

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON EDUCATION K-12

DATE: February 27, 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			HB 2469	FAILED
Senator Huppenthal	X			SB 1047	DPA/SE
Senator Landrum Taylor		X		SB 1218	DPA/SE
Senator McCune Davis	X			SB 1279	DP
Senator O'Halleran	X			SB 1280	HELD
Senator Pesquiera	X			SB 1334	DP
Senator Soltero	X			SB 1359	DPA/SE
Senator L. Gray, Vice Chairman	X			SB 1478	DPA/SE
Senator Johnson, Chairman	X			SCR 1017	DP

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

CONSIDERATION OF BILLS

SB 1047 – schools; open enrollment; transportation – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 22-page L. Gray strike everything amendment dated 02/25/08 at 11:48 a.m. (Attachment A).

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

Senator Gray moved SB 1047 be returned with a DO PASS recommendation.

Senator Gray moved her 22-page strike everything amendment dated 02/25/08 at 11:48 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved SB 1047 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 1).

SB 1218 – joint common schools; technical correction – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 26-line Johnson strike everything amendment dated 02/25/08 at 12:06 p.m. (Attachment C).

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

Senator Gray moved SB 1218 be returned with a DO PASS recommendation.

Senator Gray moved the 26-line Johnson strike everything amendment dated 02/25/08 at 12:06 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved SB 1218 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 2).

Art Harding, Legislative Liaison, Arizona Department of Education, testified as neutral and stated that the Department of Education is looking over the language in the strike everything amendment.

SB 1279 – review committee; Arizona national rankings – DO PASS

Alisa Yasin, Education K-12 Committee Intern, explained SB 1279.

Senator Huppenthal, bill sponsor, further explained SB 1279.

Senator Gray moved SB 1279 be returned with a DO PASS recommendation.

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

Michael Smith, Arizona School Administrators, testified in opposition to SB 1279.

Senator Johnson asked for a vote on the motion to return SB 1279 with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-1 (Attachment 3).

In explanation of his vote, Senator O'Halleran stated "I will be voting 'aye' at this time. I hope that between now and the COW we do get an amendment that better clarifies the process and who is going to be working on it."

In explanation of her vote, Senator Pesquiera stated "I think, committee members and guests, I think this is a good example of what the after effects of not putting in a budget that is going to help our education for the State of Arizona and while we are tugging and pulling with our budget and putting forth good effort to make sure that our programs in education are supported, unfortunately, we are looking for alternatives like the good Senator Huppenthal is trying to set for. I can see his attempt to put us in a different standing and to really assess and evaluate where we are at, so for that for now I will vote 'aye' and with the hopes that we have some type of work effort here before it goes to the floor."

In explanation of his vote, Senator Soltero stated "I am going to vote 'aye' today, Madam Chair, but I hope that we come up with some thoughts and ideas as to how ADOA is going to handle this situation. Are there going to be expenses involved, how do we address that. Is staff going to be needed and who, what department is going to staff the committee? So there are a few things left, Madam Chair, but to keep the discussion going I am going to vote 'aye'."

HB 2469 – education accountability; crisis teams; receivership (now: schools; overexpenditure; crisis teams; receivership) – FAILED

Dawn Wallace, Education K-12 Committee Analyst, explained HB 2469 and the following amendments:

- 2-page O'Halleran amendment dated 02/26/08 at 3:00 p.m. (Attachment D)
- 25-line Johnson amendment dated 02/26/08 at 2:53 p.m. (Attachment E)

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

Representative Nelson, bill sponsor, further explained HB 2469.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association, testified in support of HB 2469.

Nicole Stickler, Executive Director, Arizona Association of Counties, testified in support of HB 2469.

Melynda Wescott, Constituent, representing herself, testified in opposition to HB 2469.

Christina Wilder-Mertens, Constituent, representing herself, testified in opposition to HB 2469.

Michael Smith, Arizona School Administrators, answered question posed by the committee.

Charles Essigs, Assistant Superintendent, Arizona Association of School Business Officials, answered questions posed by the committee.

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

Senator Gray moved HB 2469 be returned with a DO PASS recommendation.

Susan Sendrow, Attorney, Arizona Education Association, registered as neutral and discussed possible amendments to HB 2469.

Senator Gray moved the 2-page O'Halleran amendment dated 02/26/08 at 3:00 p.m. be ADOPTED. The motion CARRIED by voice vote.

Tim Carter, representing himself, testified in opposition to HB 2469.

Senator Gray moved the 25-line Johnson amendment dated 02/26/08 at 2:53 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HB 2469 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 4-4-1 (Attachment 4).

In explanation of his vote, Senator Huppenthal stated "This is a very large piece of legislation and although it would be unusual, I would not consider it unusual if it were to fail today that it would be brought back. Madam Chairman, I cannot support it right now because there are a number of items in here that are just too big for me to get my arms around at this point. Let me go through them as quickly as I can. The subsidy to the school districts that unify, if you look at that scale, every budget that I have ever seen in which school districts have additional cash flow, has resulted in an increase in their fixed costs. It is just the nature, there is nothing wrong with that, that is just what happens. If you look at that financing scale it immediately starts ratcheting that back down and if you know that process, of which I have been through it a number of times, that is going to throw that district, that just unified and is still in stress, indeed more stressed. So I have a problem with that subsidy for unification. I do not think it is throwing them a life raft, I think it is throwing them an anchor. The other thing that I have issues with, having done a number of these pieces of legislation, to go to the aid of school districts that were in trouble from over spending for any number of reasons, we immediately put them on a schedule of repayment, there was no delay. Every time when it is appropriate for a variety of reasons to give them more time to settle out their bills, but they had to get at that immediately, there was no delay in the start period. That delay in the start period concerns me because I immediately think, if they can put it off now, guess what, we are going to see another bill next year to put it off a little bit longer. So, I have a concern about the delay and the sequencing of the start period. I think there are some issues with, you hold the superintendent, the school board, and the county school superintendent accountable. In an ideal world it would seem to me that we would step in immediately and do away with the shenanigans of the friendly law suits. Law suits are between hostile parties not friendly parties and it makes a sham of our courts that they are participating in that process. Madam Chairman, I am voting 'no' but that is not a permanent no. That is saying that there is a number of things in here which I cannot at this point approve of and I vote 'no'."

In explanation of his vote, Senator O'Halleran stated "I will dovetail on Senator Huppenthal's comments and some of the discussion here today made it apparent that while the sponsor of the bill has done a tremendous amount of work over the last year in dealing with this problem, I have a real problem on the ability of this system as currently designed to deal with this problem at all. I think this is like putting paint over a rotting fence. This is a problem not just with the inability of a couple of people to deal with a system. It is a system with the inability to deal with the education of our children. I think we have to look at a broader context of where the problems really reside. We have talked about receivers and the timing in which receivers need to get the job done for those children. The level of talent available within our state to deal with these issues. The timing of making sure that these issues get dealt with in a relevant time period. Hopefully, between now and the floor if it gets out of this committee we can make some substantial changes in this process. This is not an issue of just a school district having a problem. It is a problem of the State of Arizona having a problem on how it deals with its educational system. I think when Senator Gray had her transportation bill recently, this morning, part of the problem is that we are shifting transportation funds over to one side and if there is not enough transportation funds then we take soft capital funds and shift them over here. Everybody is borrowing from everybody in this system. This bill takes care of a piece of a problem. It does not take care of a problem and my concern is that in two or three years as this problem continues and we are attacking not the root of the problem but a piece of the problem, we are going to get in deeper and deeper problems until we really change the system and with that I vote 'no'."

In explanation of his vote, Senator Soltero stated "For some reason it kind of surprises me that so many issues in this piece of legislation apparently have come up here today. It has already gone through the process in the House, I do not know how we missed all these situations where people are very concerned about certain things in the bill. Madam Chair, I think this is a step in the right direction. I hope that on the floor amendments can be brought forward that will deal with the issues that have been brought up as to what needs to be done and what is not in the bill and what is in the bill that maybe should be changed. Madam Chair but I will vote 'aye'."

In explanation of her vote, Senator Gray stated "I think there is still quite a bit of work that needs to be done and would like to see it come back before the Education Committee after more amendments are worked on and so asking the sponsor of the bill to do that and in order to do that the bill needs to be defeated today in the Senate. What that means is that a defeated bill may come back to the committee and be voted again and so wanting to see what the amendments might be today I am voting 'no'."

In explanation of her vote, Senator Johnson stated "I identify with the feelings that Senator Huppenthal and Senator O'Halleran and Senator Gray have and I am going to vote 'no' in hopes that we can bring this bill back, we have a couple more weeks, and fix it here in committee, that the stake holders will get together, pull together and make this bill something that will truly work for the problems that it is trying to solve."

SB 1280 – AIMS test; scoring system – HELD

Alisa Yasin, Education K-12 Committee Intern, explained SB 1280 and the 2-line Huppenthal amendment dated 02/26/08 at 11:16 a.m. (Attachment F).

Senator Huppenthal, bill sponsor, asked that SB 1280 be HELD.

Senator Johnson stated that SB 1280 would be HELD.

SB 1359 – schools; developmentally delayed pupils – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 32-page O'Halleran strike everything amendment dated 02/25/08 at 8:56 a.m. (Attachment G).

Tim Carter, Arizona Association of County School Superintendents, testified in support of the strike everything amendment.

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

Senator O'Halleran moved SB 1359 be returned with a DO PASS recommendation.

Senator O'Halleran moved his 32-page strike everything amendment dated 02/25/08 at 8:56 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator O'Halleran moved SB 1359 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-2 (Attachment 5).

SB 1334 – compact; educational opportunity; military children. – DO PASS

Alisa Yasin, Education K-12 Committee Intern, explained SB 1334.

President Bee, bill sponsor, further explained SB 1334.

Laura Crehan, Department of Defense Regional Liaison, Office of Deputy Under Secretary of Defense, testified in support of SB 1334.

Stephanie Garnes, School Liaison Officer, Luke Air Force Base, representing self, testified in support of SB 1334.

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

Representative Pancrazi, testified in support of SB 1334.

Senator Gray moved SB 1334 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-1 (Attachment 6).

In explanation of his vote, Senator Gould stated "Due to the budget deficit I cannot support bills that have a price tag attached to them so I will be voting 'no'."

In explanation of her vote, Senator Gray stated "The shortfall in the budget and then to enter into another NCSL, all the others that we pay fees to and this will require a fee, and I believe that Arizona should be working, especially, for military children to see that their transcripts, their IEPs, everything is already transferred and I really do not see how this helps with that and I am voting 'no'."

In explanation of her vote, Senator Johnson stated "I have to agree with Senator Gould. Here I am voting no on bills that come to the floor because we are in this budget crisis so I feel like I have to follow through and vote 'no' on this at this time."

SB 1478 – transfer of credits; charter schools – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 6-page Landrum Taylor strike everything amendment dated 02/25/08 at 11:10 a.m. (Attachment H).

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

Tom Dorn, Arizona Charter Schools Association, testified in support of the strike everything amendment.

Senator Gray moved SB 1478 be returned with a DO PASS recommendation.

Senator Gray moved the 6-page Landrum Taylor strike everything amendment dated 02/25/08 at 11:10 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved SB 1478 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1 (Attachment 7).

SCR 1017 – extra compensation; teacher performance pay – DO PASS

Dawn Wallace, Education K-12 Committee Analyst, explained SCR 1017.

Senator Huppenthal, bill sponsor, further explained SCR 1017.

Senator Huppenthal moved SCR 1017 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1 (Attachment 8).

There being no further business, the meeting was adjourned at 12:15 p.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>)