dated 03/21/06 at 2:17 p.m. (Attachment F)

Representative Anderson, bill sponsor, further explained HB 2555.

Don Stapley, Supervisor, District 2, Maricopa County Board of Supervisors, distributed a handout "Independent Auditor's Report" (Attachment G) and testified in support of HB 2555.

Tom Irvine, Counsel to Maricopa County, distributed a handout "Request for Information Responses – March 10, 2006" (Attachment H) and testified in support of HB 2555.

Tom Horne, Superintendent of Public Instruction, Arizona Department of Education, testified in support of HB 2555.

Lee Ann Bohn, Budget Administrator, Maricopa County Office of Management and Budget, distributed a handout “HB2555 Balances Taxpayer Accountability with Legitimate Accommodation District Needs” (Attachment I) and testified in support of HB 2555.

Sandra Dowling, Maricopa County School Superintendent, distributed an informational packet (Attachment J) and testified in opposition to HB 2555.

Steve Zimmerman, Deputy Superintendent, Maricopa County Regional School District, testified in opposition to HB 2555 and answered questions posed by the Committee.

Shawn McCollough, Superintendent of Maricopa County Regional School District, answered questions posed by the Committee.

Linda Arzoumanian, Pima County School Superintendent, testified in opposition to HB 2555.

Jessica Blazina, Communications & Government Relations, County Supervisors Association, testified in support of HB 2555.

Senator Gould read the names of individuals who registered their position on the bill (Attachment C).

Senator Gould moved HB 2555 be returned with a DO PASS recommendation.

Senator Gould moved the 2 page Johnson amendment dated 03/21/06 at 2:17 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved the 14 line Hellon amendment dated 03/21/06 at 1:52 p.m. be ADOPTED. The motion FAILED by voice vote.

Senator Gould moved HB 2555 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 4-4-0 (Attachment 6).

In explanation of his vote, Senator Chevront stated “Madam Chair I have great trepidation, do we miss I guess this just concerns me when we try to get into the middle of something that is not a consensus for the whole state and I will vote “aye.”

In explanation of his vote, Senator Huppenthal stated “Madam Chairman, any time you have two entities like this and you sort of pit them against each other, on this funding formula, I’m just reminded that good fences make good neighbors and what we ought to do is like King Solomon, we ought to divide the line between the two and if the revenue control limit, if the Superintendent never spent the revenue control limit, come up with some other number that might be slightly less than that and allow her to go do her business and work on her stuff and consider the issue of whether she should have an oversight board. I think the County Board of Supervisors has a lot to do without also operating as a school board over her operations. I am gonna continue to work on this issue and allow it to stay alive, but Ilooking at this if I had to pick, just based on the financial discussion, a good guy and a bad guy, I would pick the Superintendent as being the good guy and the Board of Supervisors as being the bad guys, because the analogy with the Sheriff does not work. If you went over his budget, he is spending more than all the other counties on a unit basis and the Superintendent is spending quite a bit less and so the analogy for me did not work. I am going to vote “aye” because I think there are some issues that I think we have to resolve. I do not think this bill is the proper way to resolve them, but maybe we will have amendments. I will vote “aye.”

In explanation of her vote, Senator Johnson stated "I have spent some time out at the accommodation school that was out at Williams-Gateway, I have been to Papas School, I have interacted with those children, and anything that would be detrimental to this school, to this school district and what they are trying to accomplish is reallyhurts my heart. I just do not want to see that happen, I am going to vote "no."

In explanation of her vote, Senator Gray stated "I agree that it should be with all counties and not be attacking with just one county with the issue that has happened. There does need to be communication between the two groups and I am not sure if this is forcing communication or being more divisive by having this bill, although with what is written in the bill I do not see any problem with any Superintendent forwarding to the Board of Supervisors academic and financial plans. I agree with everything Superin.....Senator Huppenthal said and maybe we do need an oversight school board to help out with the accommodation schools and so to keep it moving I will vote "aye."

In explanation of her vote, Senator Hellon stated "I have, I am not going to even talk about my personal feelings about this because I do not look at it personally, I try to look at it as a Legislator, although that is a difficult thing to do in any situation like this, but I have made an early commitment that if itit is, perhaps as members have said a situation between a small group of people and I can not support it effecting the entire state, I can not do that and I made that commitment early and I am going to stick to that and I vote "no."

HB 2592 – school buildings; developer partnerships – DO PASS AMENDED

Dawn Nazary, Education Committees Analyst, explained HB 2592 and the 2 page L. Gray amendment dated 03/21/06 at 2:43 p.m. (Attachment K).

Jaime Molera, Lobbyist, Lyle Anderson Company, testified in support of HB 2592 and answered questions posed by the Committee.

Spencer Kamps, Deputy Director, Home Builders Association of Central Arizona, testified in support of HB 2592.

Senator Gould read the names of individuals who registered their position on the bill (Attachment C).

Senator Gould moved HB 2592 be returned with a DO PASS recommendation.

Senator Gray moved the 2 page L. Gray amendment dated 03/21/06 at 2:43 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved HB 2592 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-2 (Attachment 7).

There being no further business, the meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)