

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON EDUCATION K-12

DATE: April 9, 2008 **TIME:** 8:30 a.m. **ROOM:** SHR1

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

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

**COMMITTEE
SECRETARY:** Shelley Ponce

ATTENDANCE

BILLS

Committee Members

	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Gould	X			HB 2007	DP
Senator Huppenthal	X			HB 2042	DPA
Senator Landrum Taylor	X			HB 2086	DP
Senator McCune Davis	X			HB 2286	DPA/SE
Senator O'Halleran	X			HB 2391	HELD
Senator Pesquiera	X			HB 2392	DP
Senator Soltero	X			HB 2527	NOT HEARD
Senator L. Gray, Vice Chairman	X			HB 2557	DPA
Senator Johnson, Chairman	X			HB 2558	DPA/SE
				HB 2564	DP
				HB 2567	DP
				HB 2816	DPA/SE

Chairman Johnson called the meeting to order at 8:30 a.m., and attendance was noted.

CONSIDERATION OF BILLS

HB 2527 – JTEDs; adult students – NOT HEARD

Senator Johnson announced that unanimous consent was not achieved therefore HB 2527 would not be heard.

HB 2391 – industries for the blind; procurement – HELD

Senator Johnson announced that HB 2391 would be HELD.

HB 2042 – DOA; energy conservation standards (now: school employees; arrests; reporting) – DO PASS AMENDED

Alisa Yasin, Education K-12 Committee Intern, explained HB 2042 and the 2-page Johnson amendment dated 04/08/08 at 4:39 p.m. (Attachment A)

Representative Robson, bill sponsor, further explained HB 2042.

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

Senator Gray moved HB 2042 be returned with a DO PASS recommendation.

Senator Gray moved the 2-page Johnson amendment dated 04/08/08 at 4:39 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HB 2042 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-2 (Attachment 1).

HB 2392 – NCLB opt out; cost study – DO PASS

Dawn Wallace, Education K-12 Committee Analyst, explained HB 2392.

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

Senator Gray moved HB 2392 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-1 (Attachment 2).

In explanation of her vote, Senator Gray stated “We do not have the \$600 million to replace, so because of that I vote ‘no’.”

HB 2007 – pupils with chronic health problems – DO PASS

Alisa Yasin, Education K-12 Committee Intern, explained HB 2007.

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

Senator Gray moved HB 2007 be returned with a DO PASS recommendation.

MacHelle Pickens, representing herself, testified in support of HB 2007.

Representative Schapira, bill sponsor, answered questions posed by the committee.

The motion to return HB 2007 with a DO PASS recommendation CARRIED with a roll call vote of 7-1-1 (Attachment 3).

In explanation of her vote, Senator McCune Davis stated "I am not comfortable with the broadness of the bill and I understand the comments but we need to have a balance here and I am concerned that some of the professionals listed here have little or no real relationship to chronic conditions so for that reason I am going to vote 'no' today and hope there is some conversation about narrowing it down to practitioners who actually address chronic conditions. I vote 'no'."

In explanation of her vote, Senator Gray stated "I had a condition where I was severely allergic to anything with formaldehyde, when I went to my dermatologist all that they offered was medication. So, I went to a naturopathic doctor and began to detox those chemicals that were causing my hands and feet to break out. That affected my job here because I wore gloves to be able to pick up paper to read bills. I think there is a place for naturopathic and acupuncturists when you have a chronic illness and you need help, so with that I will vote 'aye'."

HB 2557 – schools; standards; PE; art; music – DO PASS AMENDED

Dawn Wallace, Education K-12 Committee Analyst, explained HB 2557 and the 2-page Johnson amendment dated 04/08/08 at 1:41 p.m. (Attachment C)

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association, testified in opposition to HB 2557 but stated she would be neutral with the amendment.

Representative Anderson, bill sponsor, distributed a U.S. News & World Report article (Attachment D) and further explained HB 2557.

Senator O'Halleran moved HB 2557 be returned with a DO PASS recommendation.

Senator O'Halleran moved the 2-page Johnson amendment dated 04/08/08 at 1:41 p.m. be ADOPTED. The motion CARRIED by voice vote.

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

Senator O'Halleran moved HB 2557 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-1 (Attachment 4).

In explanation of her vote, Senator Pesquiera stated "I just want to thank the sponsor of the bill. I know this is a work in progress for you in getting this through and we had discussions on this. I know on a personal note, as a parent I had moved from one district to another with the hopes that P.E. and art and all those important types of activities would be included in this particular school. When my

son was in 3rd grade he did not have P.E. until he was in 5th grade so I had to seek other alternatives to continue for him to be active. Luckily at that time working from home I was able to volunteer at the school along with a lot of other concerned parents, so I am a full believer that we need to keep our students, our young people active physically and creatively with the arts, so with that I vote 'aye'."

HB 2816 – schools; TAPBI programs – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 8-page Johnson strike everything amendment dated 04/07/08 at 7:30 a.m. (Attachment E).

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

Representative Crandall, bill sponsor, further explained the strike everything amendment.

Doug Barnard, Director, Mesa Distance Learning, 7 District TAPBI Programs, distributed "House Bill 2816" (Attachment F) and testified in support of the strike everything amendment.

Kristen Boilini, Arizona Distance Education Association, testified in support of the strike everything amendment.

Senator Soltero moved HB 2816 be returned with a DO PASS recommendation.

Senator Soltero moved the 8-page Johnson strike everything amendment dated 04/07/08 at 7:30 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Soltero moved HB 2816 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 5).

HB 2558 – schools; GED; graduation rate (now: alternative education programs; calendars) – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 3-page Johnson strike everything amendment dated 04/07/08 at 7:40 a.m. (Attachment G).

Lyle Friesen, Legislative Policy Advisor, Arizona Department of Education, answered questions posed by the committee.

Gary Bae, Director of Public Affairs, The Leona Group, testified in support of the strike everything amendment.

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

Senator Gray announced that the committee will return to HB 2558.

HB 2564 – highly qualified teachers; proficiency examinations – DO PASS

Alisa Yasin, Education K-12 Committee Intern, explained HB 2564.

Andrew Morill, Vice President, Arizona Education Association, testified in opposition to HB 2564.

Jan Amator, Arizona Department of Education, testified in support of HB 2564.

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

Senator Gray moved HB 2564 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-2-3 (Attachment 6).

In explanation of his vote, Senator Gould stated “Members, when I moved to Arizona I had 20 years experience in the air conditioning contracting business. They still made me take the test. As a point of principle I do not like contractor’s licenses, so maybe I should get a waiver and not have to participate as a matter of principle. Just because your butt was in the chair does not necessarily mean you have the head knowledge to do the job. You need to take the test, you need to pass the test and I vote ‘no’.”

In explanation of his vote, Senator Soltero stated “I am going to vote ‘aye’, but pending a little more information how this will affect the overall quality of the teaching of our students and I will vote ‘aye’.”

In explanation of her vote, Senator Gray stated “I understand both sides of this and am in a little bit of a conflict but because of the cost of the exam and the salary we pay teachers also. I am going to vote ‘aye’ to move this forward.”

HB 2086 – schools; single gender classes – DO PASS

Alisa Yasin, Education K-12 Committee Intern, explained HB 2086.

Representative Biggs, bill sponsor, further explained HB 2086.

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

Senator Gray moved HB 2086 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-2 (Attachment 7).

In explanation of her vote, Senator McCune Davis stated “In our household we were always threatened with being sent to convent school so I am going to push back and vote ‘no’.”

In explanation of her vote, Senator Pesquiera stated “I, as I am sitting here in committee today, I am just kind of hearing like we are kind of going back to maybe the old days of how we did things, actually having music, p.e. It is kind of nice just having that old fashion structure of just the boys and the girls. In this day and age, Madam Chair, I just think that with times changing and kids changing and things that are going on in schools, I would like to have a little of that choice of having the boys with the boys and the girls with the girls so for that I vote ‘aye’.”

In explanation of his vote, Senator Soltero stated “I think that especially in high school I believe that, I see some of these lack of dress codes. I remember when I was in high school, I mean, I already talked about that a couple of times. People were allowed to wear certain clothes and that is the way it was. Now-a-days it seems like anything goes and I really do not understand how, I will use the boys as an example, how they can concentrate on the subject content, Madam Chair. I do not know why public education has gotten so lax in dress code but I look at how some people dress and I go wow, where are the, what are the rules here. For some of those reasons I will vote ‘aye’.”

In explanation of her vote, Senator Gray stated "I remember reading an article in a paper of how a mistake occurred at school in which when the teachers got there and they began looking at their list of who was in their class, they realized that they either had all boys or they had all girls and they first thought that they needed to switch all this but it was too late. Once they realized that and then as they began to teach, the teachers said no we like this, we do not want to change and they left it at that, so with that I will vote 'aye'."

In explanation of her vote, Senator Johnson stated "I really appreciated what Senator Pesquiera said as well as Senator Soltero. I would love to get back to some of the old time education and maybe our kids would learn like they used to. I mean, we used to be, I do not know if I can include myself, but we used to be way smarter. A long time ago when we had very rigorous academics and we used to learn to read by the McGuffey Readers, which really taught us how to read. Instead of the eclectic, weird system they have today and I am sure we have over 40% of our kids that cannot even read at the 4th grade level which is just abysmal. At any rate I think this is a great idea and I hope that some of the school districts will take advantage of this and let us see what happens. It would be very interesting and I vote 'aye'."

HB 2558 – schools; GED; graduation rate (now: alternative education programs; calendars) – DO PASS AMENDED/STRIKE EVERYTHING (Con't.)

Senator Gray moved HB 2558 be returned with a DO PASS recommendation.

Senator Gray moved the 3-page Johnson strike everything amendment dated 04/07/08 at 7:40 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HB 2558 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 8).

HB 2567 – school district boards; family members – DO PASS

Dawn Wallace, Education K-12 Committee Analyst, explained HB 2567.

David Sobelman, representing himself, testified in support of HB 2567.

Tina Norton, Chief Financial Officer (CFO), Office of the Pima County School Superintendent, testified in support of HB 2567.

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association, testified in opposition to HB 2567.

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

Senator Gray moved HB 2567 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-2 (Attachment 9).

In explanation of her vote, Senator Landrum Taylor stated "Looking at this legislation I can understand why the sponsor wanted to have it introduced. For some of the comments that were made earlier by one of the Senators here on the committee as far as individuals who even hire family members and things of that nature, that is a concern. I can also understand the other side of when

you are in a smaller district but I am sure everybody is not related in that small district, even if it is a situation where there are just 17 children. Somebody has to not be related. I just see that there is, you know, a lot of conflicts that can come and with having a three member board and two of them being that closely related family members, so with that I vote 'aye'."

In explanation of his vote, Senator Soltero stated "In trying to help San Fernando, I will vote 'aye'."

In explanation of her vote, Senator Johnson stated "I really feel convoluted on this because I certainly agree that it should be left up to the voters even if they vote wrongfully which happens many times. I like the amendment that was put on there, so I am going to vote 'aye' for the time being and see if maybe there is something we can do on the floor that might make this a little more palatable."

HB 2286 – school district boards; training – DO PASS AMENDED/STRIKE EVERYTHING

Dawn Wallace, Education K-12 Committee Analyst, explained the 2-page Johnson strike everything amendment dated 04/07/08 at 1:03 p.m. (Attachment H).

Representative Tobin, bill sponsor, further explained the strike everything amendment.

Clarinda Vail, Grand Canyon School District & Tusayan Taxpayers Association, testified in support of the strike everything amendment.

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

Senator Gray moved HB 2286 be returned with a DO PASS recommendation.

Senator Gray moved the 2-page Johnson strike everything amendment dated 04/07/08 at 1:03 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HB 2286 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-2 (Attachment 10).

Senator Johnson stated "Before we adjourn today, I would just very, very much like to thank the members, the guests that are still here and especially our staff, both Democrat and Republican, for being so helpful. This has just been a great pleasure. This is my last education meeting. Many of you may be back and on education again and I wish you the best of luck, but it has been just a privilege and a pleasure to serve with all of you on this committee and I thank you so very, very much for your diligence and your stewardship."

Senator Soltero stated "I also want to thank everybody for all the work they have done. It has been a good year for us, regardless of bills and how we vote on them, but it has been a good experience for all of us. Especially for myself, I have enjoyed it. The manner in which the committee has been run, I think has been good for everyone. Everyone has had a chance to explain what they think of different issues and I think that is very important. I just want to thank everybody again. It has been a great year."

Senator Pesquiera stated "If I just may echo the good words of Senator Soltero and by commending the staff, both Democrat and Republican, for doing a very good job. I really appreciate Chris and all your great notes. I cannot say that enough because you have been very helpful throughout this

process for me. Thank you Madam Chair for doing a fine job in Chairing this committee, and your Co-chair Senator Gray as well. It has been a good run.”

Senator Gray stated “Madam Chairman, both of you will not be back next year so I appreciate your service too.”

Senator Landrum Taylor stated “Just real briefly being that we have quite a few of the members that will not be returning next year, some really, really outstanding folks that we have had the pleasure of serving with. You all will certainly be missed. It is hard to find a good replacement for someone who is, you know, always so dedicated and been there and I have just really appreciated everything. It has been a very fair committee. A committee that has really truly shown to me what democracy and bipartisanship is all about. I certainly have appreciated the way you have run this, Madam Chair and Madam Vice Chair and again I will be missing those members because you all have turned out to be good friends of mine. Thank you.”

There being no further business, the meeting was adjourned at 10:55 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>)