

# ARIZONA STATE SENATE

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## 48TH LEGISLATURE SECOND REGULAR SESSION

### MINUTES OF COMMITTEE ON EDUCATION K-12

**DATE:** February 20, 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

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#### ATTENDANCE

#### BILLS

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<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Gould	X			SB 1104	DP
Senator Huppenthal	X			SB 1229	DPA/SE
Senator Landrum Taylor	X			SB 1266	DPA/SE
Senator McCune Davis	X			SB 1341	DPA
Senator O'Halleran	X			SB 1443	DPA
Senator Pesquiera	X			SB 1497	HELD
Senator Soltero	X			SCR 1023	DP
Senator L. Gray, Vice Chairman	X				
Senator Johnson, Chairman	X				

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#### PRESENTATIONS

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**Presentation on Charter School Funding**

Chairman Johnson called the meeting to order at 9:06 a.m., and attendance was taken.

## **APPROVAL OF MINUTES**

**Senator Johnson moved the minutes of February 13, 2008 be approved. Without objection, the minutes were approved as distributed.**

## **PRESENTATION**

### **Charter School Funding**

**Jay Kaprosy, Arizona Charter Schools Association**, distributed “Arizona Charter Schools Association” (Attachment A), “Additional Assistance Calculations/SFB Construction Index Increases” (Attachment B) and gave an overview of the Charter School funding mechanism.

## **CONSIDERATION OF BILLS**

### **SCR 1023 – school district expenditures; authorization. – DO PASS**

**Dawn Wallace, Education K-12 Committee Analyst**, explained SCR 1023.

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

**Senator Gray moved SCR 1023 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-0 (Attachment 1).**

### **SB 1341 – schools; employee code of conduct – DO PASS AMENDED**

**Dawn Wallace, Education K-12 Committee Analyst**, explained SB 1341 and the 9-line L. Gray amendment dated 02/19/08 at 2:58 p.m. (Attachment D).

**Vince Yanez, Executive Director, State Board of Education**, registered as neutral and answered questions posed by the committee.

**Jennifer Daily, Arizona Education Association**, distributed “Arizona Revised Statutes” (Attachment E) and testified in opposition to SB 1341.

**David Braswell, Governing Board Member Glendale Union High School District, representing himself**, distributed “Public Schools Employee Code of Conduct” (Attachment F) and testified in support of SB 1341.

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

**Senator Gray moved SB 1341 be returned with a DO PASS recommendation.**

**Senator Gray moved her 9-line amendment dated 02/19/08 at 2:58 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Gray moved SB 1341 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-4-0 (Attachment 2).**

In explanation of her vote, Senator Landrum Taylor stated "In looking at the legislation and even with the amendment it seems like we already have something established as it relates to code of conduct and it seems like it is being handled in a very efficient manner so I guess I am just a little bit confused again as far as why this is really necessary to go forward. Again, even with the amendment it seems like it is taking a lot of the responsibility away from the State Board, so unless I am ... I do not have further clarification on that but I am going to vote 'no'."

In explanation of her vote, Senator McCune Davis stated "When I looked at this bill originally, I thought, 'oh my, there must be a big problem' and I continued to search to figure out what the problem was. I spoke to Superintendents and they said no we have clear policies in place from the State Board of Education. We have ASBA policies in place. There is no issue in terms of lack of clarity. Mr. Braswell's comments imply that there are problems that school boards face, but he did not identify resolutions. He is suggesting that these things remain hanging out there unresolved and I do not believe that is the case. I do not see the need for the bill and I vote 'no'."

In explanation of his vote, Senator O'Halleran stated "I have had some problems with the bill. I want to thank the sponsor for the amendment. I still have some problems with the bill and I do not think that we need to list all these crimes once we have stated that there is a need to deal with the Federal, State and Local civil laws. We can also put in there criminal laws and take a lot of this direction for the State Board away. I am not an expert on human resource issues or the laws pertaining to resource issues. It bothers me when I see crimes involving spirituous liquor or drugs. I do not know how that is going to be dealt with but I know I would rather have people treated for some of those issues than dealt with as a reporting process, at least for an initial purpose, especially if it is off school grounds. I am going to vote 'yes' on this to allow the sponsor to work on it some more, but I have some serious concerns moving forward.

In explanation of his vote, Senator Soltero stated "Because I do believe that school districts already have codes of conduct, Madam Chair, and to be perfectly honest with you I have not heard any of my school district people come to me asking for different or more explanations on codes of conduct. I believe they are doing well and I will have to vote 'no'."

In explanation of her vote, Senator Gray stated "I think the purpose of this has been misunderstood. With fingerprint clearance cards we do have specific items in which you cannot teach and there are the other codes of conduct that can be adopted by school districts. What is missing in our state is that when teachers sign a contract they should have a right to know what is expected of them. So, that is the purpose of this that when a teacher signs on a dotted line, this is what is expected and they know some of the consequences of that. That is why I brought the bill forward so that teachers will know what the discipline will be that they receive it in writing and with that I vote 'aye'."

In explanation of her vote, Senator Johnson stated "I certainly identify with the remarks that Senator Gray has made and I thought with the testimony it did become apparent that most teachers are not aware, I mean they may have a general idea, they should not be immoral and things like that, but they do not really know for sure and then when you have to bring some kind of disciplinary action the just cause is up in the air. I think it is important that teachers, when they sign their contracts, know what is expected of them and then they do not have any excuse and they know. I vote 'aye'."

**SB 1104 – TAPBI program; expansion – DO PASS**

**Dawn Wallace, Education K-12 Committee Analyst**, explained SB 1104.

**Senator Waring, bill sponsor**, further explained SB 1104.

**Jim Dicello, Lobbyist, Paradise Valley Schools**, testified in support of SB 1104.

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

**Senator Gray moved SB 1104 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-3-0 (Attachment 3).**

In explanation of his vote, Senator Huppenthal stated “I am going to vote ‘aye’ for now but I look forward to a discussion on an amendment for the floor.”

In explanation of her vote, Senator Landrum Taylor stated “I am concerned at this point regarding being able to get a handle on what can happen if this is expanded extensively. I agree that some of the comments that were made as it related to the concern of that. So I will be voting ‘no’.”

In explanation of her vote, Senator McCune Davis stated “I support the Technology Based Education and believe it has tremendous value, particularly for school districts who are struggling with students who have economic burdens to carry in addition to academic achievements to accomplish and that have problems with drop out rates. This expansion does not appear to allow that opportunity to those kinds of districts and for that reason I will oppose the bill. My preference would be to see it go out of pilot status and make it available to all districts that are interested. I vote ‘no’.”

In explanation of his vote, Senator O’Halloran stated “I believe as Senator Huppenthal does that there are some problems with the bill. I would want to see a number of changes before it hits the floor and with that I vote ‘aye’.”

In explanation of her vote, Senator Pesquiera stated (inaudible).

In explanation of his vote, Senator Soltero stated “I do believe that the program offers an option for students and it seems like it is technology assisted learning methodology. I think all this is something that we are all looking forward to, Madam Chair. As far as the expansion, well, it is an expansion, it is not a huge expansion. I would also like to... for us to listen to the comments that were made about why do not other school districts have the opportunity to have TAPBI schools, but I will vote ‘aye’, Madam Chair, to keep it going.”

**SB 1229 – schools; diabetes treatment – DO PASS AMENDED/STRIKE EVERYTHING**

**Dawn Wallace, Education K-12 Committee Analyst**, explained the 3-page O’Halloran strike everything amendment dated 02/12/08 at 4:48 p.m. (Attachment G).

**John Curtin, Attorney, Arizona Trial Lawyers Association**, testified in opposition to the strike everything amendment.

**Bobbi Presser, MPH, Arizona Diabetes Association**, testified in support of the strike everything amendment.

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

**Senator Gray moved SB 1229 be returned with a DO PASS recommendation.**

**Senator Gray moved the 3-page O'Halleran strike everything amendment dated 02/12/08 at 4:48 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Gray moved SB 1229 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-1-0 (Attachment 4).**

In explanation of her vote, Senator Pesquiera stated (inaudible).

In explanation of her vote, Senator Johnson stated "I am going to vote 'aye' for now. I would hope that perhaps something could be worked out with Senator O'Halleran to address the immunity issue and that, that could be tightened down as was testified to. I would like to see that happen. For now I will vote 'aye'."

**SB 1497 – educational expenses; income tax subtraction – HELD**

Senator Johnson stated that SB 1497 would be HELD.

**SB 1443 – SDRG; small school district adjustment – DO PASS AMENDED**

**Dawn Wallace, Education K-12 Committee Analyst**, explained SB 1443 and the 2-page L. Gray amendment dated 02/19/08 at 12:22 p.m. (Attachment H).

**Martin Shultz, Chairman School District Redistricting Commission**, testified in support of SB 1443.

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

**Senator Gray moved SB 1443 be returned with a DO PASS recommendation.**

**Senator Gray moved her 2-page amendment dated 02/19/08 at 12:22 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Gray moved SB 1443 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-2-3 (Attachment 5).**

**SB 1266 – schools; postemployment benefits – DO PASS AMENDED/STRIKE EVERYTHING**

**Dawn Wallace, Education K-12 Committee Analyst**, explained the 8-page Johnson strike everything amendment dated 02/11/08 at 3:37 p.m. (Attachment I).

**Sandra Junck Carpenter, Chandler Unified School District**, testified in support of the strike everything amendment.

**Senator Gray moved SB 1266 be returned with a DO PASS recommendation.**

**Senator Gray moved the 8-page Johnson strike everything amendment dated 02/11/08 at 3:37 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Gray moved SB 1266 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-4 (Attachment 6).**

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>)