

ARIZONA HOUSE OF REPRESENTATIVES
Forty-ninth Legislature – Second Regular Session

COMMITTEE ON EDUCATION

Minutes of Meeting
Monday, January 25, 2010
House Hearing Room 3 -- 2:00 p.m.

Chairman Crandall called the meeting to order at 2:00 p.m. and roll call was taken by the secretary.

Members Present

Mrs. Barto
Mr. Court
Mr. Meyer

Mr. Schapira
Ms. Waters
Mr. Williams

Ms. Young Wright
Mrs. Goodale, Vice-Chairman
Mr. Crandall, Chairman

Members Absent

Mr. Hendrix

Committee Action

HB2080 – DPA (9-0-0-1)
HB2127 – DPA S/E (9-0-0-1)
HB2212 – DP (9-0-0-1)

HB2287 – DPA (9-0-0-1)
HB2401 – DP (9-0-0-1)

Chairman Crandall introduced Rachael Bender, Page, and welcomed her to the Committee.

COMMITTEE RULES CHANGE

Vice-Chairman Goodale moved that the Education Committee Rules change as distributed (Attachment 1) be adopted.

Zach Tretton, Majority Research Analyst, explained that the Education Committee Rules change affects Rule 7 by changing the Committee amendment distribution deadline from Thursday at 4:00 p.m. to Friday at 4:00 p.m. the week before a regular standing Committee meeting.

Question was called on the motion that the Education Committee Rules change as distributed (Attachment 1) be adopted. The motion carried.

CONSIDERATION OF BILLS

HB2127 – exchange teachers; technical correction – DO PASS AMENDED S/E **S/E: JTED; centralized campus; funding**

Vice-Chairman Goodale moved that HB2127 do pass.

Vice-Chairman Goodale moved that the Crandall 11-page S/E amendment to HB2127 dated 1/21/10 (Attachment 2) be adopted.

Zach Tretton, Majority Research Analyst, explained that the S/E amendment to HB2127 (Attachment 2) states that the sum of daily attendance and the sum of the fractional student enrollment for a student enrolled in both a member school district and joint technological education district (JTED) courses provided at a community college or facility owned and/or operated by a JTED that is not located on a site of a member district cannot exceed 1.75 (Attachment 3). He advised that the policy adopted by the Arizona Department of Education (ADE) is to give at least 1.0 average daily membership (ADM) for both the school district and the JTED main campus, but after the Third Special Session, laws that passed limited concurrent enrollment to 1.0 ADM to be split between the centralized campus and the school district.

Stan Barnes, representing East Valley Institute of Technology (EVIT), spoke in support of HB2127. He related that during the November 2009 Special Session, a bill was passed that inadvertently did not contain a JTED exemption to the 1.0 standard, which leaves EVIT and other JTEDs vulnerable to a significant decrease in revenue received from state government beginning July 1, 2010. This bill will remedy that and affirm what has been the practice since 1992.

Justin Olson, Senior Research Analyst, Arizona Tax Research Association (ATRA), spoke in opposition to HB2127. He stated that there are several instances in the school finance statutes where the same student is counted multiple times, and JTED is one example of that circumstance. He recommended doing away with multiple counting, noting that if this bill is not passed, these students will no longer be multiple counted in both the member district and the JTED; instead, the JTED and the member district will have to compete for formula funding for one student. This bill states that any student attending a JTED course at any campus that is owned or operated by a JTED can qualify for up to 1.75 ADM between the member district and the JTED, which expands the multiple counting to students taking courses not just at a centralized campus but also any other campus within the JTED as long as the campus is not owned by the member district, which would include any courses taken at a community college or satellite campus.

When asked if the bill will raise the cost of budgeting for schools, Mr. Olson replied that a fiscal note should be requested because it will increase the amount of times each student is counted. The most recent estimate he is aware of is about \$75 million that is spent in multiple counting of JTED students.

Chairman Crandall commented that this is somewhat of a “cart before the horse” situation. Currently, students must attend a home school district for four hours and a JTED for four hours. Under state law, four hours is a full-time student, so legislation will be heard to change that but it

cannot be done overnight. He said he concurs with Mr. Olson's position, but until that law is changed it is not fair to change the funding formula. He said it is not his intent to expand multiple counting of students and he opined that a full-time career and technical education (CTE) model is needed in Arizona.

In response to a question, Mr. Olson conveyed that he understands that multiple counting of JTED students greater than 1.0 was never by design of the Legislature. When the Legislature passed JTED legislation in the early 1990s, the idea was that the JTEDs would facilitate the school districts, pooling some resources for programs in which there may be limited interest at each member district in order to be able to offer programs like automotive, beauty school, etc.

Mrs. Barto asked if the legislation to be heard will give students the option of attending the JTED and the home school rather than attending a JTED full-time. Chairman Crandall responded that he and others will have to meet and discuss the issue.

Mr. Meyer remarked that if the bill does not pass, thousands of students across the state will be tossed out of schools midstream because if the schools do not have this funding, the schools will close.

Mr. Olson replied that changing this funding formula will remove funding from school districts; however, the state has a \$1.4 billion deficit in FY 2010, and this is \$75 million. ATRA's position is that if budgets are going to be cut, the state should fix flawed areas of funding formulas such as this multiple counting.

Chairman Crandall remarked that state requirements such as English and math need to be integrated into the CTE course so if a student is attending a diesel mechanics class, for example, the student also gets the English and math component and does not have to go to two separate campuses, which will take some time to accomplish.

Mr. Olson stated that if the Committee decides it is not the intention to fix this formula so students are only counted once, he recommends maintaining the status quo with an amendment specifying that students will only be double counted if they are attending JTED courses at a centralized campus that is owned and operated by a JTED, which would not expand the double counting beyond what it was previously.

Mr. Court questioned if Session Law changed ADM to 1.0 and will expire on June 30, 2010.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2127 but did not speak:

Charles Essigs, Director of Government Relations, Arizona Association of School Business Officials

Marv Lamer, Superintendent, Valley Academy for Career and Technology Education

Art Harding, Legislative Liaison, Arizona Department of Education

Sam Polito, JTED Consortium

Chester Crandell, administrator, Northern Arizona Vocational Institute of Technology JTED

Jennifer Loreda, Arizona Education Association

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Karen Leshner, Superintendent, NATIVE (JTED)

Troy Thygerson, Gila Institute for Technology (GIFT) JTED
Diane McCarthy, West-MEC (JTED)

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2127 but did not speak:

Patricia Hill, Legislative Liaison, Maricopa Community Colleges
Jac Heiss, Superintendent, CAVIAT

Mr. Tretton, in response to Mr. Court's question, clarified that the change was made in statute in Section 15-901, which means it is permanent law.

Mrs. Barto asked if Mr. Olson's suggested amendment will be considered. Chairman Crandall answered that it is his intent to revert back to the status quo and not expand, especially in these difficult budget times, which will be done on the Floor.

Question was called on the motion that Crandall 11-page S/E amendment to HB2127 dated 1/21/10 (Attachment 2) be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2127 as amended do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 4).

HB2287 – accommodation schools; levy limit recalculation - DO PASS AMENDED

Vice-Chairman Goodale moved that HB2287 do pass.

Zach Tretton, Majority Research Analyst, explained that HB2287 stipulates that an accommodation school governing board is not permitted to levy primary or secondary property taxes, and that any property tax levied by a county to support an accommodation school must count toward the county's primary levy (Attachment 5). It also directs the Property Tax Oversight Commission to increase Pinal County's maximum allowable primary property tax levy limit for the preceding year by \$3,197,275 for the 2010 tax year and contains a retroactive date to from and after June 30, 2010.

Vice-Chairman Goodale moved that the Crandall two-line amendment to HB2287 dated 1/21/10 (Attachment 6) be adopted.

Mr. Tretton explained that the amendment modifies the amount the Commission must increase Pinal County's levy limit to \$3,626,600 (Attachment 6).

Justin Olson, Senior Research Analyst, Arizona Tax Research Association (ATRA), in favor of HB2287, stated that the bill clarifies the lack of taxing authority for accommodation school districts and provided a history of why it is needed.

Representative Franklin Pratt, Sponsor, stated that the bill addresses an accommodation school in the Coolidge area, the Mary C. O'Brien School. It was worked out by the Pinal County School Superintendent's Office and ATRA to clarify funding for the school.

Chairman Crandall noted that he received a call from Don Covey, the Maricopa County School Superintendent, who brought up an interesting scenario. One of the Governor's proposals is to give the responsibility of juvenile corrections to the counties, which involves having a school to teach the students. Mr. Covey wondered what ability there would be to create that school without the ability to levy.

Mr. Olson answered that the county school superintendent will have the authority to have a revenue base for the students, but will not have the authority to levy a property tax to support that school, like a charter school.

Chairman Crandall stated that perhaps the counties should be allowed to mirror charter school funding if that scenario occurs, which may be addressed in the future.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2287 but did not speak:

Mark Barnes, Pinal County Board of Supervisors

Gretchen Kitchel, Senior Public Affairs Representative, Pinnacle West Capital Corporation

Russell Smoldon, Lobbyist, Salt River Project

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2287 but did not speak:

Anjali Abraham, Associate Government Affairs Director, Arizona Association of Counties

Question was called on the motion that the Crandall two-line amendment to HB2287 (Attachment 6) be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2287 as amended do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 7).

HB2212 – Postsecondary institutions; housing priority – DO PASS

Vice-Chairman Goodale moved that HB2212 do pass.

Marc Flamm, House Majority Intern, explained that HB2212 requires community college districts and universities under the Arizona Board of Regents that offer on-campus student housing to give priority to students who were in the custody of the Department of Economic Security or a child welfare agency when they were at least 16 years old (Attachment 8).

Mrs. Barto, sponsor, asked Representative David Bradley to elaborate on the bill.

Representative David Bradley, co-sponsor, related that many children in the foster care system are never presented with the option of going to college. The agency he runs for foster children and other agencies are focusing on making education a high priority for these children. The average child in the system moves six to ten times, losing anywhere from six to twelve months of educational time with each move, so by the time the child is 17 or 18, he/she is usually three or four years behind. This bill mimics a California bill and states that when a foster care child defies the odds and gets to the university or community college level, if the institution has a housing component, that child goes to the front of the line for housing. It is especially important

during school breaks, especially during the winter, because these students have no place to go, and not having housing could knock them out of the college system. The bill does not require that colleges build housing if it is not available.

Chairman Crandall commended Mr. Bradley, stating that he learned recently that when a foster child turns 18, he/she is given a check for \$500 and a plastic bag with his/her clothes. The winter break part is especially critical.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2212 but did not speak:

Beth Rosenberg, Lobbyist, Children's Action Alliance

Francine Dobkin, representing self

Amanda Kvavle, representing self

Question was called on the motion that HB2212 do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 9).

HB2080 – pupils with chronic health problems – DO PASS AMENDED

Vice-Chairman Goodale moved that HB2080 do pass.

Vice-Chairman Goodale moved that the Schapira four-line amendment to HB2080 dated 1/21/10 (Attachment 10) be adopted.

Marc Flamm, House Majority Intern, explained that HB2080 expands the types of health professionals who may certify that a pupil has a chronic health problem (Attachment 11). The amendment adds chiropractors to the list of health care professionals who may certify that a pupil suffers from a chronic health problem (Attachment 10).

Mr. Schapira, Sponsor, related that this bill with the amendment represents the final product from the Health and Human Services Committee last Session; it has now been a four-year process to pass this bill. His constituent, Michelle Pickens, brought this issue to him but she is not present to testify today. A small segment of students have health problems so severe that they fit into the classification under statute of having a chronic health problem, which allows accommodations for physical activities at school and school work. The bill does not change any of the designations, but adds physician assistants and chiropractors to the list of medical professionals in statute who are able to make the diagnosis that someone has a chronic health problem. He added that Ms. Pickens' son saw a chiropractor for his back problems, but she would have had to take an additional day off work and pay an additional co-pay to see a doctor not treating her son just to obtain the diagnosis. This bill is pared down from last year's version, which included a long list of medical professionals, but others could be added on the Floor if any Members wish.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2080 but did not speak:

Charles Essigs, Director of Government Relations, Arizona Association of School Business Officials

Sam Polito, Tucson Area School Districts

Ramon Garcia, representing self
Barry Aarons, Arizona Association of Chiropractic

Vice-Chairman Goodale announced the names of those who signed up in opposition to HB2080 but did not speak:

Pat Vanmaanen, representing self

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2080 but did not speak:

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Question was called on the motion that the Schapira four-line amendment to HB2080 dated 1/21/10 (Attachment 10) be adopted. The motion carried.

Vice-Chairman Goodale moved that HB2080 as amended do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 12).

HB2401 – teacher loan program; geographic shortages – DO PASS

Vice-Chairman Goodale moved that HB2401 do pass.

Christa Powers, Majority Staff Intern, explained that HB2401 allows Mathematics, Science and Special Education Teacher Student Loan Program recipients to fulfill their service commitment by providing instruction in any subject if the public school is experiencing a shortage of teachers (Attachment 13).

Mr. Schapira, Sponsor, advised that in the 2007 Regular Session, he and former Representative Mark Anderson sponsored a bill that created the teacher loan forgiveness program in Arizona so prospective teachers who teach in areas of need such as math, science and special education are able to have their tuition and fees paid as a loan while attending college. After graduation, for every year the person teaches plus one, a year of the loan is forgiven, e.g., if the person attends college for four years, the loan would be forgiven after the person teaches for five years. The bill also included this provision of geographical shortage areas where teachers are badly needed. This bill restores the geographic provisions so teachers in rural areas where there are across-the-board shortages can also have loans and fees forgiven. The State Board of Education (SBE) will determine which districts have an across-the-board teacher shortage.

Mrs. Barto asked the criteria for determining teacher shortages. Mr. Schapira responded that it is up to the SBE, which has not had to do it yet because the bill is not law; he is not aware of any other programs requiring the State Board to set that standard.

Chairman Crandall asked Mr. Tretton to check with the SBE and find out what criteria would be used to make that determination.

Vice-Chairman Goodale announced the names of those who signed up in support of HB2401 but did not speak:

Charles Essigs, Director of Government Relations, Arizona Association of School Business Officials

Sam Polito, Tucson Area School Districts
Jennifer Loreda, Arizona Education Association
Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association
Ramon Garcia, representing self

Vice-Chairman Goodale announced the names of those who signed up as neutral on HB2401 but did not speak:

Christine Thompson, Assistant Executive Director for Government Affairs, Arizona Board of Regents

Question was called on the motion that HB2401 do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 14).

Chairman Crandall stated that many bills were assigned to the Committee and it will not be possible to hear all of them. He asked Members to prioritize their top one or two bills that they would like the Committee to hear.

Without objection, the meeting adjourned at 3:02 p.m.

Linda Taylor, Committee Secretary
January 26, 2010

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)