

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON EDUCATION K-12

DATE: January 16, 2008 **TIME:** 9:00 a.m. **ROOM:** SHR1

CHAIRMAN: Senator Johnson **VICE CHAIRMAN:** Senator L. Gray

ANALYST: Dawn Wallace **INTERN:** Alisa Yasin

**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 Gould	X			SB 1025	DPA
Senator Huppenthal	X			SB 1026	HELD
Senator Landrum Taylor	X				
Senator McCune Davis	X				
Senator O'Halleran	X				
Senator Pesquiera	X				
Senator Soltero	X				
Senator L. Gray, Vice Chairman	X				
Senator Johnson, Chairman	X				

PRESENTATIONS

Presentation on the School District Redistricting Commission -- Marty Shultz
Presentation by the Goldwater Institute -- Dr. Matthew Ladner

Chairman Johnson called the meeting to order at 9:10 a.m., and attendance was taken.

INTRODUCTION OF STAFF

Senator Johnson introduced staff as follows:

- Dawn Wallace, Education K-12 Committee Analyst
- Alisa Yasin, Education K-12 Committee Intern
- Javan Mesnard, Policy Advisor for Majority Staff
- Josh Kredit, Majority Staff Intern
- Chris Kotterman, Policy Advisor for Democratic Staff
- Amanda Rohrkemper, Democratic Staff Intern
- Shelley Ponce, Committee Secretary
- Kody Kelleher, Committee Page
- Mallory Ertz, Committee Page

SB 1026 – continuation; school facilities board – HELD

Senator Johnson announced that SB 1026 would be HELD.

SB 1025 – scholarships; disabled pupils; good cause – DO PASS AMENDED

Dawn Wallace, Education K-12 Committee Analyst, explained SB 1025 and the 2-page L. Gray amendment dated 01/15/08 at 10:37 a.m. (Attachment A).

Senator Gray distributed “Autism News.com” (Attachment B), “November 22, 2005 Prescott Unified School District letter” (Attachment C), “November 17, 2006 Prescott Unified School District letter” (Attachment D) and further explained the need for SB 1025.

Michael Markowitz, President, Write Idea Communications, Inc., representing self, testified in support of SB 1025.

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

Jennifer Daily, Arizona Education Association, testified on behalf of Arizona School Boards Association in opposition to SB 1025.

Senator Gray moved SB 1025 be returned with a DO PASS recommendation.

Senator Gray moved her 2-page amendment dated 01/15/08 at 10:37 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved SB 1025 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-0 (Attachment 1).

In explanation of his vote, Senator Huppenthal stated “Madam Chairman, I got involved in autistic education, education of autistic children probably about nine years ago when I worked with a group of parents of autistic children in my district to set up a model summer school. These were really high, these were high achieving parents who had the best interest and they had done an enormous amount

of research on autistic education. I found it striking to watch the children over the course of that summer. When we went in there for the opening day it was pretty chaotic. They had achieved the mix of 1/3 autistic children, 2/3 typical kids and autistic children have trouble with tantrums and they were all over the classroom. As the course went on, when I went there the last week, there were no tantrums taking place. I was just dumbfounded that over the course of the summer they had achieved stability in there and they had done it through the very best practices and also a teacher that was highly skilled in the very best practices. I started working to find out more and more about the theory behind what they were doing. There is various variance of what they call ABA theory in which they first use extrinsic rewards, literally feed back by candy and those kinds of things to get specific behaviors. Then over time they do that less and less to make it intrinsically a part of the child. It convinced me that there is a lot that we can do to have autistic children grow up to be typical kids and to be functioning adults and not dependent upon going to disability and depend on Social Security for their livelihood. The question is how you translate those theoretical things that we know can produce great classrooms into a part of our common educational culture. I would say, and I have gone to a couple of conferences on this, the one that was most striking to me was a lady who was thoroughly familiar with all this research. She said what autistic children need more than anything is great schools, not just schools that are good for them but also that are good for every kid and will produce the kind of environment in which these kids can prosper. So that is the question. My good friend, Senator O'Halleran suggests that more money can help. The research does not show that. There is over 160 studies of pier one, level one pier review journals and 147 of those finds no correlation between educational outcomes and money in any way. The remaining 47, if you study those carefully, they are much more narrowly drawn. So, I would suggest that, you know that last thing we have not tried in education is full blown school choice. It is all that is left. It is the last card in the deck. I know a lot of people that is the end of the world to them, but I think in the end it is going to be the only solution in which we create a world class education culture that allows every child to prosper, including children who suffer from autism. I vote 'aye'."

In explanation of her vote, Senator Landrum Taylor stated "It seems really unfortunate the type of web that these families have to be in, in order to have something for their children that so many may even take for granted and that is just to be able to have a good equitable education and in an environment that is conducive to their needs. This particular piece of legislation, it is a start and I am looking forward to seeing what is going to happen. Of course, I know the amendment will go on on the floor but it does sound like there is still a whole lot more work to do as it relates to families that have children with different physical needs or emotional challenges. Certainly as we move forward we really need to take a focus on that. When you look at the studies of the increased numbers of children now that are being diagnosed with autism and being autistic, we have to step to the plate as a state and see what can be done so that we do not have families having unnecessary financial and emotional hardships and children not being able to get what they receive. Not to mention, just in hearing the case of the family moving all the way to Missouri but yet cannot receive health insurance and 'blah, blah, blah'and it goes on and on and on, and the spiral gets out of control. Certainly whatever we can do as a state to move forward I would like to see that and I am going to support this legislation today and of course with the promise that the amendment will be added on. I vote 'aye'."

In explanation of her vote, Senator McCune Davis stated "I will support the bill as it moves out of committee in anticipation of the amendment. I think the amendment is what clarifies statute. I think the bill in and of itself has some imprecise language in it which I think if you are worried about litigation, that definition that is in here about 'good cause' is an invitation for litigation because if one family gets services and another has an identical circumstance and applies for services and the money is not there, there is no question but that this will draw added legal challenges. I hope we can

perhaps look at that too as we move the bill to the floor, but I will vote for it as of today and I vote 'aye'."

In explanation of his vote, Senator O'Halleran stated "I am sure my good friend, Senator Huppenthal, and I will have many debates this year about school choice, although Arizona is ranked number one for school choice in the nation. I will say this, we need to have an evaluation. If we are going to talk about school choice let us talk about fairness across the board in the regulatory environment. If a school has to take everybody that comes to its doors and other schools do not have to take everybody that comes to its doors, it is an unequal playing field. If a school has to have a regulatory environment that is much higher than anybody else, it is not a fair evaluation. If a school has to test children and other people do not have to test children, it is not a fair playing field. Just as one example, last year I had a bill here on special education to increase it by \$26 million to deal with the inflation and where that money should be in the special education system. That did not make it through this legislature. This system is under funded. The counselors in this system, we have double the national average, where we do have counselors. This is a huge problem, it is not going to be solved easily. To not recognize that the state has an obligation here over and above what we do here today is not right. With that I vote 'aye'."

In explanation of her vote, Senator Pesquiera stated "When this bill came forward I was a little bit complex on what it meant and the interpretation and what the outcome would be with this particular bill. It also pulled the strings to my heart in terms of the whole purpose which is children and children with disability. I spoke to some teachers last night, not only in my district but in other parts of southern Arizona. That bill with this particular issue and working with families and just some of the frustration. I think this is a start but I have to say I appreciate Mr. (Pardon me if I am chopping your name) Markowitz, your amendment. I think you did a fine job. With that I hope that we can come together and strengthen it when we get to the floor and with that I vote 'aye'."

In explanation of his vote, Senator Soltero stated "I have a niece that has a child that has emotional problems and I talk with her quite often. She calls me to share with me problems that she encounters. She is a single parent. She has a little girl that is going to be 12. This little girl sometimes really causes some situations and they call the police and they go through to arrest. This little girl just has these melt-downs, I guess. No fault of her own, you know, she has a problem. This niece of mine has gone through some really tough times trying to find a school that will accept her daughter, trying to find a school that has programs to help her daughter. I will tell you it is really difficult. She has explored every avenue there is to how to deal with this child. Services that are out there provided to her child and it is a difficult situation. If this legislation will help individuals that have children that have problems and it will help them achieve what they want to achieve which is an education for their child, I think it is a good cause Madam Chair and I am happy to vote 'aye'."

In explanation of her vote, Senator Gray stated "It is a challenge in today's society raising what ever is a normal child. When a parent has a child with disabilities it really does pull at their heart strings and whatever they can do for their children. I think it was about two years ago that we put \$2 million into a bill that I think \$1 million went for research for autism and another \$1 million went to a program that was developed, the acronym is SARC. They trained teachers and also have classes at a facility over on Thomas. So, we have put a little bit, I think one of the greatest challenge is being able to get training for teachers in how to work with children. I hope that we are able to provide that without charging teachers for the class that through SARC and the other programs teachers and parents will get the training and how to work with autistic children. I will be working and getting the amendment for the floor and with that I vote 'aye'."

PRESENTATIONS

School District Redistricting Commission

Marty Shultz, Chairman, School District Redistricting Commission, distributed “School District Redistricting Commission Recommendations to the Governor of Arizona” (Attachment F). He explained the procedures, data and recommendations of the Commission.

Goldwater Institute

Dr. Matthew Ladner, Vice President for Policy Research, Goldwater Institute, distributed “Testimony of Dr. Matthew Ladner” (Attachment G) and explained the data and conclusions of his research.

There being no further business, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Audio recordings and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>)